

evening. It's good to be back in the borough that gave me my high school, college and law school education, my profession, my wife, two of my children and my Bishop.

A faith that inspired your efforts, your hard work, your tenacious determination to rebuild a neighborhood and restore a community's sense of self-respect. It was a faith nurtured and developed through the leadership of Bishop Mugavero and I.D. Robbins and all the other men and women, clergy and lay people alike, who shared their inspiration and their work.

My part in all of this is small. And in receiving credit tonight I feel like the vineyard worker in the parable in Matthew's gospel who shows up at the eleventh hour yet is rewarded equally with those who "have borne the burden and labored through the heat of the day."

You built the foundations. You conceived the dream. You secured the land, labor, the no-interest construction funds and capital grants.

The one remaining stumbling block was long-term, low-interest, fixed rate mortgage funds. Now the State is privileged to help remove that stumbling block to help you build the walls and raise the roof beam.

The State, through the State of New York Mortgage Agency, is committing \$7.5 million for long-term mortgages at 9.9 percent — among the lowest mortgage rates offered anywhere in the country. This \$7.5 million will make possible the first 250 single-family homes under the Nehemiah Plan. It will ensure that the unnaturally high cost of borrowing doesn't deny families the right to decent housing or prevent them from investing in their communities.

The Nehemiah Plan or the State's commitment of \$7.5 million isn't going to solve Brooklyn's housing problems, nor make much of a dent in the immense number of people who have watched the dream of ever owning a home fade out of reach or in the millions for whom slums and broken plumbing and crumbling ceilings are a simple fact of life.

But it tells us the way we must go. In a truly eloquent language it tells us — the language of brick, and plaster board, and glass — it refutes the naysayers, the

negativists, those who say our cities are dying and that this is part of a historical process beyond our ability to control. Simply and concretely, it does for housing what all the recent theorizing about tax cuts for the rich and massive reductions in Federal aid have failed to do.

It works. Using the concept of self-help to full advantage, yet recognizing that such help is often not enough — that some people must be helped to their feet before they can be expected to walk — the Nehemiah Plan is doing what some ideologues continue to insist can't be done: building solid, quality, affordable housing in the inner city.

And it has succeeded, I believe, because it's based on an idea as simple as it's practical. The idea of family. Mutuality. People working as a community — working through their churches and their government — to do together what they could not do at all or do so well by themselves.

I'm not sure why some people find this idea of family so hard to grasp, why they reject the notion of communities pulling together through their government to build and to rebuild. But they do.

They say that government can't help rebuild our cities, that government must accept poverty and joblessness and abandonment as the price of progress, that it isn't government's job to feed the hungry, or shelter the homeless, or lift people out of wheelchairs. "God helps those whom God has helped," they say. "And if the people of East Brooklyn want a better life, if they want a house, a place for their children to grow and play, decent schools, then let them vote with their feet. Let them leave and go where, maybe, they can find that better life."

This State rejects that philosophy. And even more we reject the righteousness it is often cloaked in, the claim that it represents some new dispensation that takes its authority and its inspiration from the Bible, from the Old Testament, from the words of the evangelists.

In fact, you know far better than I that there is no biblical justification for this ideology, that it doesn't spring from the words of Nehemiah or Isaiah, or the teachings of the Sermon on the Mount. But from Darwinism. From survival of the fittest. From the belief

that societies, like species, must forget about the weak and promote the strong, and that as the strong crawl their way upwards they will pull the rest of us — those who survive — up with them.

For half a century, the government of this State has operated on a different principle, the principle that people and communities in need of help should get it. Our government has helped people buy homes, get an education, receive proper medical care. It has built roads, sewers, hospitals, schools, dams, bridges, docks and homes. It has helped raise a generation up from poverty and a generation of middle class to grow more comfortable.

Today, in 1983, our government is trying to do the same. The State's role in the Nehemiah Plan shows that as clearly as anything. It isn't a handout or a boondoggle. It doesn't stifle initiative or crush individual freedom. It merely gives people the help they need themselves.

And whatever course the Federal government takes we are determined that New York remain committed to this truth. We want this plan to be the seed that fell on good ground, a model for communities across New York.

This work of rebuilding will not be completed quickly or soon. It will go on for long after our lifetimes. But we've taken perhaps the most important step. We've shown how with faith and reason, with intellect and compassion, people can make a difference, how government and the private sector can join together to seek something more enduring than profits for the few.

And if we have only begun to grapple with all the massive backlog of problems that besets our cities and destroys so many of our young, we have at least reaffirmed the validity of the vision we seek. The vision of a society renewed — reawakened to the values of community, family, common struggle. The vision of the city that is set on a hill. The city that cannot be hidden.

You should be proud of what you are doing. I know we are proud to help you do it.

Thank you.

**Governor Addresses the NYS Broadcasters Association
(Excerpts), Grossinger**

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 19, 1983

It's good to be here with so many of the electronic media. I'm especially pleased to be with the radio people, frankly. Thanks to Ellen and Peter, and Jeanne Strauss of WMCA, I've been able to count myself as a part of your profession and to learn what a warm, intimate media it is. I'm grateful to the broadcasters of this State, grateful for the job you do here in New York, grateful for the range and quality of your presentations.

I wanted just to answer questions this evening. But Bill O'Shaughnessy wouldn't let me. He said I should say something sententious so as not to disillusion your expectations of me as a politician. And so, not presuming to say anything terribly clever or even new, I'd like to offer you some thoughts that will, at least, underscore the significance of the idea you've highlighted as a theme of this conference — family.

To be honest, nothing I've said in the past six months has received as much notice and response as this idea of *family*. Thanks to you and the print media, the very simple *Inaugural* address in which I spoke mostly about family caught on, and was publicized around the country.

Frankly, I was surprised to see how it caught on. Other politicians have been picking it up. It's been said that it defines the soul of the Democratic Party, and even some brokerage houses are now promising to "treat us like family." It's become so popular in so many contexts that it threatens to become a syndrome. And I think that's all for the good.

It has appeal at a couple of levels. The emotional level — of course. People understand almost instinctively when one talks about Momma and Poppa, and their struggles and dreams; about a family with one child in a wheelchair and one child who receives medals for track; about how a family survives, the kind of sacrifices it makes, the way it favors its weak without destroying its strong.

I'm not ashamed of the emotionalism in this. It's good. I think people feel this at a gut level. They react to it strongly. Sometimes I think we have been guilty of not understanding the intelligent use of emotionalism.

But if the idea of family begins in an emotional appeal, in a vague but immediate sense of understanding, it needn't end there . . . it shouldn't. It shouldn't end there because it has practical application to our politics, to the way we order our society.

The essence of family is the coming together to share benefits and burdens: the strong taking care of the less strong with everybody working to see that the strong do not become weak. The idea of family is, of course, compassionate and loving and sensitive and touching. But it's also common sense, practical and enduring.

From primitive times to now, people have always clustered against the storm, the beast, the enemy — not out of love alone but out of self-interest — because it worked. They have banded together to educate and raise their young, to cherish their old, to build together, and to believe together.

Until 1980 that would have been thought of as so simple a predicate for government action and response as to be simplistic. But in 1980 for a whole complex variety of reasons some people — a little more than 50 percent of those who voted — said that it was time for a change. That we needed a new kind of philosophy.

They were led by an extraordinarily genial and persuasive pied piper who used a lot of words that were familiar and appealing — words like "initiative", "incentive", "self-help", even the word "family." The American people liked the words and the spokesman. But when we measure the words by what they produced in 1981 and 1982, the philosophy he was espousing was not what it appeared to be. This new philosophy really held that we ought to have a society in which the strong are allowed to get stronger with the rest of us hoping for their kindness. I have described it as a philosophy that says, "God Helps Those Whom God Has Helped."

For all the attractiveness of its principal communicator, it's a philosophy rooted in a kind of Social Darwinism — as brutal as it is simple — and far removed

from the idea of "family." It says that you can't help the weak without pulling down the strong, that the way to fight inflation is with recession, that regions as well as individuals are expendable and that government's role in attacking our problems doesn't extend much beyond issuing a few months of unemployment checks.

The bottom line of this philosophy is survival of the fittest. It's at work right now. It's called "economic recovery." And it means that in the 1980's America will have the largest poverty class in its history. It means massive numbers of permanently unemployed — "structurally unemployed" in the official jargon, although the semantics are little solace to the steelworker, or factory worker who now faces a lifetime of idleness.

It means, I'm afraid, that to some extent fortunate individuals and businesses and well endowed regions will turn their backs on those who are faltering or on their knees, looking on them much as the people who made it to California with the wagon trains must have looked on the brothers and sisters, the friends and parents and grandparents they left by the side of the trail.

Practically every aspect of the governmental philosophy that captured Washington in 1980 — with most of the American voters choosing it — now appears clearly to be built on this basic assumption that, except for defense, the less government tries to help the better off we will be. "God helps those whom God has helped."

If it's a tax program of \$750 billion, then one-third of it should go to the 5 percent richest people in the country. If it's money for education, then less should go to those who are disabled or retarded and more to those who can afford not to depend upon government for an education. If its international trade, it says that we will find our futures by making ourselves strong from competition even if thousands of steelworkers in Lackawanna and elsewhere must pay the price.

In the most massive redistribution of wealth in our history this new approach moved wealth away from the vulnerable Northeast and Midwest to the rest of the country — \$1.6 trillion more for defense, most of it outside of the Northeast and Midwest. Billions cut from social programs, most in the Northeast and Midwest. Less money for drugs, Medicare, Medicaid, education . . . wheelchairs.

When confronted by the fact that the result of all of this redistribution would be to punish the Northeast with new local taxes on an already oppressively high base, the answer came back, "let the people of the Northeast vote with their feet." Let them go where the jobs are, where most of the \$1.6 trillion will go to create those jobs.

Triage. Let the old cities of the Northeast strained by the burden of lifting 200 years of immigrants into the middle class, let them crumble. Make way for the new, the fit, the strong, the survivors. A kind of governmental euthanasia.

That's not the way a family would have worked. That's not the way a family does work. But this philosophy has succeeded. It won in 1980 and it might again next year. Perhaps, because the idea of family may be beautiful but it's not the strongest natural impulse.

Ever since Adam and Eve there has been a stronger impulse called "me", "I." That's the reality that makes some politicians say that politicians who talk about family are too emotional and unrealistic. It's the tendency that makes upstaters insist that downstaters get too much and downstaters insist that upstaters do not give enough and makes Connecticut want Portchester to bear the burden and everybody to seek their own slice of the pie. On the presumption that the greatest need is always my need.

It's a tendency always at work, less, of course, in times of emergency: when the flood hits Elmira the whole State is ready to contribute. No one begrudges \$5 million for AIDS. And even with a \$1.8 billion deficit, we will find money for the homeless, when pictures of them on television make us all ashamed. And when the war comes, a whole nation will contribute. But in between, the special stimuli, "family", is an idea easier to say than to sell.

I don't expect the idea of "family" will ever be applied perfectly by government but there's no question we can give it more meaning than it's had the last few years nationwide. Frankly, I think that's what we have done in New York in the last six months.

That's how we got a balanced budget on time and Medicaid pick-up and the Infrastructure Bond Issue and a

\$.5 billion settlement with the oil companies, money to fight AIDS, to help the homeless and the disabled, even if it meant that cigarettes would cost a little more, as would a glass of beer and a tank of gasoline. These things were accomplished by a whole lot of different interests agreeing to give just a little bit, agreeing that sacrifice is a strength and conciliation is courage. That's the way a family is supposed to behave.

I know that for nearly 50 years from the day Franklin Roosevelt lifted himself from a wheelchair to lift this nation from its knees until just a few years ago, the idea worked well for this entire nation. We were for 50 years, a nation strong enough to use the word "compassion", smart enough to marry progress and pragmatism, concern and common sense.

I know it because I was a member of a family that was raised up from poverty to middle class and better. Thanks to a government that gave us welfare and called it relief, a hospital we would not have been able to afford, an education for the first time in our family's history and a chance to earn our own bread.

I know it's worked because I have seen a whole generation profit from it, Democrats and Republicans alike. Profit from a government that said that while survival of the fittest may be a good working description of the process of evolution, a government of humans should elevate itself to a higher order, one that fills the gaps left by chance or by a wisdom we don't understand.

An emotional concept — oh, yes, and a beautiful one at that.

But it's more than that. For me and I believe for people like Jack Javits — it's a fundamental principle of government that tells us that a society as blessed as ours, joined together in government, should be able to find room at the table, shelter for the homeless, care for the elderly and infirm, hope for the destitute, work for all who want it and an education for everyone.

"Family." You've chosen a profound idea this evening.

There are people in this room a lot wiser than I, and certainly there are people in this room who will disagree with what I've said. But I hope there will be no one in

this room who will choose not to think about it and talk about it for the benefit of all of us.

**Larry King Interviews Governor Cuomo, Mutual Radio
(Excerpts), Grossinger**

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 19, 1983

LARRY KING: I am Larry King at Grossinger's, and we welcome to our microphone a man who made a stirring speech this evening for the New York State Broadcasters, a man who many count as one of the great comers in the Democratic Party. One week ago tonight George Will, on this program, predicted that Mario Cuomo, if John Glenn were to get the nomination and were to choose him, would be the next Vice-President of this country. Let's have a great — we'll have a Grossinger welcome for Mario Cuomo, the Governor of the State of New York.

I might also add that we are very proud because Governor Cuomo is a regular listener to this program. You don't sleep, is that it; or you don't sleep much?

GOVERNOR MARIO M. CUOMO: Larry, I hate to put it this way, but listening to you helps me sleep.

MR. KING: Ah, you give them an inch

GOVERNOR: No, no, it's a really excellent show. It's particularly useful to me in public life if you want a quick reaction nationwide to an important event, there is no way like your show to get it. For example, after the shooting of the President, I remember you did a show that told us from California to New York how people felt about that event, and —

MR. KING: There is a magic in that kind of thing.

GOVERNOR: Oh, it's better than any poll, it's better than any other intelligence device I know, and it's unique. I don't know of any other opportunity to get immediate response to important events.

MR. KING: How do you like the job now that you've got it? You started as an underdog, you were running

against a very popular Mayor, a man who was favored in the primaries. You then ran against a man in the general election who spent, I think, more money than had ever been spent in a gubernatorial campaign. Now, you're Governor, six months, what's it like?

GOVERNOR: I enjoy it because I enjoy the knowledge that whatever you do during the day has the capacity to be effective, to help people. You are given an almost limitless opportunity to do good things for 18 million people. A lot of the times you don't, a lot of the times you fail, sometimes you'll do things that are not good for them. But, you have, from the moment you wake up in the morning until the time you go to bed at night, you have a chance to move them, to help them, to make their life easier, to correct a problem, to make them safer, and just the chance to do that makes for, I think, a very fulfilling kind of existence.

MR. KING: Does it have power? There are some who say that the Governor's Office is not really a power office, at least in some states in this country. You've got the general assembly, right, you got a State Legislature.

GOVERNOR: We have considerable power in the Executive Office of the State of New York. I think the legislative power is also considerable. But, this after all is a government that works with various branches in balance. We have a very, very strong legislative body, structured to be strong. In the State of New York, the Governor proposes bills and action, but it is the Legislature that has to adopt it. And, in the State of New York the Legislature can adopt new laws, can change situations without the Governor, by simply overruling him.

So, the Legislature is a very important body but so is the Governor. The Governor proposes the budget, \$31.5 billion in this State, and that by itself is considerable power. The Governor runs all the agencies, the corrections system, mental hygiene, the highways, Department of Transportation.

I think the principal power of any Executive, even the President, is what Teddy Roosevelt called the "bully pulpit," being able to have this kind of opportunity to reach people, being able to talk to them, to be able to offer them ideas and get their acceptance. In the end the

democratic system works because the people form a consensus — that's real power. So, maybe the biggest power we have — in this media state, in this the heart of media land, its considerable power — is the chance to speak to people.

MR. KING: Is there anything about the job you don't like, or anything about the job that has surprised you?

GOVERNOR: Well, not a great deal has surprised me because I was Lieutenant-Governor and Secretary of State before that, and I have spent all of my public life, which is only nine years now, in the State of New York, serving the State of New York. So, I was fairly familiar, but I must say this, Larry, knowing the job from the bench and knowing it on the field and the game is a little bit different too. Being Lieutenant-Governor and watching it happen was one thing, actually doing it is another. So, no real surprises.

Is there anything I don't like? Yes, there is a great deal I don't like. The frustration of knowing you can't do everything. The frustration of knowing that you have 18 million people, all of whom have legitimate needs and you can't meet them all. I would like nobody to have to pay a tax. I would like us to have a society where you could have proper education and proper care for the elderly and be safe on the streets without having to pay for it, but you can't. You are constantly making compromises. In order to get good things, you have to impose harsh realities on people.

So, the knowledge that you are causing discomfort and inconvenience, no matter what you do, because that's what government is. Government is basically redistributive, it takes from one place and moves to another. This government in Washington now takes from people and moves it into defense, \$1.6 trillion. But, you've got to take to put, and that knowledge is a hard one to live with.

MR. KING: Some writer once said that it's hard for any politician, President or any politician, to be great, because he must or she must compromise, and that begats greatness. Do you share that view?

GOVERNOR: There is nothing wrong with compromise unless you start compromising principles. All of government is compromise. Edmund Burke said it,

everybody said it, and it's, of course, true. It's when you compromise a principle.

MR. KING: Have you ever had to do that?

GOVERNOR: There are some who surely would say that I did. All of us, I think, and I don't speak only for myself, all of us, I think, like to feel that the things we hold dearest, that those things you would never surrender, we don't surrender. There are some things that I don't really brook reasonable discussion on. They are so fixed in my mind that I wouldn't change them, I don't think. But, for the most part, you spend time arriving at honorable midpoints.

One of the problems with politics, I think, and government, Larry, is that we do tend to try to push everthing to extremes, and that's good politically. See, politically the people recognize the extremes more than they recognize the mushy middle. You know, when it comes to crime, for example, "what we need is the death penalty and torture and all the tough things." That's easier to say than, "no, what we need is to be reasonable. We need a correctional system that works, we need jobs for people." It takes too long to deliver that message. So, the tendency in politics is to be extreme. But, the truth is almost always, almost always somewhere between the extremes.

MR. KING: Before we talk and wax a bit philosophical and talk about you nationally, about some current things that I've read in Washington about Cuomo's early governorship. Do you want, or do you have a, or want a "lemon car" law?

GOVERNOR: We have a "lemon law", so-called, which is an addition to the existing Uniform Commercial Code. It's protection for the consumers, that gives them as easier route to replacement of a defective vehicle. It's not an easy law to write and the law that I signed last week is one that I think can use some corrections, but overall it's going to be good for people. It'll slow down car sales a little bit immediately, but in the long run I think it will be a good thing.

Unfortunately, in this society you've got to force people to do the right thing. We need laws, we need laws even against people who manufacture automobiles to make

sure that they do their work carefully so that the consumer isn't hurt.

MR. KING: Are you the only state with such a law?

GOVERNOR: Oh no, there are other states with it and we're now one of the more progressive states in the Union, but we are not the only state with a "lemon law."

MR. KING: How do you react to all the talk about you? The talk that you are going to be a major Democratic figure.

GOVERNOR: Well, there's a lot of other talk that's not quite so flattering. You know, I said to a group here recently, a group of electronic and print journalists on a television show, that I ran for office before and my press wasn't very good. I was called a lot of unkind things: a Hamlet, didn't have any practical experience, couldn't make a decision, couldn't run anything, and that was the almost universal opinion, and I must tell you I suffered through it. Now I've gotten a little bit better press, but I haven't changed. I'm only a few years older, and at my age you don't change a lot. You haven't gotten to my age yet, Larry, so you wouldn't know, but — so, I don't take it too seriously. I think it's nice. I think the flattering publicity I've gotten was mostly not because of my performance or who I am but because of this idea of family that seems to have caught on, not just in the State of New York but in the country.

MR. KING: But, do you want to be a national Democratic figure?

GOVERNOR: No, I want to be the best governor I can be, which is probably not going to be the greatest governor in the history of the State. But, no, I have no aspirations to go beyond that.

MR. KING: Yeah, but you're a boy, Italian boy, who grew up, immigrant parents.

GOVERNOR: You could tell that, Larry?

MR. KING: You changed your name. Your real name was Winthrop Sturgess III.

GOVERNOR: Then, I could run for President.

MR. KING: He throws me off the track. Okay, here's a young Italian boy, immigrant family, scholarships through school, up the ladder, defeat, victory. The nature of that, tells me ambition. Well, ambition means "I can't stop here. I want to go further than here," that's normal. What's further than the Governor of New York.

GOVERNOR: I had an ambition, I wanted to be a lawyer. I wanted to be a partner in a law firm. I didn't want to be the richest lawyer in the City of New York or in the State of New York or in the country, and so I moved to a different ambition. My ambition has been for the last few years to be in service to the State of New York, where I know the State, know the problems, studied them all my life, nine years now, intensively. I feel adequate to do the job. This is the greatest state in the Union, in my opinion. Not as large as California in some respects, but still the greatest state and the most powerful.

To do this job well for four years is the fulfillment of a lifetime, as far as I am concerned. I don't feel confident, frankly, Larry, that I know as much about the national government as I do about my own State government. So, I'll have a contribution to make as the Governor of the State of New York, the largest Democratic state led by a Democratic Governor. I should be heard on the national scene. I will be for the good of the people of the State of New York. But, beyond that I have no ambition.

MR. KING: Politics as you know it, and you know it, and compromise as you know it, and you know it, just supposing, as George Will suggests, supposing John Glenn gets the nomination, and he says, "Well, I'm from Ohio and I'm going to need a Governor, California or New York. We don't have a major elected Democrat in California. Cranston ran a rough race against me, he's a little on the old side, I'm going to turn eastward and here I've got this guy, against odds he became Governor, he has a tremendous ethnic following in the largest state, we could win Ohio and New York." And, he calls you and says, "Governor, join me on the ticket."

GOVERNOR: I would say, "Thanks a lot, John, that's very nice, but I'm going to be Governor."

MR. KING: You wouldn't take it?

GOVERNOR: No.

MR. KING: What about old "good of the party?"

GOVERNOR: We have a party in the State of New York and we have the State and the State's welfare is my principal concern. And, here's something else, this question came up in the campaign. I was running against Ed Koch, who is the Mayor of the City of New York, and there was a great deal of talk that Koch, who was, of course, a very big favorite, would win and go on to become Vice-President with Mondale. As a matter of fact, that rumor was very precise, very well circulated all over the country, Mondale-Koch. And, the question, obviously, came up in the debates, one of them right here at Grossinger's, the Broadcasters' debate, as a matter of fact, last year. And the question was, would you remain as Governor? And, Mayor Koch's response was, "Well, I'm not going to make any commitment to stay as Governor." And, my response was, "I think that's a mistake. I'm going to make the commitment, because if I make the commitment and I mean it, I'll be stronger politically. I'll be able to leverage for the State of New York because they won't be able to come and buy me with the offer of the Vice-Presidency. They'll know that I'm going to be the Governor and they are going to have to deal with me as the Governor of this great State without being able to co-opt me by an offer of Vice-Presidency." That's the statement I made and that's the statement I'm going to live with.

MR. KING: Do you think a man whose name ends in a vowel could be President?

GOVERNOR: Of course, we have Forlani, we have Bertini, we have all kinds of presidents whose names end in vowels.

MR. KING: I don't mean the Knights of Columbus, I mean something larger than that. Do you think America would elect a Jewish-American, an Italian-American?

GOVERNOR: You know, when we finished up the campaign, Ed Koch and I, for Governor of the State of New York, we had a debate, I think, at the *Daily News*, it was the last debate in the primary and now we had our last chance to speak in the whole contest, and God it was a tough fight. We had a last minute apiece to sum up

everything the campaign was about. And, what I said was something like this, that the thing that was most striking to me about this campaign of Mario Cuomo against Edward Irving Koch was that he was the Mayor of the City of New York, the son of Russian immigrants, whose parents came here with nothing, who had nothing and he rose up to be now the Mayor of the greatest city in the whole world and he was running against Mario Cuomo, whose parents came from Tramonti and Nocera and Fiorio with no money, no education, no friends, no nothing. We had two first generation people who started with zero. I was the second most important, at least, elected official in the State, he was the Mayor of the City of New York. We were both trying to get to be Governor, I said, "My God, how can we lose. No matter who wins here, everybody has won."

And, we'll have a woman as President, we'll have a black woman as President, we'll have a Jew, we'll have an Italian, we'll have an American Indian, if we do it right, eventually. And, that is the glory of this nation.

Of course, an Italian could win. Of course, a Catholic could win. Of course, a Jew can win. We will have won when we stop asking the question.

MR. KING: Do you think, Governor, on a national level, as you look at yourself, do you think you could ever push that button? I know that you couldn't push the electric chair button and I understand that and share your view, but could you push a button to send a bomb, suppose the bombs are coming here, could you push a button to send it back?

GOVERNOR: I'll tell you, Larry, the way things are going, unless I miss my guess, and I'm no expert, if you push the button, there wouldn't be any point in pushing a button. I mean, if you got to a stage where you had to respond to nuclear attack by returning nuclear attack, there wouldn't be any point in pushing a button because there wouldn't be anything to save.

We have achieved the most extraordinary absurdity. We have made ourselves so capable of destroying one another it's unthinkable that you could use the capacity.

So, no, I can't picture myself ever having to do it, because it just doesn't make any sense. If they were

coming over, if they were stupid enough to attack, I can't picture a limited nuclear attack.

So, I think what you would have to do then is bend your effort to avoid that kind of insanity, but obviously, if you could construct the situation where pushing a button was a matter of self defense, yes, then I guess you would have to be able to do it or not agree to serve.

MR. KING: Do you fear for this planet?

GOVERNOR: Yes, I do. I think anybody who knows any history and you don't need to be an expert, would have to fear for the planet. A planet that could allow a holocaust, I mean just show people pictures of the Holocaust, just show people what happened in Germany. I remember the Holocaust Council, I mean how could you, how could any civilized society allow that?

And, it wasn't just there, look in Africa, look all over the globe, look in South Africa, look at what we are capable of, the barbarism, even now after thousands of years of civilization, look at the insanity we are capable of.

Oh, yes, I'm scared to death. Especially now, we have a society that seems to believe in very little, a society that has enormous chasms where belief used to be, huge vacuums, you know, we run around for a whole lifetime trying to figure out whether there is a God, whether there's any kind of fidelity that's worth anything, whether there's any kind of rule that means anything. Oh, yes, you would have to worry about our society. We're capable of great stupidity.

MR. KING: What, after summing up, Mario, for people across America, who may not have heard it, is this concept you have, if you can tintype it for us, a "family" approach to government?

GOVERNOR: Larry, the thing that surprised me about it is that anybody should think it was different, let alone unique. Family, the notion of family from earliest times was people coming together to protect themselves against the elements, against the enemy, against beasts. It was early understood by people that the best way to live, a necessary way to live was to share benefits and share burdens. Now, up until a few years ago, if you had said

that about government in 1960 or 1970 or 1940, people would have laughed at you because they took for granted that's exactly what government was doing. Certainly, that's what Roosevelt was doing. He saw a need and he took the goods of this society and he moved them around in such a way so that the people who were in need were benefitted by the people who were doing well. It was an elemental kind of judgment.

We have a new philosophy now, I think. It sounded good when it came in. It was propounded by some very genial and persuasive communicators, and what it said, in effect, was "Hey, look, you want to solve your economic problems? Let's give money back to the richest people with tax cuts, \$750 billion in tax cuts, one-third of it, \$250 billion, goes to the 5 percent richest people in the country, and then automatically the engine of the economy will reignite. Take care of your strong elements. Education, give less money to public school education, less money to disabled children, handicapped children in the schools, more money to that school system that doesn't need to rely on government, to the private schools, and in this manner take care of the strong people in your society, and they'll take care of the rest of us."

If you look at what's happened nationally, and you have a national audience, we have, due to this new philosophy, redistributed the wealth of the United States. We put \$1.6 trillion into defense. Incidentally, we now have the biggest budget in the history of the country, spend more money than ever, but we spend it in a different way. Put \$1.6 trillion into defense, most of that money is spent outside of the Northeast and the Midwest.

We said we were going to try to balance the budget, so we had to take money from somewhere. We took it from social programs, took it from old people, took it from mothers on WIC programs, and that's in the Northeast and Midwest. That's where those old people are, that's where those poor people are.

So, what we did was take from the neediest and move away from the weakest and most vulnerable part of the country. That's not what a family would do. That's not what Roosevelt did, that's not what Republicans and Democrats, alike, did for 50 years.

You know, the reason that it affects me so much is I

am a member of a family that made it in this country because government was compassionate, was concerned, and wasn't embarrassed about it. Because government helped my mother and father with a relief check which now they call welfare, with a hospital, with an education, with a little help when you couldn't make it, with a job. We were never embarrassed by that, it didn't shrivel us up. It didn't deny us incentive.

This new philosophy, however, is making a lot of people who are rich, richer; a lot of middle class people, not so bad, and has also created the largest poverty class in our history. Now, a lot of people aren't noticing that, but that's what has happened.

MR. KING: Do you think this Administration is dispassionate?

GOVERNOR: I wouldn't make a judgment on their souls. I mean, that I'd leave to God. But I would say that this is a policy that said, "We'll take care of inflation," and they did — by creating a recession. You know, it was easy to bring down the inflation rate when all you had to do was have 57,000 bankruptcies, put 10 or 11 million people out of work, close down the steel mills, close down the autos. Of course, the inflation rate is going to come down. Then you get a little break from the OPEC oil people, who reduce the prices so you get lucky there, so the price of oil comes down, you stop doing business, and if you stop doing business, obviously, the inflation rate is going to come down.

The problem now is the inflation rate is down but for how long? Because what most of the economists, or a lot of them, are saying is, "Hey, as soon as you start moving this economy again, the inflation rate is going to go back up." So, this was a philosophy that said, "Yes, we'll take care of inflation, we'll do it by recession."

MR. KING: We have a popular, admittedly, personally popular President.

GOVERNOR: Very popular.

MR. KING: Very popular. Do you think he is beatable?

GOVERNOR: Oh yes, anybody's beatable. Anybody

— the one clear thing I was asked four months ago, what I thought about President Reagan, I'd still be surprised if he ran, incidentally.

MR. KING: You don't think he'll run?

GOVERNOR: No, I don't, but if you asked me four months ago, as they did, what do you think will happen, I said, "One thing for sure, my mother is dead right about this. My mother, who has never had any formal education, would say that between now and the election, "nasece un papa", which means between now and the election a pope will be born, between now and the election everything happens, something new will happen." That was before "Debategate", see that was before debate. There will be two or three events, spectacular, unpredictable events will change the course of things.

One has happened already, the Carter Papers; very, very relevant, because it requires the Presidency now to react, either to have to explain it or choose not to explain it. If they try explaining it, they will get into big trouble, because that happened to the President already. If he tries not explaining it, he could get into bigger trouble.

So, you put together a few events like that — of course, he can be beat.

MR. KING: So picking anything in politics, national politics is impossible?

GOVERNOR: Yes, I think, I mean he could be beaten by any number of situations. For example, if the economy doesn't get as good as they say it's going to get and you're economically down and Mondale beats him, I think, kind of easily. If the economy gets better, maybe a Glenn can beat him, maybe a Glenn will be seen as a young Reagan by a lot of people. You know the same kind of people Reagan appeals to, Glenn might appeal to. And, then when you see television commercials of him going around the world in rocket planes, you know a hero, with all kinds of chevrons and looking like the all-American boy and declaring his candidacy in an Ohio gymnasium, you know, that's pretty good.

MR. KING: Okay, we'll move to the calls as quickly as we can. We go to Hartford, Connecticut.

QUESTION: Yes, Governor, you talked about compassion before. As a liberal myself, I am concerned about your recent rather conservative signing of the bill banning nude sunbathing in New York beaches. My question, considering that the human body is really lovely and beautiful, why did you sign that rather moral majoritarian bill into law banning nude sunbathing in the first place?

GOVERNOR: Well, I'm a great believer in progressivism and evenness. In our State we had a law that said it was illegal to go topless, but not illegal to go bottomless. I suggested two possibilities, you know, make it legal to go topless or ban bottomless. They chose to ban bottomless, and I signed the bill.

MR. KING: We now move to — I think I understand that — we now move to Cambridge, New York with Governor Cuomo, hello.

Q: The question is this, do you believe, Governor Cuomo, that what the Greek philosopher once said, that for a nation to be successful, it must have three loves: Love of family, love of God, and love of country. How do you feel about that?

GOVERNOR: I think that —

MR. KING: He ain't going to come out against it.

GOVERNOR: No, no, I'd very much come out in favor of love. I think love, I define love to mean seeking to do no one harm and going beyond that, seeking to do benefit to everybody around you. You think of Buddha, Maimonides, Jesus, all the best thinkers ever read, reported upon and studied — they all concluded one thing, that the best rule of life is love. That's without exception. So, yes, I think the Greeks were right.

MR. KING: With Governor Cuomo, we go to Chicago, hello.

Q: Hello, Governor Cuomo, you say your ancestors are from the Trieste region of Italy?

GOVERNOR: No, they're from Salerno, Provinci de Salerno, which is outside of the City of Naples.

Q: Okay, I have a question about people of Italian

heritage. One is kind of historical, one is current.

MR. KING: Just one question.

Q: Well, do you know how ethnically related the current Italians are to Leonardo da Vinci, the people around the Renaissance?

GOVERNOR: I think of us all as being related through Adam and Eve.

MR. KING: I want to ask you a question, in that area, there is an Italian Antidefamation League.

GOVERNOR: Yes.

MR. KING: And there is the feeling among many, there was a recent article in the *New York Times* on Italians changing their image, do you think Italians have been bum rapped in this country with the Mafia link, media attention, "The Untouchables," et cetera?

GOVERNOR: We did a study recently in this State that was commissioned retaining some professors from Harvard and Columbia, I believe it was, and they studied the media, and we had some astounding conclusions. For example, seven out of ten portrayals of Italian men and women on television were either mobsters or fools of one type or another. That the percentage of Italian-Americans as pictured on television, who were decent, acceptable, professional, passable types, was very, very small. We concluded from that, that had to be damaging.

Now, we didn't argue that you didn't have a right to do that on television or radio, because you know, the First Amendment is a powerful thing, indeed.

Yes, it is my conclusion that the public portrayal, the Fonzie's, who are very, very entertaining, *The Godfather* movies, that the overwhelming portrayal of Italian-Americans is in a kind of unsavory and distasteful way. Now, I don't complain about it because a lot of us have survived those images and maybe the only response to that is to continue to make yourself, as a people, more and more excellent and hope that that gets portrayed eventually.

But, whatever the motivation, they did it to blacks,

they did it to Jewish people, they do it to Italians, the Polish jokes, they've done it to the Irish. We have a weakness and a frailty in our people that always shuns the outsider and the most recent class that comes in and one of the great disgraces and shames is that those of us who do make it then turn around and behave almost the same way to the group that comes behind us.

So, yes, I think there has been a great deal of negative, unwarranted negative depiction of my ethnic group, as with practically every ethnic group in its turn.

MR. KING: We go to Cincinnati, Ohio, for Mario Cuomo, hello.

Q: Governor Cuomo, I disagree with your statement that free enterprise economics is trickle down. It's also percolates up, and if we can't have a country where people still can become rich, then how can they be rich —

GOVERNOR: Oh, I am all for that.

Q: — with 50 percent of their money, I don't want it.

GOVERNOR: It's a good point. You make a point that I tried to make earlier, only you make it better. What you are doing is pushing everything to an absurd extreme. I didn't say we shouldn't have free enterprise. My father and mother had a grocery store, that's how we made it as a family. That was free enterprise, they worked, they made profit, they bought a house, they bought a car. Of course, I believe in free enterprise.

But, somewhere between free enterprise that ignores the vulnerable people, the old people, the weak people, and a free enterprise that says, "Hey look, when you do make it and make it big, we are going to ask you to share some of that with the people who have been left out by fate." That's the kind of society I approve of.

MR. KING: With Governor Mario Cuomo, Atlantic City, New Jersey, hello.

Q: Governor, today on the news, you were signing, I believe you were signing a bill about taking so long for checks to clear, the banks ripping off the public, holding that money. My question is, is that a State problem or could a Federal law be enacted? Could you give us some feedback on that?

GOVERNOR: For the State banks that we control, a State law was needed. For Federal banks, and of course there are Federal banks, Federal laws would do.

MR. KING: What is the gist of it?

GOVERNOR: The point of it was that some banks were taking money and holding it a long period of time and using it and investing it and getting the benefit of the money and you weren't able to draw checks on it. So, what we have done is to shorten that period and require that my Superintendent of Banking draw regulations that will require all banks, in effect, to make the money available to you as shortly after you deposit it as possible, so that you get the benefit of it instead of banks.

MR. KING: We go to Queens, New York, hello.

Q: Good evening. Governor Cuomo, my question pertains to New York City. As you are well aware a consultant has just come out with a report regarding our subways and accusing the motormen of driving as cowboys, which as a straphanger, I agree. Now, the slowdowns, or as the MTA says, they are going by the rules, the book rules, has become so ludicrous, and yet no public official in New York City has come out to do anything. I mean, it's taking us almost an hour longer to get home.

MR. KING: Governor, can you do anything about the subways?

GOVERNOR: The subways, for those people who aren't from New York City, the subways in New York City and the trains in the suburbs around New York City are run by an authority, a strange creature. The Metropolitan Transportation Authority doesn't get elected, is beyond our reach.

I said this year that I think we ought to get rid of the Authority and make the Governor responsible or the Mayor, if Mayor Koch would like to be responsible. On the theory that if you put our political feet to the political fire, then maybe you'll get something done. They rejected that notion, left it with the Authority. As long as it is with the Authority, we have very, very little control over what they do.

MR. KING: You used to have a great New York State

authority, as I remember. Wasn't Bernard Gimbel influential in starting that, and you had Robert Moses.

GOVERNOR: The idea of authorities really started in this State with people like Al Smith and Robert Moses, who was a genius. And the idea of authority is: democracy is a wonderful thing only it gets in the way, and it's very hard to run things with a democracy. So, instead of letting you vote every year, we are going to create this thing that says for seven years you can't touch this person, whether you like him or not. And, that's the way you built Jones Beach or run railroads. It's also the way you lose your franchise.

MR. KING: A couple more moments with Mario Cuomo, the Governor of the State of New York, and we go to New York City, hello.

Q: Governor Cuomo, as the Governor of New York State you personally lobbied the New York Legislature and the New York City Council to pass gay rights bill which were rejected by both groups, and you have also promised to issue an Executive Order. Do you, therefore, feel that public schools should teach that homosexuality and the gay lifestyle should be taught as an equally valid alternative lifestyle to the traditional, divinely ordained family institution?

GOVERNOR: No, I believe that you ought not to discriminate against anybody for their sexual orientation, for the very simple reason that once you begin discriminating against homosexuals, it gets very, very easy to discriminate against other groups.

There was a marvelous Protestant theologian by the name of Martin Niemoller who wrote those memorable lines about Nazi Germany, and you probably remember them, he said, "First they condemned the homosexuals and I said nothing. Then they condemned the Catholics and I said nothing. Then they condemned the Jews and I said nothing, and eventually they condemned me and there was nobody left to say anything."

So, I'm opposed to all kinds of discrimination of that sort, as long as it doesn't, the conduct, or belief, the act doesn't touch anyone else. If it's a matter of pure privacy and personal belief and personal conduct, I think it ought not to be regulated by government.

MR. KING: You are spending State funds in AIDS, though, aren't you?

GOVERNOR: Here's one of the things we have done in this State, I think, that shows the idea of family at work. We had a very tough year fiscally. We had a \$1.8 billion deficit to close. We had to raise \$900 million by increasing the amount of money you pay for a drink or a cigarette or gasoline, and despite that, when the AIDS problem struck and people saw that people were dying from this cruel, cruel killer, we came up with over \$5 million.

I haven't signed the bill yet, but yes, I think the State has been very, very generous in its effort. And, that's a unanimous opinion in this State. There's nobody in the State of New York saying, "Don't give them money because a lot of those people are homosexuals." We're better than that.

MR. KING: New York City, hello.

Q: Question for Governor Cuomo — when Nelson Rockefeller was Governor of New York, he refused to take any public stand on issues like the Vietnam War and when the war was over, he was asked why he remained silent, and he said he got so much Federal money for New York State, that he felt it was better to be quiet. If Governor Cuomo felt very strongly about a national issue, say a war in Central American, how free would he feel — would you feel, Governor Cuomo, to expressing a position of leadership?

GOVERNOR: Today I sent a letter to Secretary Schultz saying, when you make your judgment on Wednesday about El Salvador remember that we have eight New Yorkers who were slaughtered, religious people, religious women and nothing has been done by the government about that, and I think that is a legitimate concern.

I talk about Israel all the time, I talk about Ireland, Northern Ireland, all the time, because we have so many people, of course, who come from those countries, and also because the issue affects us.

And, also tomorrow, I'll be getting a \$3 million check from the Small Business Administration, and I'll be applauding President Reagan for his marvelous jobs bill

that's helped so many people in this State.

So, I speak on national issues when I feel they are relevant to the people of my State and I'm not concerned about what consequences that will have in Federal assistance. I suspect that Rockefeller, who was a long-time Governor here, wanted to be President most of that time, and I think probably that had some effect on his judgment as to whether or not he ought to speak out on certain issues. I don't have that problem.

MR. KING: Are you opposed to our involvement in El Salvador?

GOVERNOR: Well, you know, that goes beyond my ken as Governor. I am opposed to doing anything for this government until they prove, as they are required to under our law, that they are trying to bring a certain level of dignity and civil rights. They have done nothing about the slaughtered nuns and those slaughtered women, and until they do something there, I don't think they should be entitled to any additional aid.

MR. KING: We only have about 20 seconds. Would you give all this up to be, say right fielder for the New York Mets?

GOVERNOR: The difference between baseball and this is in baseball when they boo you, they are right; when they cheer you, they are right. In this business, they are often wrong both ways.

MR. KING: Would you rather be right fielder for the New York Mets?

GOVERNOR: I don't know, you get back to me three years from now and make the offer and we'll see, okay?

MR. KING: Mario, great, thank you.

GOVERNOR: Thank you, Larry, very much.

**Governor's Remarks at the Troy Health
Center Dedication, Troy**

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 26, 1983

Over the past seven months, I have spoken many times about "the family of New York" — the concept of our society as something more than a loose confederation of special interest groups, as a people bound together by common problems, common struggle, common goals.

Today's bill signing and the opening of this new Community Health Plan Center here in Troy strengthen that concept. Quite simply, they mean more New Yorkers getting better medical care treatment.

In the past, a temporary loss of Medicaid eligibility has resulted in an automatic loss of enrollment in health maintenance centers such as this one. This bill corrects that situation. It guarantees six months of continued enrollment in health maintenance centers for those who lose their eligibility, thus ensuring the continuity of care so central to the services provided in these centers.

Both the bill and this Center also underline another concept important to New York's future — the concept of prevention. Prevention, which is so crucial a part of the success of health maintenance organizations, is both a therapy and a philosophy. It is a strategy that applies to many areas of common concern to us all — from the repair of our infrastructure to the development of health care policies. A strategy that recognizes the simple wisdom in acting to avoid problems rather than merely reacting to correct them.

By working together to extend the availability of health maintenance organizations to all New Yorkers, especially to those whose health is most often at risk — mothers and children who require public assistance — we are demonstrating our commitment to prevention.

This commitment we make here in Troy will grow in the years ahead. And it will be the impetus for all the work that remains to be done in bringing to every New Yorker the level of health care that should be a basic human right — in ensuring that our words about family

are matched by our actions.

Thank you.

Governor's Remarks, South Street Seaport Opening, NYC

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 28, 1983

Over a century ago, a poet from Brooklyn, Walt Whitman, stood not far from where we are now and watched the immense diversity of this City flow past him.

"I felt the quick pulse of democracy," Whitman wrote of that sight, "the blood of every nation, every race, comingled, joined, the heartbeat of equality, of freedom, of a newborn world."

Today we celebrate that same vision — New York's energy, its drive, its capacity for renewal, for the South Street Seaport — like the great bridge to our North — is at once a part of our past and part of our future.

It is a monument to the marriage of genius and drive that made this the world's premier harbor, the most dynamic city and state in the nation, the imperial city of the Empire State. But it is much more than that — much more than the relic of a former glory.

The Seaport is now a symbol of our ability to keep and renew the achievements of those whose dreams and sweat created the ports, roads, bridges, streets and buildings that lifted us to greatness. It refutes in the eloquent language of brick and stone and glass those who say that we cannot work through our government to rebuild our cities, that government is incapable of forming the partnerships necessary to restore and extend the magnificent legacy of those who preceded us.

The South Street Seaport shows us what can be done — by government, by labor, by the business community. It belongs to every New Yorker, of whatever race or creed or background, all those who recognize what we can achieve when we pull together, the newborn world it is in our power to create.

Excelsior!

Governor Addresses the National Governor's Association

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 1, 1983

I apologize for this awkward procedure. I would much rather be in Maine, especially having heard what a superb host Governor Brennan has been already. I was planning to be there to enjoy this day with you, and tomorrow, and to profit from it, but as you people know better than I because you have been at it — I think, all of you — longer than I have, and dread that phone call that comes in the night.

I got another one last night involving a demonstration here in our State where the demonstrators and the counterdemonstrators looked like they were going to outman the local police force 100 to one, literally. So, we found it necessary to get involved with State Police, and I didn't see how, responsibly, I could leave the jurisdiction and join with you.

Again, I apologize and regret it very much for personal reasons, as well as for the inconvenience that it means to you.

The report on the homeless has, fortunately, been prepared, I think, in comprehensive and I hope comprehensible form, and by now I hope that you have received copies of the report. It's an enormously important subject, and so my regret in not being able to deal with it personally, and in your presence, is all the greater.

I want to thank, at the outset, the Governors who devoted so much time and their staffs who were so generous in according us resources as they participated in the work of this Task Force, and in responding to the survey on the homeless, and participating in an all day Task Force meeting that I set up in New York City. It was very well attended, and it was extremely productive.

The Task Force examined the extent of the homeless problem, not just in the Northeast, where it has become

customary, recently, to talk about it, but nationally. It assessed governmental resources that are currently allocated to meet the needs of the homeless and it reviewed the role of the private voluntary sector in dealing with the problem. Twenty-five different states responded to the survey and the findings demonstrate that the extent of the homeless problem is much greater than most of us had even imagined, and that the nature of the problem has changed dramatically.

In this regard, there are substantially more homeless families now than there were in 1980. The obvious assumption, I think, is that this is a result of the prolonged recession. These families have very different needs than the traditional single homeless male. Moreover, as we expected, there are insufficient resources to deal with the growing population and its attenuated needs.

Now, again I have distributed my report on the homeless entitled *1933/1983 — Never Again*. And the report, I hope, will discuss clearly for you the history of the homelessness in America and recommends a response to the problem.

In a nutshell, what it says is that in order to effectively deal with this matter, the structural causes of homelessness must be addressed. That may be an obvious point, but it deserves, I think, reiteration. Federal, social and housing policies, as well as our own statewide domestic policies, if you will, have to be reevaluated in light of their roles in this homeless problem. And state and local governments have to review their own laws to remove constraints to providing income assistance payments to eligible recipients in temporary shelters.

The policy on the homeless that was adopted by the Committee is a first step and only a first step toward resolving the homeless problem. The statement, if I may just epitomize it, calls for the continuation of an emergency Federal program to provide assistance to the states, localities, and the private sector in meeting short-term shelter and feeding needs. We have a program with about \$200 million for which we are very, very grateful to the Reagan Administration and to all of those who supported the Reagan Administration's judgment. The Congress and the Administration should be called upon to convene, I think, a national commission to review the

impact of existing Federal policies on the homeless.

Unfortunately, the Federal assistance at this point is in the nature of one-shot, and it needs repeating and it needs broader rationalization, and then third, we call for continued efforts by the states.

The policy also states that the National Governor's Association is prepared to assist the national commission, should one be set up, in identifying major areas of potential impact. In that regard, I recommend we call upon the Federal government to review, at least, the following: Its reductions in Federal spending in all the human service programs, the accelerated redetermination of the Social Security disability benefits — and Governor Clinton has spoken on that — reductions in Federal housing assistance programs and the regulations which prevent service delivery to the eligible individuals.

Again, all through the report, when we call for Federal assistance, when we call for a continuance of the Federal program that now exists, after stating, again, our gratitude for it, we are not unmindful of our own obligations as states.

I hope it does not sound boastful, if I tell you that I am very, very proud of the fact that in New York, notwithstanding we had a \$1.8 billion deficit to deal with, my State was able to find \$50 million in commitment, \$12.5 million in cash this year for a homeless program. We had never done anything like that before in the State of New York, but then we have never had a problem like this one in the State of New York.

The nature of the homeless population is not just wider than before and deeper than before; it is of a type that we are not accustomed to dealing with. There are a lot of young people in the homeless population, there are a lot of families, as I have noted, in the homeless population, and we were utterly ill-equipped to deal with anything like this, and I suspect that is true of most states.

So, it is an important subject. It is not one I think we can allow to exist and still claim success as a government. I don't see how millions, perhaps, of people can be denied things as elemental as shelter and food and allow us as a nation, nevertheless, to consider ourselves as having

succeeded at the role of government.

Finally, a personal note to Governor Kean. We live side by side here in the Northeast, New Jersey and New York, and one of the ways people suspected we, in New York, were going to solve our homeless problem was by sending it to New Jersey. We had a little thing here between New York City and the State of New Jersey, the great State of New Jersey, and I just want Tom to know that we have talked with Mayor Koch and the people in New York City, and they are bringing back some of the homeless to New York City. With the concerns it started the day with, we are not going to add to them by unloading our homeless on New Jersey, especially since they have been so good to us, and so I wanted you to know that, Tom.

Thank you to all of you for allowing me this intrusion on your time, and a clumsy one at that. Again, I apologize and were it not absolutely essential that I remain here, I would have been with you and enjoying the day.

Thank you.

Editor's Note: On August 1, 1983, the Governor cancelled a trip to Portland, Maine, where he was to address the National Governor's Association. He remained in New York in order to monitor a tense situation at the Federal Army Depot in Romulus, New York.

The Governor did address the conference by telephone-loudspeaker hookup. This is a transcript of his remarks.

Governor Dedicates the Executive Mansion County Room

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 3, 1983

I would like to take this opportunity to dedicate formally a new chamber in the Executive Mansion — the County Room, on the second floor.

In my *Inaugural* address, I talked of us in the State as being part of a larger "family of New York." Mrs. Cuomo

and I wanted to incorporate that notion into a living memorial right here in the Governor's house.

We decided to devote one of the rooms in the Mansion to all of our State counties. We asked every county, from Chemung to Nassau, from Niagara to Westchester, from Cayuga to Allegany, to loan to the hall an artifact, a painting, a photograph, a special remembrance that most typified that county.

I wish to congratulate New York's many counties today for the lovely items they have donated to this room. What becomes clear from viewing this collection is the diversity, the originality and the stylish qualities of our New York counties and their citizens.

I hope that all of our residents, as well as visitors from out-of-state, will enjoy these many and varied contributions. I want to thank, again, the Association of Counties for its help in creating this beautiful chamber. I urge you all to visit the County Room following this ceremony.

Thank you.

Governor Signs the Medicaid Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 3, 1983

I am delighted to be here.

This is an historic occasion, one we have worked toward for years, one that many said we would never see. Today the State lifts from the shoulders of our counties an immense financial burden.

Today the Medicaid share of New York City and the 57 counties is \$1.5 billion and growing. It is the fastest growing part of the local budget. It has forced many municipalities to impose higher property taxes, increasing the most oppressive of all our tax devices. Indeed the Medicaid load now, on the average, eats up \$1 out of every \$3 from the property tax levies of counties outside of New York City.

Making the burden worse is the fact that the City and the counties have little or no say in the administration of, the setting of rates and fees for, or the decision on the scope of services within the Medicaid program. These all remain State responsibilities. Their separation from local control creates a legitimate uneasiness among local governments over their own financial participation in the Medicaid program.

Last January I proposed a five-year, phased-in State program that would reduce the local share of Medicaid from 25 percent to 10 percent. One of the goals I set for myself as Governor was to find a reasonable way to reapportion Medicaid expenditures between the State and localities. But the Legislature advanced other innovative proposals. Some of them went part of the way toward reaching the goals I sought.

I decided, eventually, to back Senate Bill Number 6793 sponsored by Senator Lombardi. It provided counties partial rather than total relief from the Medicaid burden, but it also introduced the first reform in cost-sharing for the counties ever in the program. And it continued the Human Services Overburden Assistance, by which the State assumed all costs for the mentally disabled that is now contributed by the counties.

Senator Lombardi's bill undertook to lower the share of the local Medicaid burden for all long-term care to 10 percent over a three-year period. Long-term care represents, as you all know, the largest single component in the Medicaid plan statewide, amounting to almost 46 percent of all Medicaid expenses.

The legislation would, by 1984, save counties some \$429 million out of an expected cost to them of \$1.7 billion. By 1988, the State would take responsibility for some \$965 million out of an anticipated price tag to counties of \$3 billion.

In addition, we expect, I think reasonably, that this new fiscal restructuring, by offering counties a larger reimbursement for longer-term care, would give local officials an incentive to work harder to place patients, now situated in hospitals unnecessarily, into nursing homes or family homes. This would spur, in turn, an expansion in home-based services and reduce costs overall for long-term care.

I am, as is everyone here, greatly pleased that this bill has passed. Of course, the Lombardi bill is not all that I and the Speaker asked for, but it is an enormous step forward.

Frankly, I hope that we can, in all things, set our sights as high as we did here and settle for progress as substantial as the progress we have settled for here. The ultimate measure of all our striving is the result achieved. The result here is the single most dramatic relief to local governments by the State in its history.

To whom should go the credit? Well, to more people than we can name. To constituents who demanded it and asked for it, the staff people, the letter writers, the public officials, indeed, more people than we can even count. But some people, many of them here in the room today, deserve special credit. The Lieutenant-Governor who, as a County Executive, led the fight for this kind of help; to all the county officials and the Association of Counties officials who worked so hard and lobbied so hard and so intelligently; certainly to Senator Tarky Lombardi, for years a leading voice on the subject of health and the way we pay for it; to the Majority Leader of the Senate, Warren Anderson; to Speaker Fink who has been in all things progressive and intelligent, and hardworking, and who led the charge here for a dramatic pick-up of local costs in Medicaid.

To all of them I wish to extend my congratulations and on behalf of the people of this State, my thanks. Now, let me, without further hesitation, make all of your good efforts into a good law by a simple signature.

(Whereupon, the Governor affixed his signature to the bill.)

**Governor's Remarks at the Rebuild New York
Bond Issue Bill Signing, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 4, 1983

We are holding this ceremony here this morning to underscore the purpose of the Rebuild New York Bond Issue. But with equal justification we could hold it at 100

different sites across the State: next to bridges in the North Country whose supports are rusted and cracked; beside decayed and pitted roads in the Southern Tier; in the freight yards of Western New York where the equipment is outdated and frequently out of order.

All of these sites would emphasize the same message as the FDR Drive — the same message apparent to any New Yorker who drives a car or rides the rails or ships goods across the State. We must rebuild. We must begin now. The work will not wait.

The bipartisan support the Rebuild New York Bond Issue received in the State Legislature showed that Democrats and Republicans alike — upstaters as well as downstaters — appreciate the seriousness of this work . . . and its urgency. Thanks to the leadership and cooperation of Speaker Fink and Senator Anderson, we are now able to put the Bond Issue before the voters.

With the voters' approval, we will have \$1.25 billion in State funds over the next five years for the repair and reconstruction of local roads and bridges, of ports and highways, of waterways and rail systems. And when combined with available Federal matching funds, the Bond Issue will generate a total of over \$3 billion.

Of course, even with the Bond Issue we can't do everything. According to congressional estimates, the final bill for restoring New York's magnificent network of transportation and water systems will be in the vicinity of \$40 billion.

Yet the Bond Issue will allow us to begin. It will allow us to remove the dangerous deterioration and structural decay that could lead to the kind of tragedy that occurred on Connecticut's Mianus River bridge. It will strengthen the framework on which the body of our economy hangs, and create 36,000 jobs doing work that is a matter of common sense and public safety and economic necessity.

The two other bills I am signing will reinforce the impact of the Bond Issue.

First is the authorization for a new system of capital planning and budgeting for the State. New York will now have what it has never had before: a coherent, cohesive,

comprehensive system for executive and legislative decisions concerning the expenditure of capital funds. When linked to the work being done by the Council on Fiscal and Economic Priorities, this bill will help us to plan more reasonably, to invest more wisely, to make sure our resources are used to maximum effect in every part of the State.

Second is legislation that tightens State oversight of New York's major public authorities. These agencies control an enormous share of the State's total capital resources, and we are determined these resources be used carefully and forcefully, protecting the State's fiscal integrity while supporting our overall effort at reconstruction.

Finally, as part of our program to rebuild New York, I have already signed an Executive Order to create within the Executive Chamber an Office of Contract Compliance and Minority Business Enterprises.

We are all aware, I think, of yesterday's report by the Census Bureau that 15 percent of the American people — 34 million people — now live beneath the poverty line and that among minorities that rate is 36 percent. In New York more than two and one half million are classified as poor, half of these are minorities.

These numbers mean real suffering. In our minority communities they mean a devastating level of joblessness and a growing belief that our society has neither the will nor the desire to do anything to correct it.

In recognition of the problem, the Reagan Administration is attempting to provide that 10 percent of the work on Federal repair projects goes to minorities. We believe New York can at least match that, and we have created the Office of Contract Compliance and Minority Business Enterprises to make sure that it does.

The Office will be charged with assuring that the expenditure of resources drawn from *all* our people is used to the benefit of *all* our people. It will be responsible for replacing the conscious or unconscious discrimination that existed in the past with a policy of fairness — one that gives minorities their fair share of the work, a share in some proportion to their need.

In all of these efforts — the development of sound planning, the preservation of our priceless transportation systems, the creation of new opportunities — the need is the same. The need to work together, to build together, to believe together. The need to understand that as individuals and regions we are linked inextricably, the one to the other, and that we can succeed only to the degree we are willing to share both our wealth and our work.

This November 8, all of us will have the opportunity to vote on a program that recognizes this requirement for progress — and that does something about it. If we present it right, if we are persistent enough and intelligent enough in explaining it, I have no doubt the people will say yes . . . yes, let's rebuild New York. Let's get on with the job.

Thank you.

Governor Signs AIDS Bill, New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 3, 1983

This, as you know, was a tough year for New York, one in which we faced a massive budget deficit that required us to lay off State workers and to raise new revenues. But working together — Democrats and Republicans alike — we were able to find the money necessary to help New Yorkers who are the victims of a baffling and dangerous epidemic — AIDS — the Acquired Immune Deficiency Syndrome.

The bill I am signing this morning puts New York State at the forefront of the effort to control and to conquer AIDS. Sponsored by Roy Goodman in the Senate and Jim Tallon in the Assembly, it establishes an AIDS Institute within the Health Department, a Research Council to guide our investigations into the disease, and an Advisory Council that brings together medical and community groups most directly involved in the fight against AIDS.

The bill appropriates \$5.25 million for the work of the Institute and the two Councils: \$4.5 million for

medical research; \$600,000 for counseling and community outreach; and \$150,000 for a public information program.

With this money New York will be able to reinforce and expand the measures we've already taken to combat AIDS — the work of the State Interagency AIDS Task Force in coordinating identification and treatment of those suffering from the disease, the public information campaign begun by the State Health Department, the guidelines we've laid down to the professionals — the health workers and funeral directors — involved in AIDS cases.

But the importance of this bill goes beyond medical or health questions — important as they are. For the simple truth is that AIDS has affected one community of New Yorkers — the gay community — with particular vehemence and virulence. Today — with this commitment of \$5.25 million — the whole community of this State recognizes its obligations.

We unite as a people acting through their government to reassert our shared humanity. We reiterate our belief that New York is indeed a family, that the suffering of any one part of that family is the responsibility of the whole, that government can act forcefully, wisely, compassionately to help all the people — to work to include rather than exclude each segment of the community.

This is a bill I'm proud to sign.

Governor Signs Pension Investment Bill (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 9, 1983

GOVERNOR MARIO M. CUOMO: Thank you very much for coming.

In the *State of the State* Message, I think I pointed out that we ought to have legislation which would modernize the statutes that were governing investments by the State's Public Employee Pension Fund to give special emphasis to investment of these funds in ways that enhance the development of the State's economy. The general point we

were trying to make was that we have huge sources of wealth that weren't being fully exploited to enhance our own economic development.

Today, I have the pleasure of signing legislation that represents significant progress toward that objective. The bill I am signing today modifies legislation that was enacted last year that permits investment of pension funds of up to 5 percent outside the range of the detailed restrictions that normally apply to public pension fund investments in this State.

However, last year's legislation commonly referred to as the "basket provision," prohibited the pension funds from holding more than 3 percent of the outstanding common stock of any company. That, we discovered, was a limitation that effectively prevented the pension funds from making a whole variety of investments that are very important to the future economic growth of this State.

By eliminating the 3 percent limitation we have enabled the funds to undertake several new types of development oriented investment, for example: venture capital, equity or near equity financing of companies with outstanding growth potential, participating in leveraged buy-outs, capitalization of small-business investment companies, equity investment in real estate, financing of major private sector development projects.

Although this legislation will make possible a significant expansion of job creating investments here in New York, it will not, and I underscore, it will not do so at the expense of current or future pension beneficiaries. By establishing a prudent investor standard governing the investment of pension fund assets within the 5 percent basket and specifying funds be invested for the exclusive benefit of pension system participants, the bill provides firm statutory protection for the rights of all beneficiaries.

Moreover, investments of the type that I just enumerated will, in many instances, provide a higher than average rate of return. So in this sense, as well, the interest of both current and retired public employees will be very well served by this bill.

I am especially grateful to Comptroller Ned Regan for all of his help over the past year, but in particular today

for his work on the development of this legislation and for his continuing cooperation with our Administration in developing ways in which the State can most effectively and prudently use its pension fund assets. And I am grateful to Assemblyman Jerry Kremer and Assemblyman Joe Lentol, and Senators Richard Schermerhorn and Owen Johnson, for their continuing efforts in this area.

The legislation they have produced, I think, is an excellent illustration of how we New Yorkers can use our own resources to produce economic growth and jobs for our people now, and for many years to come.

COMPTROLLER EDWARD V. REGAN: Thank you very much, Governor. I am delighted to participate with Governor Cuomo in this bill signing ceremony. We believed as we transmitted to both the Governor in the transitional period and to the Legislature last year that the restriction, the 3 percent restriction, would prevent us, effectively prevent us from applying more resources than we now already do to enhance the economy of New York, and we showed how, and why, and where.

For instance, under the old bill, but now the new bill will no longer be true, we were just unable to aid growth companies, those smaller budding companies that have everything going for them except capital. They exist in this State and all the studies that we have looked at have shown that the best producer of jobs in any given state is not moving big firms in, those big cosmic events that occasionally happen, the best producer of jobs in any given state and clearly in New York State comes from the small company, the two people in a garage with an idea or an invention, five people in a small factory that have come up with something new, and most times their major drawback is not creativity, it's not ideas, it's not willingness to work, most times the major drawback is capital and we hope we can start in a very slow, very cautious, prudent-like way to fill that void and we will be able to with today's legislation.

GOVERNOR CUOMO: Let's make it today's law.

(Whereupon, the Governor affixed his signature to the bill.)

Governor Signs Fiscal Impact Note Bill, Syracuse

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 10, 1983

Over the past few years, we've had legislation to ensure truth in advertising, truth in lending, truth in packaging. The bill I'm now signing adds a new and important category to this list. Truth in legislation.

It provides that fiscal impact notes must accompany all bills that will substantially affect the revenues or expenses of any county, city, town, village, special district or school district. Although certain legislation will be exempt — budget bills, for example, and pension legislation and home rule requests — this bill will make clear both to legislators and local governments alike the fiscal implications of State mandates.

It may not make these mandates more popular but it will make them fairer, more squarely based on an accurate appreciation for the expenses that they will require. The bill adds some new balance to State and local relations, and will help make the legislative process more rational.

Thank you.

**Governor's Remarks on the Nomination
of Judith S. Kaye, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 11, 1983

I have selected Judith S. Kaye to fill the vacancy on the Court of Appeals.

In doing so my first consideration was her extraordinary qualifications. She is universally regarded as a lawyer of unusual ability, integrity and determination. Like other great Court of Appeals judges who came to the bench directly from the practice of the law, her day-to-day life as an advocate has demonstrated the character, temperament, capacity for collegial activity and ability to articulate that are essential.

Seldom has a candidacy for the Court of Appeals received more impressive support from the private sector. Recommendations have been received from a former Chief Judge of the Court of Appeals, a former Associate Judge of the Court of Appeals and many other outstanding lawyers familiar with her and the qualities the Court needs.

In addition to adding excellence to the Court of Appeals, the appointment of Judith Kaye erases a stigma it has borne for too long. She will be the first woman judge in the Court's 138 year history.

Governor Approves Property Tax Exemptions for the Elderly, Westbury

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 17, 1983

Eight months ago in my *Inaugural* address, I said that the challenge before this State was not merely to balance our books, but to balance them in such a way that we did not abandon our weak or turn our backs on those who need our help. The legislation I am about to sign gives life to those words.

In the same year that we had to cut our work force and raise new revenues in order to close a budget gap of \$1.8 billion, this bill *extends* the property tax exemptions for older New Yorkers to an even greater number. The new formulas created by this bill establish a graduated income scale so that seniors denied eligibility because of incomes barely exceeding the present minimum will now be granted exemptions.

It's a bill concerned about equity and fairness, a bill that recognizes the right of the elderly to a sense of security in homes that represent a lifetime of work. It's a bill I'm proud to sign. More important, it is only part of a wider legislative effort undertaken this year to help all of New York's elderly — those at home as well as those in institutions.

Those bills which have already been approved include a prohibition against age discrimination in housing; a statewide extension of protection for the elderly in co-op

and condominium conversions; special attention to the elderly in cases of crime compensation; new money for community services for the elderly; and improved long-term care Ombudsman program. These are all important measures — and necessary ones. But for all they achieve, they still leave a great deal to be done.

As a matter of simple justice, we have yet to eliminate mandatory retirement in both the public and private sectors. We haven't addressed the unique transportation needs of the elderly, which in many cases is the key to a sense of dependence and physical security. We need to further expand the community services program so that more of our elderly can avoid unnecessary institutionalization. The housing options open to the elderly still need to be expanded. The continued vulnerability of the elderly to crimes and violence must be greatly reduced.

This Administration is committed to these goals, and this legislation is a symbol of that commitment. What is needed now is a Federal commitment to match our own, a Federal willingness to work with us as partners in achieving for the elderly the security, dignity, opportunity they have spent a lifetime earning.

This isn't a question of charity, or handouts, or even compassion. Rather, it is a question of whether we have the wisdom to take advantage of the skills and experience of *all* our people, to offer everyone the opportunity to contribute, to put aside differences of region or party or act and to act together. Together — as a family.

Thank you.

Governor's Remarks to the Board of Directors, Long Island Association of Commerce and Industry, Commack

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 17, 1983

They tell a story about when Yogi Berra played right field at Yankee Stadium and two fans took off all their clothes and ran across the outfield until they were apprehended by the stadium police. The whole thing only flickered very briefly on the TV screen before the

cameras cut away. And when Yogi got home his wife asked out of curiosity, "Hey, Yogi, those streakers today — were they men or women?" "I couldn't tell," Yogi said, "They were wearing bags over their heads."

I begin with that story because I think it says something about the way we view the present economic situation across New York. Depending on where you look — in the Southern Tier, in Buffalo, in New York City, in Suffolk County — you can get very different impressions.

Nationally, as you well know, this has been a year of record unemployment and a huge number of business failures. Recently there have been signs of a recovery, but that recovery is already endangered by staggering Federal deficits. And even should the recovery continue, it will not be the traditional postrecession resurgence in which all the regions of the country and all the segments of the economy share.

This will be a recovery with a difference. One in which many basic manufacturing industries will not share. One that will have little effect in the towns and cities that prospered in their role as America's foundries.

This national economic situation is mirrored in New York. On average we have weathered the recession better than many other states. And on average, we should recover from it faster than most. Unfortunately, these averages are little comfort to the thousands of steelworkers whose mills have permanently shut, to the old manufacturing towns struggling to hold together their tax base, to the students and young people who must leave their families and communities if they wish to have a future.

In truth, I don't believe that as a State or a nation we can settle for this. I don't believe we can accept a society permanently divided into prosperous, technologically-advanced, rapidly expanding areas and stagnant, decaying, impoverished ones, a society where the modernization of one part of our economy is paid for by the destruction of another.

We must do better than to win a game of averages. If we don't, then, our view of ourselves — and the world's view of us — will depend very much on where we choose to look: at the ravaged cities that bore the burdens of

generation after generation of immigrants — or wealthy, self-contained suburbs; at enormous pockets of unemployment and industrial decay — or at new, gleaming shopping centers and hi-tech complexes.

New York, I believe, has already shown its determination to avoid this division and disparity. In a year when we faced the worst budget deficit in the State's history — \$1.8 billion — when we had to lay off State workers and seek new revenues, when we had to deal with the cumulative effects of reduced Federal help, we still found new money to help retrain workers in Western New York, new money to shelter the growing number of homeless, new money for our community colleges and the State's growing network of hi-tech centers.

In a year of recession and severe fiscal restraints, we — Democrats and Republicans alike — were able to put into place a multi-year State takeover of almost all the local share of Medicaid costs — a savings to Suffolk and Nassau counties that by 1986 will total over \$130 million a year.

We continued to invest new money in the State's transportation system, and we passed a \$1.25 billion Bond Issue to help us begin the work of rebuilding New York's priceless but aging infrastructure. If the voters of the State approve the Bond Issue this November, it will mean millions of dollars of desperately needed repairs in Suffolk and across Long Island. This money won't work miracles. By congressional estimates it will take \$40 billion to do all the work that must be done. But it will let us begin the long, hard job of reconstruction. It will let us avoid the collapse of bridges and tunnels, the decay of tracks and roadbeds, the breakdown of water systems, that are becoming commonplace.

In all of these instances — the Bond Issue, the Medicaid takeover, the programs for the homeless and the unemployed — there are the same intent and purpose: The *whole* State acting in the interests of all its people, all its regions, all its counties, abandoning none, leaving none to the law of survival of the fittest, to economic and social triage.

This same commitment to mutuality — to the sharing of benefits and burdens for the good of all — underlines the State's involvement in Long Island's energy future.

I don't want to sound like a Pollyanna about this. The question of whether or not Shoreham should open and the equally important question of electric rates involve people's emotions as much as their intellects, their legitimate fears for their physical safety and their economic future. They are such stuff as political nightmares are made of, and yet maybe Satchell Page put it better than anyone before or since when he said, "You can run, but you can't hide."

The first question from which there's no hiding is rates. We are told that with or without Shoreham, there are going to be increases from about 56 percent, assuming it goes on line, to 76 percent, assuming it doesn't. Long Island can't afford that. You know Long Island's businesses can't afford to pay it and — as Bishop McGann has pointed out — neither can its senior citizens, struggling young people or consumers.

At the moment we are exploring every possibility open to us — additional involvement of PASNY on Long Island, the refinancing of LILCO's debt, a set phase-in of Shoreham's costs. Out of these and all the options we can develop, we will put together a plan that deals as effectively as possible with the threat of a crippling rise in rates.

Whatever the individual components of the plan, the bottom line is this: Long Island's energy future is one shared by the entire State, and we will act as a State to deal with it.

That goes for the question of whether or not Shoreham will open as well. Over the past few months I have tried to define the State's role here carefully and precisely. Let me do it again.

Certainly, under present law, the responsibility for the *on-site* safety of Shoreham is clear: It belongs *solely* to the Federal government and to LILCO; and under no circumstances should Shoreham open — even if an off-site plan exists — unless the Nuclear Regulatory Commission is fully satisfied the plant is safe.

The responsibility for the *off-site* consequences of Shoreham are shared but in the vaguest and even uncertain legal terms. What is required now is that we clearly define these responsibilities and assure that when

the Federal government — which has the ultimate say on all matters of nuclear energy — delegates authority, it delegates the resources necessary to exercise that authority.

The present division of responsibility and resources makes little sense. For example, where is the logic in allowing the Federal government to maintain the ultimate authority on matters of safety, on the running of the plant, on the training of its staff, on design and maintenance, but then to say that if something goes wrong — if there must be an evacuation — well then, the Federal government's responsibility ends?

As a matter of common sense, the Federal government must recognize it has the same responsibility in emergency planning that it has — and freely admits it has — in every other phase of nuclear energy. It must recognize that its involvement — its assistance in setting standards, in training evacuation personnel, in coordinating emergency response — can make evacuation possible where otherwise it would not be feasible.

Without such involvement, evacuation plans will vary from state to state, and nuclear safety will be caught in a hodgepodge of different jurisdictions and will depend on the financial resources and personnel available to localities.

With respect to Shoreham, if the County fails to provide a capacity and the State does not have the capacity — and I don't think we do — without Federal involvement the plant cannot open.

In the next two or three months, our choices will become clearer. The panel I appointed to study Shoreham will report. The Congress will hold further hearings on nuclear safety and Federal responsibilities. PASNY will have a better idea of what role it can play.

And yet those choices will still be hard ones. They will require us to act with the same measure of reasonableness and bipartisanship that have made such a difference to New York this year — that allowed us to close a budget gap of unprecedented size, to begin rebuilding the State's roads and rails, to bring new fiscal relief to counties, to bring new hope to the jobless and the homeless.

Perhaps more than anything else, this renewed sense of cooperation — of what it is possible to achieve when we act together — is New York's greatest asset. We already have the talent, the drive, the genius, the resources, the work force, the universities, the banks, the creative energy — everything necessary to renew our economy, indeed, to lead the nation in the second industrial revolution as commandingly as we led it in the first.

If we've lacked anything, it's been an appreciation of our strength, an understanding that for all our differences we are united by far more than what divides us, that with compromise and intelligence we can put together solutions to many of our problems. We've regained that appreciation, I believe. It will be the key to Suffolk's future — and to New York's.

Thank you.

Governor Signs Insurance Investment Bill, New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 18, 1983

Last January, in my address to the Legislature, I pointed out that we live in a state that if taken by itself would rank as the world's eleventh greatest industrial power; a state that has reserves of genius, creativity and talent it has barely tapped, sources of wealth it has failed to develop.

I promised we would seek new ways to tap these resources and to generate new investments. As part of this overall effort, I said we would seek to reform the laws governing pension fund and insurance company investments, making it both possible and attractive for them to invest in our growing hi-tech industries, in areas of high unemployment and in minority-owned businesses.

Today, I am delighted to be able to fulfill that promise. The bill I am about to sign reforms the State Insurance Law. It simplifies the regulations governing the investments and activities of insurance companies within New York, liberalizing many of the restrictions that have been haphazardly amended over the years, and thus

giving these companies greater flexibility to meet the demands of a rapidly changing economy.

The effect of this legislation will be to allow the insurance industry in New York State to realize a greater return on investments. The ultimate beneficiaries will be the policyholders, through lower premiums and higher dividends, and the State's economy, which will have access to a growing pool of capital.

To ensure these results, the bill requires the Superintendent of Insurance to report to the Legislature and to me within a year on the results that have been realized. It also requires that at least one-third of the board of stock insurance companies, and one-third of each committee of the board of any domestic insurance company, be nonmanagement directors.

This will bring a new level of accountability and objectivity to the boards of insurance companies, increasing the ability of these boards to monitor the management of investments. It is consistent with the current corporate practices of publicly-held companies.

Finally, we recognize that this is just a beginning in a long-range effort to deal with the revolutionary changes that are restructuring investment patterns in New York and across the nation.

We have, then, as part of this bill, created a Temporary State Commission on Banking, Insurance and Financial Services that will be composed of representatives from the involved industries as well as from consumer groups and the academic community. The Commission, which will report next February, will study the legislative and regulatory questions raised by the trend towards greater and greater integration of financial services. It will seek new ways to demonstrate what we've demonstrated here today: That consumer protection can be reconciled with deregulation; that government can encourage economic growth without abandoning its obligations to protect and, where necessary, to regulate.

Thank you.

**Governor's Remarks at the Harlem State
Office Building, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 25, 1983

The strength of New York is in its neighborhoods. Each of them is a special part of the cultural and economic mosaic that comprises New York. Each is important to our future. Nowhere is this truer than here in Harlem.

Harlem is a neighborhood — a great neighborhood — but it's more than that. Harlem is a city within a city, the heart of black culture in America, the center for black literature, dance and theater, the wellspring of a people's genius, an urban area that has affected this entire nation, enriching its imagination and enlivening its arts.

Yes, Harlem has its problems. But like the rest of this great City, despite its problems, Harlem survives — and it does more than survive: It renews itself and holds on to its dreams and continues to produce a new generation of workers, thinkers, artists, entrepreneurs, political and religious leaders, the planners and doers who understand Harlem, believe in it, and are determined to create its future.

Because of Harlem's people, Harlem is greater than all its problems. And because of Harlem's people — their faith, their struggle, their determination — government has the opportunity and the obligation to reinforce the work that is going on here, the work of reconstruction and renewal, the work of generating jobs and supporting economic development.

My commitment, indeed, the commitment of New York State to this work is clear. It includes several projects currently underway here that have been made possible by the Urban Development Corporation.

Cultural projects such as the new permanent home for Dr. Billy Taylor's jazzmobile, which will include audio-visual facilities, music publishing and record company offices as well as space for nonprofit community groups. Environmental projects such as the East Harlem Recycling

Center, a not-for-profit enterprise of the East Harlem Council for Community Improvement. Commercial redevelopment of the Apollo Theatre, a \$2.5 million investment by the UDC that will help preserve a New York landmark — and a landmark of black culture — while at the same time giving Harlem a state-of-the-art production and communications center. And the SONYMA projects — so ably directed by Wallace Ford — Loew's Theatre renovation. Harlem Interfaith Counseling conversion of a brownstone to residence and outpatients.

Additionally, in the months ahead, we will move the New York City offices of four State agencies — the Department of Labor, the Division for Youth, the Department of Social Services and the Human Rights Commission to Harlem.

Of course no matter how beneficial these projects or relocations are, Harlem's future, like the future of every neighborhood in this State, is tied to more than the success of local or regional efforts at redevelopment. As a State we face an immediate crisis: Repairing and restoring the magnificent but decaying complex of rails, roads and bridges that holds our economy together, that allows us to deliver goods and to be competitive.

This work will not wait. Those who think it can, have only to pick up a newspaper and read about the latest collapse of some bridge or tunnel, or the rupture of some water system, or the breakdown of some transportation system.

Last month the Legislature passed a \$1.25 billion Bond Issue that permits us to begin rebuilding New York, and this November the voters will be asked to approve it.

This program to rebuild New York will mean more than the achievement of long-delayed repairs. It will mean jobs — thousands of them. Jobs for people who don't want our charity, or even our compassion, but only the chance to have the dignity of a paycheck, to be able to earn their own bread.

The ugly truth in New York and across America is that a disproportionate number of these unemployed are black and Hispanic, and it only makes sense that a jobs program such as represented by this Bond Issue recognize this fact.

This Bond Issue does that. By Executive Order, we have stipulated that we should try to have as much as 12 percent of the work it creates, go to minority contractors. And we have set up an Office of Contract Compliance within the Executive Chamber to make sure this is more than an ideal — that it is a simple and stringent requirement.

Beyond this we will require *every* contractor to submit an affirmative action plan as part of his bid, and this plan will be a part of the basis on which contracts are given out.

The Rebuild New York Bond Issue will give jobs to people now without them — in Harlem, in the South Bronx, in Bedford-Stuyvesant. And yet it alone — or any of the other projects we are undertaking — only touches on the greater problems of these communities.

The simple fact is that as a society we are still far away from grasping the dream Martin Luther King so eloquently envisioned two decades ago this week on the steps of the Lincoln Memorial. In large measure the task we face now is the same one he spoke of then.

"We cannot turn back. We must make the pledge that we shall march ahead . . . now is the time to make real the promises of America. Now is the time to open the paths of opportunity to all of God's children. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood," Dr. King said that day.

Twenty years later — in Harlem and across America — *now* is still the time.

Thank you.

Governor's Remarks at the State Fair, Syracuse

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 31, 1983

Thank you for the invitation.

I have enjoyed the day at the great New York State Fair, as I always do. It is an extraordinary coming

together of much of the beauty and power of our magnificent State. And it is a reminder to those of us who have seen the whole State — of our inimitable diversity. Many states have between their borders beautiful places. None has more *different kinds* of beauty than New York State.

Last year at about this time, I was finishing my term as Lieutenant-Governor and wondering if I would have a job in 1983. I thought about that and about the things I would miss most. I made an entry in my diary that I'd like to share with you.

It was May 18, 1982, and reads as follows:

Driving to Albany from the Police Conference at the Pines in Fallsburg, I was struck by the loveliness of the land here. In fact, when I think about the possibility of not serving the State next year, it brings to mind all the extraordinary beauty I would be missing: The rolling hills of Columbia County; the Kinderhook Inn and the public square outside of it, a postcard from the last century; the craggy magnificence of the Adirondacks; the Great Lakes looking like oceans; the Finger Lakes, sparkling like diamonds when seen from the air; the Hudson Valley, especially in the autumn when it's painted with a dozen colors and 100 hues; the almost flat land of the Southern Tier with nature's lawns mocking the cultivated lawns of the cities; the breathtaking spectacle of Manhattan in lights from 2,000 feet at midnight; the Riviera-like beaches of Suffolk County. I have been taking them almost for granted for seven-and-a-half years. Maybe it's been because I was so busy noticing the people who were just as varied and almost as beautiful. I wonder if I will see it better now for the next six months. I wonder if I will have to memorize it all, or whether I'll be blessed with 16 more seasons.

Well, as circumstances would have it, I've been given 16 more seasons, two of them almost used up already. And believe me, I'm making the most of them. Today was part of that effort.

Another gentleman, 150 or so years ago, traveled

through our State and kept a diary. He was a French visitor to America and moving through upstate New York. His name of course was Alexis De Tocqueville. He wrote this:

Today I paid a visit to the Governor of New York State. I found him living in a very small wooden farmhouse of one story, and occupied in personally supervising his fields. It seems that the position of Governor pays so badly that if the Governor weren't able to spend six months of the year on his farm, he'd be ruined.

Well, I have no complaint about my salary and I can certainly sustain myself without keeping a farm. But it is just as true — and I think more people should understand it — that this great State that I have the privilege to govern, cannot make it without its farms, without its rural areas, its nonurban population, and the wealth and strength they bring. In short, we can't make it unless we understand and use all of our diversity, and surely that includes our rural areas.

This is a truth I'm comfortable with. Although I wasn't raised on a farm, I am familiar from birth with the values and beliefs of those who were. My mother and father were both from rural areas, where — although they spoke a different language — the way of life was not unlike parts of upstate New York 70 years ago.

My mother and father were formed by the land, nurtured and sustained by it. Economic necessity drove them off that land into cities of the New World. But they never forgot the ways, the wisdom, the lessons of their rural birth and upbringing.

Their thinking was shaped by the daily struggle to draw a livelihood from the earth and the animals and the seasons. They knew all the things every farming family knows about the necessity of hard work, and how unavailing even that would be, without good luck. Most of all, they learned a basic lesson that anyone born and raised on a farm will remember. It is the sustaining principle: The principle that things must be done together; that the work must be the work of all hands. And when the harvest comes, the harvest is shared as well. The one unforgettable lesson was the need for the sharing of benefits and burdens.

My parents carried that knowledge and that instinct on to sidewalks of concrete, into the life of cities with too many people, and clung to it through want and poverty and depression. They never had the sophisticated understanding of price supports and price assessments or security funds. But they knew ultimately what keeps a farm, a community, and even a state — together. What allows it to survive the lean years and to enjoy the good ones . . . family! The coming together in mutual concern and mutual willingness to give and to get — to share.

So although I am not a Governor who can claim to have run a farm, although I am a Governor who in the summers played stick ball on steaming asphalt streets instead of running shoeless through the meadows, I can nevertheless claim, confidently, an understanding of the way of life on New York's farms. And I can say to you that all that you have heard from me for eight months about the concept of the family of New York arises out of that understanding and is developed out of the example my parents gave me.

As I grew up, I learned the lesson is fully applicable even beyond the world of the farm.

In fact, it is plain to me, that there is no principle of government for a democratic society — especially one as complex as the society of the State of New York — that works as well as the idea of family. Think about it. We have people who live in great cities, in suburbs without skyscrapers but crowded with developments of homes planted cheek to jowl from county line to county line. We have others who live a whole lifetime without riding a subway or a bus. We have every economic condition, from abject poverty to indescribable affluence; every color, every religion. We have exotic liberals of the most extreme beliefs, conservatives who believe that no government is the only good government and in between 100 degrees of political difference.

How does such a place govern itself except with compromise, with understanding, with giving and taking, with sharing benefits and burdens? If every group, every part of the state, insisted only on its specific selfish interests and was never willing to trade anything or sacrifice anything — there would be no society. We would simply be separate parts that never combined in common interests. No farm could be run that way. No state can

be. Certainly not one as great and complex as ours.

So people without children give money for public schools so that other people's children can be educated. And people who are rich and chauffeured around in a limousine they have earned give up part of their riches so that people born to a wheelchair can have enough to eat.

A great flood strikes Elmira, and the whole State responds without asking where upstate Elmira is. An incredibly vicious new disease — Acquired Immune Deficiency Syndrome — strikes hundreds of people amost without warning, and a whole State rushes to contribute the funds that are needed to find the answers that will end the menace, and few stop to ask what this death has to do with life-style.

That's called sharing benefits and burdens. That's called family.

This year that concept of family has been vitally important to New York State. Faced with recession and the most massive potential deficit in the State's history — \$1.8 billion — we had to overcome partisan and regional differences that have increasingly dominated the work of government, delaying the work, sometimes even preventing it.

We did. Republicans and Democrats alike, upstaters and downstaters, rural, urban and suburban. Oh yes, we had our spats and our differences, we always will. Every family does. But overall we were able to make the hard choices together, concentrating on the common good, sublimating our own parochial interests and needs.

We were able for the first time in years to make a budget that was carefully balanced without gimmicks, and to do it on time. The budget overcame the enormous potential deficit and unprecedented cuts in Federal support.

We did it without sacrificing the future of any part of the State for the sake of the present; without securing the health of our urban factories at the expense of our rural farms; without putting the economic burdens of all on the backs of the jobless, the disabled, the homeless.

Some were asked to make sacrifices. There are more

than 10,000 fewer State employees now than there were in January. Everyone wanted more money for education, for their roads, for their mental institutions. But few, if any, received the increased support they thought their good causes deserved. People paid more money for a glass of beer or a cigarette and probably a little more for gasoline.

But overall the people in need, the unemployed and the homeless, the disabled and the elderly, the impoverished and the addicted, were all taken care of. The State University, and the highways, and the State parks, and the hospitals, and the institutions that are used by middle class working people, were all given more.

Nor did we forget that New York State *cannot make it* without developing its rural strengths. We were mindful of New York's vital stake in the expansion of our agricultural sector. We remembered that agriculture already contributes \$2.6 billion to our economy, employs thousands of New Yorkers in subsidiary industries, like trucking and food processing and retailing. We remembered that we are already the nation's second largest state for wine production, the third for dairy, the fourth for harvest plants, shrubs and trees.

I chaired the Rural Affairs Cabinet as Lieutenant-Governor, and have recently signed an Executive Order establishing the Task Force on Rural Development which will continue that work. We are designing — for the first time — an overall strategy for New York's farm economy, that will help coordinate development of all the interrelated areas that will determine agriculture's future — transportation, housing, water supply, expansion of markets.

We have beefed-up our Job Development Authority so it has more money for farmers and smaller rural businesses. And we have reoriented the Urban Development Corporation so instead of working only in urban centers, like Syracuse, Buffalo and New York City, it now helps with projects in counties like Clinton, Chemung, Dutchess and Jefferson.

Over the last few years, we have changed the way of assessing farm land so as to avoid farmers being forced out of farming because their land is more valuable for development purposes than for farming. We have more to do on the matter of assessments, but overall the direction

is clearly progressive as far as farmers are concerned.

As a State, we have finally come to realize that with intelligent planning, with the cooperation of the private and public sectors, we can both increase what we produce and sell more of it. This year I signed three bills that will help us in our production and marketing. The Agricultural Producer Security Fund will strengthen the farmer's protection against defaulting purchasers and promote a more stable marketing environment for New York's producers. A second bill means that New York will now require clear, unmistakable labelling of imitation cheese products. Now you can still try to look like cheese, but you can no longer claim to be cheese.

A third measure I have in mind is immensely important to this entire State, but in a special way to upstate and rural areas. It is a dramatic initiative and, because of its importance, can be taken only with the consent of the people of this State who will vote on it on November 8.

Everyone knows that many of our bridges and highways need repair and even replacement. Actually, of the more than 24,000 miles of highways, 22 percent are in poor condition, and more than 8,100 bridges are structurally deficient. We don't have the cash on hand to do the work that needs to be done. Frankly, past governments have allowed much of the work to go undone because politically they thought it wasn't popular to ask the people to help themselves the only way they can — with a Bond Issue.

But this year we have done it. This year the Legislature and I have passed a resolution to invest \$1.25 billion in safer roads and bridges and more efficient airports and ports. That seems like a lot of money, but it is really only a drop in the bucket. And believe it or not, by raising that money, we automatically win for ourselves even more money from the Federal government. We have available to us, if we can come up with the cash that is needed, \$1.9 billion in Federal matching funds, only waiting for us to do our part by passing the Bond Issue!

In truth, I don't think we have much of a choice, unless we are prepared to say that we'll suffer the risk of a fatal bridge collapse, as occurred in Connecticut, or a ceiling falling as it did in New Jersey recently, killing a

man. We don't have much of a choice unless we can say we don't need the 180,000 man hours of employment, or over 36,000 jobs it will give us for the next five years, and unless we can reject \$9 billion of economic activity that will develop from the investment of this bond program.

Some people say it is costly to borrow. This time it is more costly not to. If we wait, the repairs will only get more expensive. Cornell University tells us that a five year delay of repairs would increase the cost by ten times.

The vote this November on the Bond Issue will be more, however, than just a question of whether or not we have the intelligence to rebuild crumbling roads and bridges. It will be a vote on how we see ourselves: Whether we are wise enough to understand that if New York is to create its own future, prospering instead of merely surviving, then we must pull *together*, work *together*, build *together*.

It will be a vote on whether the people of our cities, suburbs, and rural areas can understand that their future is a mutual one: That the strength of our agricultural economy is interwoven, inseparably, with the strength of our industrial economy. Our upstate with our downstate.

This vote will measure, I believe, our determination to continue the work begun so successfully this past year. It will add to the progress already made in the effort to have us all see New York as something more than a loose confederation of special interests, each concerned with only what it can get for itself as a region, or a county, or a town.

In the last analysis, that is the most important lesson we can learn, or relearn. We already have the natural resources: The water and the land; the universities; the financial institutions; the workforce; the drive; the talent; the genius to do what must be done. Now we must rediscover the lesson farmers have always known . . . how to use these gifts, these strengths . . . together . . . the way a family should.

Thank you.

**Governor's Remarks at the Ford Motor
Company Plant, Green Island**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 2, 1983

I know you've given up part of your lunch hour to be here, and we all appreciate that. It's another indication of the spirit here at Green Island, the spirit that erected these billboards, that is embodied in all the work done here, in the quantity and quality of what you produce.

I don't want to take any more of your time except to say that there's a lesson for the entire country in the pride you've shown at Green Island: A lesson for those who predict America won't be able to compete much longer in industries like steel and cars, the bread-and-butter industries that lifted us to economic greatness and gave millions of working people a shot at all the good things that a steady, decent-paying job can give.

You've heard these predictions. Places like Green Island will have to close, it's said, and eventually America will have to buy its cars and ships and heavy machinery from other countries. America's future, it's said, is hi-tech, not heavy industry, and there's nothing any of us can do about it.

You've heard it, and you've refused to accept it, and you've proved it doesn't have to be so. Here at Green Island you've shown to be true what many of us have believed all along: That we still have the most skilled, the most productive, the most capable work force in the world.

I believe that no company that wants to remain competitive and dynamic can afford to turn its back on this magnificent willingness, readiness, effectiveness. And I believe that a country as big as ours and as great as ours — a country that requires millions of tons of steel to rebuild its bridges, tunnels, roads, a country that buys millions of cars a year, a country with massive defense needs — I believe that such a country should be thinking about how to renew and to expand its Green Islands, not shut them down.

In the same way that I believe these things, I *know* we

have the wherewithal to do them . . . the capital, the banks, the universities, the scientific know-how, the talent, the drive, the genius. And above all, we have the people. Millions upon millions of highly-skilled, hard-working people who've spent their lives producing the nuts and bolts of America's industrial greatness, producing them and hammering them into place. And millions more whose deepest hunger is for work, who want neither charity nor compassion, but just the chance to use their muscle and brains to build and to produce.

We still possess *this* power and *this* potential. It isn't gone. It hasn't disappeared in the face of foreign competition. It hasn't been drained away forever by inflation, recession, massive unemployment.

Yes, as a nation, we've made mistakes, mismanaged our resources, neglected our infrastructure, underestimated our competitors, failed to exploit tremendous advantages. But those mistakes don't mean we've got to accept second-class status in the world economy. They only mean that we've got to work harder; that labor show the same spirit it's shown here at Green Island; that management learn how to realize the enormous potential of its workers, rewarding productivity instead of taking it for granted; that this nation's government work to keep jobs and to create them instead of pretending that tax cuts for the rich and unemployment for the working class constitute an industrial policy.

Together, I believe, there's little we can't do. Together, we can give work to those who want it, and help to those who need it. Together, we can make the first 60 years of Green Island's existence just a prelude to something bigger . . . to something greater.

Thank you.

**Governor's Remarks at the Labor/Solidarity
Day Parade, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 5, 1983

This Labor Day is first of all a celebration.

Just over a century ago on this day — September 5, 1882 — 10,000 trade unionists marched here in New York in the first massive display of their unity, and solidarity, and purpose.

Most of those members of the early labor movement were immigrants, people suspect because of their language or religion, and it took courage for them to stand up — to stand together — to insist that despite their poverty, despite their foreignness, despite that they didn't speak or worship the way many Americans thought they should — despite all this, they were entitled to certain inalienable rights.

To the right to a decent wage, to a limit on their working hours, to some small measure of security in their old age, to the right to organize, and unionize, and withhold their labor, to the right to be treated as more than just raw material for the nation's industries, brought at the lowest price and sold at the highest.

Of course that generation and the ones that followed did more than march for those rights. They fought for them. Even died for them — gunned down in steel mills, and coal fields, and train yards because they believed America was too great a country — and too good a country — to condemn millions to live and die in poverty, working all the while.

Because of what they did together, we became a fairer, freer, more decent country. Because of the union movement they founded, we came to realize dreams our immigrant forebearers wouldn't dare have conceived of.

And because of their legacy — their magnificent legacy of idealism and of struggle — we're here today to do more than celebrate.

We're here to demonstrate. To send a message.

First, to the unemployed, those who've recently lost their jobs and those who've never had one, to all the victims of the failed economic experiment of the past two-and-a-half years. We're here to tell them that the struggle goes on, that we will *never* settle for a nation where millions are still without work, or justice, or hope. *Never*.

Second, we're here to tell those who think they can

break unions, and divide working people, and repeal the reforms it took ten decades to win, and turn this nation away from its commitment to fairness and opportunity — we're here to tell them *no*. No, we won't let you. To tell them that we're marching again. Here in New York. And in Washington, Chicago, Tucson, all across America.

Marching by the tens of thousands and by the hundreds of thousands. Marching together — in solidarity — and we won't stop this time until we've finished the journey begun over a century ago, on Labor Day.

Thank you.

**Governor's Remarks at the Joint Economic Committee
Hearing on Infrastructure**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 7, 1983

I want to begin by thanking you, Senator D'Amato, for holding these hearings. We appreciate the work you've been doing to making sure this State gets its fair share of Federal revenues. On the issue of infrastructure, as on many other issues, you've been an active and effective advocate for New York. Along with Senator Moynihan, you've given New York strong and productive representation in Washington, and we are all grateful to you.

I would especially like to recognize Senator Moynihan's effort to focus the nation's attention on the need to "Rebuild America." His bill, S23, would establish a framework for setting capital priorities, and making sure that Federal investments in public works are chosen sensibly and fairly. I understand that Senator Moynihan, along with Senators Robert Stafford and Pete Domenici, will soon be introducing a new bill authorizing a new multi-year Federal program to help states establish revolving loan funds or banks for infrastructure finance.

These bills, as well as the excellent work now being done by the Joint Economic Committee, under your leadership, in preparation for additional legislation, are evidence of a growing awareness in Washington of the vital role that public works play in strengthening our economy.

A few years ago, of course, it would have been hard to imagine this hearing taking place. Few gave much thought to the condition of our roads, bridges, railroads, ports, and water systems. We simply used the magnificent systems already in place — systems it had taken generations to construct — and when public construction projects were thought about at all, it was usually as a device for "priming the pump," providing jobs and income during periods of economic recession.

During the last decade, this perception has changed dramatically. In 1980, a study by the Council of State Planning Agencies of this nation's infrastructure was given a title that was both evocative and appropriate. It was entitled "America in Ruins." The recent tragedy on I-95 in Connecticut and other structural failures in New Jersey and New York only underscore its accuracy.

Obviously, the sheer scale and size of this job are beyond the resources of either the private sector or the states. That is not to say that states have no role to play. They do, and here in New York we are putting every available resource we have into this work. But only the Federal government can draw together the necessary resources — the massive resources — to ensure that the work is done, and done where it's most needed.

This work is twofold: First, the absolute priority of preserving what is already in place; and second, the development of new facilities to meet the demands of a rapidly changing economy.

Perhaps one of the nation's most visible examples of the need for preservation is the mass transit system that serves the New York metropolitan area. This system grew out of the congestion that, in the latter part of the last century, threatened to choke the growth of this area's economy. Using its own resources, without Federal help, New York created an intricate and extensive transportation system that made this region one of the world's great markets.

Yet the system's success was allowed to obscure the need for new investments. The system worked, and people presumed that it would go on working. In any case, money was desperately needed elsewhere, for a host of good and necessary causes, for the poor and the immigrants who flocked here from abroad and from

impoverished regions of this nation.

Inadequate spending on maintenance and rehabilitation finally had an inevitable result: The physical plant began to crumble, and service declined. This in turn led us back to the simple truth that had caused the construction of the system in the first place: Without reliable, affordable mass transportation our economy can't function.

Other cities and regions have learned this same lesson. Many of them are precisely those areas most damaged by the worst economic situation since the depression, and by the decline of our basic industries.

They are faced by the cruel choice of deciding whether to improve education and assist the growing number of the homeless, the hungry, the unemployed or to patch together the infrastructure that is the only hope for long-range economic redevelopment. And, equally, they are confronted by the same reality that the entire country faces — the revolutionary technological changes that are reshaping industries and markets, demanding new investments in education, in research and development, in new kinds of infrastructure.

We here in New York have developed a strategy reflecting these realities and I would briefly like to summarize it for you. Our highest priority is the preservation of essential systems. The first major steps in this were passage of the 1979 Transportation Bond Issue and the Five-Year Capital Improvement Program undertaken in 1981 by the Metropolitan Transportation Authority.

Just this spring, we expanded the MTA program to a total of \$8.6 billion. And although the Federal government is providing an important share of the funding for the program, a much greater share is being borne by State and local government and by riders.

Governor Kean of New Jersey and I recently announced another program to advance our efforts at preserving essential systems in the metropolitan area. Under this joint program, the Port Authority of New York and New Jersey will finance more than \$1 billion in capital projects in the next decade.

Still another initiative is our proposal for creation of a Water Finance Authority to assist local governments in financing needed improvements. User fees would be used both to pay off the Authority's bonds and to assure adequate maintenance. The Assembly has indicated its interest. We're hopeful of being able to move the issue with the Senate this year.

All of these projects are vital, but even taken together they're still not enough. We need to make immediately available large amounts of money for rehabilitation of State and local roads and bridges, transit and rail systems, airports, ports and waterways. To achieve this, we have put together the \$1.25 billion "Rebuild New York Bond Issue" that won final legislative approval.

I cannot emphasize too strongly how essential this Bond Issue is for New York. From the Long Island Expressway and the FDR Drive to town roads in the Adirondacks, the need for repair and reconstruction is critical. For every bridge we rehabilitated last year, two became seriously deteriorated. Many roadbeds are crumbling, others can no longer bear the present volume of traffic, and across the State there exists the potential for disaster.

Anyone in this State who owns a car or rides a train or a bus knows the dimensions of the job we face. They know that if there is work that can wait, it is not *this* work. They understand it is, finally, a matter of common sense and public safety.

Of course, some people say that borrowing more money is not the answer, that the State is already far too indebted. But the truth is, New York's long-term debt service has decreased as a percentage of tax receipts from 5.2 percent in 1975-76 to a low of 4 percent in 1982-83. Given the schedule at which we are retiring prior debt, the Rebuild New York Bond Issue will not materially change this percentage, and the State's commitment to long-term debt will be well within our previously demonstrated capacity to finance.

I realize there are other objections as well. They arise, I believe, from the instinct of us all to say, "What's in it for me?" Or, "How come this other town is getting a new bridge while the town where I live is only getting some repaved roads?"

It is a basic and completely understandable reaction. I'm sure, Senator, you see it on an even grander scale nationally. But in the end it's self-defeating.

The simple truth is that we don't have — and we'll never have — the money to do everything at once, to resurface *all* the roads, rebuild *all* the rail beds.

We must choose. We must decide on priorities. There is no other way *to begin*, for although \$1.25 billion is a great deal of money it is only *one-fortieth* of what we need.

The longer we postpone this work, the longer we allow disagreements over specific projects to hold up the greater work of making a start — the more repairs will be needed, the more chance of collapsed bridges and closed roads, the more danger of accidents and lost lives.

There is another principle at stake in this Bond Issue. If some areas of the State refuse to help others, if we allow the principle of regional self-interest to override the common good of *all* the State, then how can New York ask the Federal government for help? How can we ask the nation to share its resources with us if we are unwilling to share our own resources among ourselves? How can we preach sharing when we refuse to practice it?

The fact is we can't. And by passing the Bond Issue, New York can give a clear sign of its determination to reject the politics of selfishness, of factionalism, of regionalism, the politics that favors the strong and punishes the weak.

We begin, then, with restoration. But, as I said earlier, the work can't end there.

The second element of our strategy is investing in those public and quasi-public capital facilities that we need to meet the demands of a changing economy. Air cargo provides a good illustration. In the next ten years, the volume of air cargo traffic in New York will double. Although only a small percentage of total tonnage, air cargo represents a larger share of the dollar volume. And it is indispensable to the service industries that should provide much of New York's growth in the next decade.

It is, then, essential that New York expand and

upgrade its air-freight capacity. This had already been identified by the Port Authority as a priority, and my staff is now working with the Port Authority and the Department of Transportation to intensify our efforts.

State capital spending can also help foster new industrial growth in the area of joint industry-university research and development. It is now widely recognized that a partnership among industry, government and the universities is prerequisite for industrial innovation. New York has committed more than \$30 million to the development of a new Center for Industrial Innovation at Rensselaer Polytechnic Institute in Troy. Other centers for advanced technology are being developed at other universities across the State.

The third element of our capital development strategy is the creation of new employment and new opportunity for those who need them most. It is clear that the recovery that is apparently beginning will not be the traditional postrecession expansion of the entire economy. This recovery, when it occurs, will leave many older industries in a state of collapse. It will leave a record number of workers without jobs, the victims of what is called "structural unemployment."

Temporary programs, one-shot expenditures, and short-range recovery policies aimed at increasing total GNP growth will not solve this problem. What is needed is a commitment to changing the structure of opportunity; to creating new business opportunities in minority and low-income communities; to providing transitional jobs — jobs that train people as well as employ them. The objective of these efforts shouldn't be "make work" but the integration into the mainstream economy of people left outside it, and the reintegration of those, like the steelworkers of Lackawanna, who suddenly find themselves shut out after years of hard work.

In all of these efforts — and most especially in regard to infrastructure — sound planning is essential. To ensure it, I have established a State Council on Fiscal and Economic Priorities to work with us on the development of a five-year capital planning process. The Council, which is chaired by President John Brademas of New York University, includes representatives from business, labor, the universities, and community organizations. It represents precisely the kind of partnership that will be

needed for the rebuilding of the American economy.

Senator D'Amato, we are grateful for your support in this work, for the time and attention you have already invested in ensuring New York has the resources necessary to rebuild. We are grateful as well to all those from President Regan on down who fought for the gas tax and the new revenues it provides for infrastructure repair.

But as Professor Zimmerman has pointed out, the final price tag for New York alone will be over \$35 billion, and despite all that's being undertaken, despite all New York is doing on its own, we simply don't have the resources to accomplish everything that must be done.

We need the long-term help and commitment of the Federal government. Not a handout. But a partnership, a joint effort where the Federal government acts as a catalyst for reconstruction, much as it did in the 1930's and 1940's when it set in motion the public works and public investments that led to the rise of the so-called "Sun Belt."

Some have suggested this help should take the form of a Reconstruction Finance Corporation, along the lines of the institution that proved so successful in pulling America out of the Depression. There are other forms that Federal aid and assistance could take and all of us should be ready to consider them.

Certainly, at least as an interim step, there should be a cohesive, unified national planning strategy for public works to replace the current hodgepodge of Federal programs. The adoption of a Federal capital budget system should be a priority. We've now done it in New York and it should be done nationally.

Also, it is clear that many of the existing formulas for allocating public works funding are unfair. Areas like New York that spent billions to build their own infrastructure now find the Federal government is more interested in building new systems than maintaining old ones. For example, between 1970 and 1979, while Federal water resource construction averaged \$7.49 per capita, New York received 61 cents per capita.

History, it is said, is prologue. But in the case of

America's infrastructure, it has become merely backlog.

The work will not wait. And it will not be accomplished by the states alone, or local governments alone, or the private sector alone, but by all of us — together — in partnership.

Thank you.

Governor Remarks on Hispanic Day, 116th Street, NYC

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 9, 1983

I am extremely pleased to be here in East Harlem today. I should make clear at the outset what I am *not* here to do: I am *not* here to sermonize to you about how the State knows best what to do in East Harlem. And I am *not* here to presume that I have all the answers to the challenges facing this community.

I am here, however, to celebrate your neighborhood spirit, to learn from your creativity, and to point to a number of significant projects sponsored by the East Harlem community and the State — partnerships that provide an inspiration to all of us. For New York State can only be of true assistance if we harness the desires, aspirations and vision of its citizens, its families and its communities.

The linking of community dreams to State assistance — embodied here at La Marquette and in other East Harlem projects — is what any administration has itself represented. La Marquette is truly a superb example of this kind of cooperation. It is the people of East Harlem who have recognized LaMarquette to be a unique and irreplaceable resource. Our role has been simply to help the community turn the hope into a reality. While we can take pride in the work done to date, more needs to be done to stabilize and strengthen La Marquette.

I am pleased, therefore, to announce that the Harlem Urban Development Corporation will be undertaking new "spruce-up" work here — which means, as you know, making available State loans to local merchants to repair their premises. Additionally, HUDC will be closely

examining other ideas on how La Marquette may be refurbished.

We have other projects that also demonstrate our partnership: The Mental Health Clinic sponsored by the East Harlem Consultation Service, the taller Boricua Artist Center, and apartments and numerous housing initiatives seeded by DHCR through its neighborhood preservation program.

I look forward to meeting with you today, and to visiting the sites of some of the projects I've mentioned. Above all, I will be listening carefully to your ideas. And I will be looking for new ways to be of assistance to you.

Thank you.

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Governor's Remarks on Hispanic Day, 107th Street, NYC

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 9, 1983

I am pleased to participate in today's groundbreaking for Lexington Gardens. It is always tempting for the Governor to step in at the last minute and claim credit for making a project possible — particularly a project as important to the East Harlem community as Lexington Gardens. I will resist that temptation today.

For today is really a day for East Harlem to celebrate its own initiative and creativity. It is through your own efforts that Lexington Gardens will soon be built. To be sure, we believed in you from the beginning, having provided seed money to the Hellgate management to get the idea off the drawing boards. But the driving force has been all of you and you should be proud. I am happy to be here to participate on this wonderful day.

Governor Addresses the New York State Publisher's Association (Excerpts), Montauk

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 13, 1983

I am delighted to be here.

This is the second time this year I have addressed the Publisher's Association. I'm happy to have had these opportunities, twice within six months, to communicate my views directly to you on matters of importance to our State.

After my remarks tonight, I want to throw open the meeting to your questions on any issues you wish to raise that are related to my first nine months in office.

I was wondering what I should say tonight before I came here. You may not be too surprised at the two subjects I arrived at.

The first is one of the most urgent problems in our State, that has crept up on all New Yorkers over the past several decades, almost without warning — that of our State's rotting bridges and disintegrating highways and decaying transportation facilities. The malady of old-age has struck to the heart of New York's long-durable transport network.

We need to make available immediately large amounts of dollars for rehabilitation of State and local roads and overpasses, transit and rail systems, airports, ports and waterways. To achieve this, I have called for the passage of a \$1.2 billion "Rebuild New York Bond Issue" that recently won final legislative approval.

I cannot emphasize too strongly how essential this Bond Issue is for New York. From the Long Island Expressway out here, and the FDR Drive in Manhattan to town roads in the Adirondacks, the need for repair and reconstruction is critical. For every bridge we rehabilitated last year, two suffered serious deterioration. Many roadbeds are crumbling, others can no longer bear the present volume of traffic, and across the State there exists the potential for disaster.

The simple truth is that we don't have — and we'll never have — the money to do everything at once, to resurface *all* the roads, reclaim *all* the rail beds.

We must choose. We must decide on priorities. There is no other way to *begin*.

The longer we postpone this work, the longer we allow disagreements over specific projects to hold up the greater

work of making a start — the more repairs will be needed, the more chance of collapsed bridges and closed roads, the more danger of accidents and lost lives.

There's a second subject that I consider to be of the most compelling, dramatic and central importance to the family of New York: The crisis in education in our State. I am announcing tonight that I will be launching a major new initiative in New York for education on all levels — primary, secondary, college and postgraduate.

Conditions of decay, disinvestment and indifference have, as we all know, for far too long afflicted the quality of instruction in our State — as surely, I might say, as similar conditions have corroded our transportation network.

Our human resources are as vital, if not more so, to the future prosperity of our State as are our highways and railroads.

We are all familiar with the grim statistics of our pedagogical landscape: Diluted curriculums, shortages of science and math teachers, absence of quality academic standards, lack of clear purposes in our teaching, functional illiteracy among our young people, violence in the classroom, insufficient teacher pay, less time spent on educating per day and per school year than other industrial countries in the world.

This — despite the diligent, conscientious, unstinting, work of leaders like our own State Education Commissioner Gordon Ambach, as well as the superb administrators, principals and teachers throughout our academic systems. The simple fact is that nobody can pursue their profession adequately in a harsh and unsympathetic environment.

What makes the present situation intolerable, alarming, indeed frightening, is that we are on the threshold of a new educational era of computers, word processors, lasers, robotics, telecommunications, biotechnology, semiconductors, and service industries.

If we are hardly prepared to teach the three "R's," how can we pretend to deal with the three "C's" — of computers, conductors and communications. We must devise a fresh and bold policy for today, not tomorrow,

for our State. We can wait no longer. We must reevaluate our entire approach. We must account for the objectives toward which we are channeling our young men and women.

The hallmark of a modern education today should reflect computer literacy in order that we may maintain our competitive edge internationally. But it also must instruct on the threat of nuclear war, racism, poverty, and equal opportunity in all spheres of life.

The sad fact of our present-day situation is that we can't accomplish these ends without more money which we don't have in the State. Not yet, not at least until our economic recovery starts to take hold. We certainly cannot raise sales, income or business taxes. If we were to do that, we would drive out of New York State the very companies for which we want to prepare our students through a renovated educational structure.

For the moment, we must do much more with much less. But in any case we can't do it all just with money.

I would like to believe that more funds do not ultimately make a difference, but people do. I would like to think that if we reorganize, restructure and retarget our present resources, we can squeeze out of them the funds we need to equip our youngsters for the years ahead.

The Federal government, meantime, cannot evade its role in nurturing its children. The Reagan Administration has placed education at the bottom of its national concerns out of the bizarre ideological theory that students and schools should make it on their own in the market place.

This position — taken in the face of a century-old commitment by the Federal government to national learning, starting with land-grant colleges up to our modern-day Federal school aid, embraced by both Republican and Democratic presidents — is a self-defeating one. It pretends to be a solution, but it only favors stagnation and despair.

I hold out hope that economic recovery may eventually bring us the funds that we need to revive this process.

We already have a good notion of where we can direct this money: to training our teachers and administrators in computers and software for our districts; to increasing the textbook program to allow public and nonpublic schools the latest technological works; to providing basic literacy instruction for the one million New Yorkers who are functionally illiterate; to offering retaining for structurally unemployed workers in our local schools; to attracting more math, science and grade-school teachers; to upgrading our "magnet-school" programs in urban areas; to enriching our rural schools; to assuring quality education for our disadvantaged pupils.

What I have just listed are all in the nature of categorical programs. This approach will insure that districts will spend the money on educational purposes, and not waste them on something else. This will assure accountability in our efforts as well as a clear evaluation of their successes or failures. Finally it will guarantee our ability to address the specific problems of needy districts.

We must look once again with special concern at our children and affirm their worth. We must guarantee them the tools to master their future. To do less is to default on our duties as New Yorkers, Americans and as parents.

We have a double-challenge, then, for the coming year: Rebuilding our human and physical plant. We can do both. I intend to do both.

Thank you.

**Governor Addresses the New York State Association of
Counties (Excerpts), New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 19, 1983

I am delighted to be here.

I value your counsel and advice. Yours is an important statewide voice. You have been an indispensable ally for me in my legislative struggles. You have been at my side on matters which, I believe, are critical to the well-being of our New York family.

I think, in particular, of the battle we undertook together during the last Legislative Session to enact the Medicaid takeover bill. This was no small achievement. Another Administration had tried to push this legislation through — unsuccessfully.

And this year we faced additional obstacles — the largest deficit in the State's history coming in the midst of the worst recession since the Depression of the 1930's. Yet we prevailed. We passed a bill together because we believed in it and in ourselves.

We did not get precisely what I asked for — namely a larger State takeover of all local Medicaid costs, reducing our counties' share from 25 percent to 10 percent over five years. But we got a worthy substitute which lowers the Medicaid burden of long-term care costs from 25 percent to 10 percent for counties over a three-year period.

This represents the first significant reform in Medicaid cost-sharing for localities. And you all know how significant — long-term care alone amounts to 40 percent of all Medicaid expenses. This is a tremendous savings to our counties and to New York City. I expect local governments to keep \$965 million by 1988 alone, out of an expected cost in that year of \$3 billion.

You know best of all what that means for the counties. On the average, Medicaid costs consume \$1 of every \$3 raised by property taxes — the most oppressive of all of our tax levies — for counties outside of New York City. This new legislation will free up local resources to meet other pressing needs — upgrading services, improving education, fixing highways, repairing sewage facilities, and making property taxes bearable.

Now I have come to you to ask you for your help again. I am asking for your assistance in passing some additional initiatives that I'd like to see adopted this fall. I believe they are in your interest, as well as in ours, to enact. I am speaking of our proposal to rebuild New York through a State bond issue.

I think there can be few people today who can have any doubt of our need to repair our magnificent transportation network — a superb system of highways and bridges and ports that have forged our economic

power. In recent years, the malady of old-age has struck to the heart of the system. We surely must rebuild it. We must begin now. It is a matter of common sense and public safety, as well as economic necessity.

A second area of deep concern to me — a concern, I believe, you share — is that the State should undertake new economic development projects in depressed areas within the 57 upstate counties and in New York City.

I plan to restructure and rename the present-day Urban Development Corporation to allow it to undertake projects in our rural areas as well as our urban ones. This would be a radical shift from the old UDC philosophy which has focused mainly on constructing apartments in Manhattan.

We have already begun to reorient UDC in a statewide direction with the Watertown revitalization, downtown; Binghamton's Metro Center Mall; the Middletown Development Study; the Harlem Valley Industrial Park in Dutchess County; and the Dexter Incubator Project in Jefferson County.

I have instructed Bill Stern, Chairman of the Urban Development Corporation, and William Donahue, Commerce Commissioner, to meet with the chief elected officials in the counties, and put together economic development packages to benefit communities in all regions of our State.

I think we can do a lot, lot more. I need your help. Together we can pass the Rebuild New York Bond Issue. Together we can reorient the economic direction of this State.

Thank you.

Governor's Press Conference (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 20, 1983

GOVERNOR MARIO M. CUOMO: Thank you very much for coming.

Over the past few weeks or so, we have been very gratified, those of us who are interested in the Rebuild New York Bond Issue, to see a growing consensus in favor of it. There were a number of groups who have sincerely and intelligently opposed the notion, at least tentatively, for a while.

One of them was a particularly effective body of leaders in this State, the Association of General Contractors, who explained to our staff and then to me at a meeting that they had reservations about the Bond Issue.

They were concerned, for example, about its adequacy. They were concerned that we don't have a dedicated revenue source available to the State. They were concerned about the possibility of the shuffle which we have described before which was the transfer of moneys, predictably in the budget for maintenance, replaced by Bond Issue money which would reduce the effective value of the Bond Issue and take some pressure off our budget, freeing us up, to some extent, to spend the money elsewhere and they were worried about that.

They made their case and made it very effectively to the staff and eventually at the meeting with me. Some of their points have been raised by other people, a couple of them by the Comptroller, in this room, a few weeks ago.

I am very pleased to be able to announce today that we have been able to deal with those reservations and to convince the contractors that they were relatively, at least, insubstantial.

As to the shuffle, as you know, we have committed publicly, again, in this very room, with the Comptroller present, and then to the Comptroller in writing that there would be no shuffle. We will not transfer moneys out of the regular budget, we will not use bond moneys to replace regular budget moneys, that the bond moneys will supplement the regular budget.

Indeed, I think in the negotiations with the Legislature, as you know, we added nearly \$400 million to the Bond Issue moneys and committed them to projects for rebuilding and rehabilitation of bridges and roads. I think that proves to the contractors and to the GCA and all the other interested people that we were serious about our commitment to have dedicated as much of our

resources as we could to this infrastructure problem.

As to the point that the contractors made and has been made a number of times, that this is inadequate, \$1.25 billion, even to supplement. They made that point. I agreed with them. I couldn't agree more. Of course, it's inadequate. It's a drop in the bucket. Ten whole \$7 billion programs don't solve our problems with respect to the infrastructure. But that, we finally came to agree, was no reason for denying us whatever relief there is in the Bond Issue. That, indeed, was only a reason for increasing the sense of urgency to get it passed, because the need does outstrip the resources, even of the Bond Issue.

And so, all together, we were able, finally, to reconcile our differences. The last piece was affirmative action. Some of the contractors felt, frankly, that the way affirmative action had been administered in some other situations, gave them pause. They were concerned about what would happen when you have an affirmative action provision and you have a portion of the State where there is a relatively thin minority population and, therefore, your ability to find contractors and workers from the minority ranks is reduced and stretched.

We have not stepped back from our commitment on affirmative action, but we have assured the contractors that we will work assiduously with them to allow them to understand how we will administer it and to assist us in the administration of the affirmative action provisions so that while we achieve our goals and, I hope, surpass the goals that we set for ourselves, we will do it in such a way as not to be unfair to the contractors.

All together, it has been worked out. And I am delighted that the Association of General Contractors has come here today represented by Ernest Demetriades, Past Chapter President, Harold Bixby, and their Legislative Director, Robert Bain, to say that they endorse the Rebuild New York Bond Issue, that they will go to as many people as they can reach in this State and try to convince them to vote for it on November 8.

This is a very, very positive step for us. It's real progress. It makes a difference and as I said, it helps continue to build this consensus which appears to be forming in this State. I want to publicly express my

gratitude to all of them for their patience, for their willingness to sit down and discuss this maturely and honestly and to show us again how well this system can work when we work together on it.

Any questions?

QUESTION: Governor, on affirmative action, could you explain how the Administration will handle affirmative action in contracting and will it be different from the way that the Office of General Services has handled it under the UDC prison construction projects which sparked two lawsuits?

GOVERNOR: We will have an affirmative action compliance officer, if you will, in the Chamber. Mike Del Guidice is in the process of interviewing for that now. They will, that office, that individual, will be working closely with the contractors here. That's one of the assurances I have given them and you are aware of the statement I had made that while the legislation didn't have any set-aside in it, I did say that we would give our best efforts in this Administration to achieve a percentage of 12 percent affirmative action, at least, exclusive of women. That was minorities, women is beyond that. And we will work to do that.

I am not perhaps totally conversant on exactly what problem OGS had. I think what happened is they were localized, they were trying to deal in a kind of narrow geographical area and because the number of minorities was so relatively small in that area, it required them, in their judgment, to do all minorities in the contract and that kind of skewed the process.

All I will say, generally, is that we will see this as a statewide process and try to achieve the 12 percent statewide, instead of insisting that in every fragment of the State you achieve 12 percent. In some places, you might be able to do 50 percent.

UDC, now in New York City for example, the Portman Hotel is doing 33 percent; Battery Park, you're doing 34 percent without any difficulty at all.

Q: One method that OGS tried and then withdrew was to set aside certain contracts exclusively to contractors that were minority owned or women owned firms. Will you

consider doing that in any of the projects to be funded with the bond revenue?

GOVERNOR: Eric, I am not going to write a list of specifications or regulations or protocols for them. They know what my goal is. We are going to get somebody who is knowledgeable in the area, who is intelligent, who is mature, who can work well with the contractors to achieve my goal. How they go about it, I am not going to write that out for them. That's what they will have to do, and there is nothing anywhere written on it. There is no statute and there is no body of regulations, so it's a matter of administering as you go along and I will leave that to their mature and, I hope, good judgment.

Q: Governor, another objection by the contractors is the lack of a dedicated stream of revenues. Did you give them any assurances that you would propose such a dedicated stream in the future at some point?

GOVERNOR: No sir, what I did was better. I said the purpose of a dedicated stream is to give you some assurance that you will have money in it. I have given you all the assurances you could get and more. We added almost \$400 million to the Bond Issue. So, our seriousness about continuing to maintain should be apparent to you. The very idea that I proposed a Bond Issue should prove that to you.

Now, remember, a few years ago we tried the dedicated stream, \$164 million a year, as I recall, three years ago, in motor registration fees and the Legislature didn't go for it. That was Governor Carey's idea. I remember advocating for it. I remember Bill Hennessy standing at charts and trying to make the case. They weren't able to.

What the contractors, what the automobile people, what a lot of upstaters and a lot of downstaters want is to be assured you are not going to let happen what has happened, which is that you leave the obligation to the next generation and wind up with 42 percent of your bridges in trouble.

We are not going to let it happen. You couldn't make that clearer than suggesting the Bond Issue. I mean, I could use \$1.25 billion for a lot of purposes, we selected roads and bridges. Why not dedicated? You can get into

some really silly positions. We talked to the automobile people the other day and as I understood the discussion, they said, "We want dedication, everything that comes out of motor fuel, anything related to automobiles, including sales tax." I said, "Well, how about sales tax on liquor? Should that go back just to people who drink liquor?" And, they had no answers. "Well, we don't know about that, but any gasoline should go back to highways." Well, you start fragmenting your government that way and it gets to be very, very difficult.

Let me go one step further. I said to the representatives of the automobile people, "If you really insisted on dedication, would you then insist, would it be all right, then, to use the dedicated fund to do all the work?" They said, "Yes." But, if we didn't supplement and you relied only on a dedicated fund to do the work we need to do now, it would cost you \$500 a car, a year.

So, the idea of dedication is just another way for these people to say, "Look, we want to be sure you put money into roads and bridges, because we need it." We have given them that assurance with the Bond Issue, with another \$400 million, with an agreement in writing not to shuffle, to maintain our effort in the regular budget. And, we were able to convince them, and I am not surprised. It seems to me a very strong case we are making.

Q: Governor, the memorandum of understanding says that there would be no shifting of funds from one of the four regions to another of the four regions. Can you give a similar assurance regarding fund allocations among the various DOT regions?

GOVERNOR: The question hasn't come up, but I don't see why we shouldn't. It would be consistent with the principle. It wasn't put to us that way, but I don't have any problem with it.

Q: I have a question for the contractors, whichever one of the contracting people wants to answer it — how come the turnaround? The Governor can give written assurances, but how about five years from now or six years from now, is there going to be any money for roads, the Legislature can always switch it, why the turnaround?

MR. ROBERT BAIN: I don't think we really turned

around so much. First your last question — what about five or six years from now? Five or six years ago, we didn't know where we would be today. There is always some uncertainty as to where the program is going to be, that is part of the problem. Our position, that we took in July, to the original bond proposal was what we felt was a sound one, in that there were no assurances that there would not be substitution of money. We had a problem with the size of the bond and also in the other areas. Now we have those assurances, so we don't look at this as a reversal, because we have, really, for all intents and purposes, a different proposal before us today than we had back in July.

So, we look at this in a positive way in that, look, we are builders, we are not politicians, we are contractors and we want to get on with the business of fixing the roads and bridges. That is what we do best and that is what we hope to do once this bond is approved on November 8.

Q: Are you satisfied, though?

GOVERNOR: Excuse me, let's stay with that, okay. They are contractors, they are eager to get on with the business. We are politicians, and we are eager to get on with it, too.

Another thing, Bob makes a very good point when he says they have gained an awful lot. Just the specificity gives them an awful lot. You know, my position was I would have much preferred that people trusted us enough so that they didn't need the specificity, but they don't trust us that much. They remember the 2nd Avenue Subway, they remember Bond Issues for the 2nd Avenue Subway that didn't go to the 2nd Avenue Subway.

You have a different situation now, this is even more precise than was the Bond Issue which was the most precise in our history until that point, and what would happen five years from now, if you didn't agree and if you were able to stop the Bond Issue this year, how does that give you revenues five years from now or one year from now? The reality is if you beat this Bond Issue, what happens next year? Do you get anything like this kind of money for roads, is the Legislature going to turn around and say, "They said no to \$1.25 billion, let's give them five?" I don't think so. I think anybody who is

being practical would have to say, "Look, if this goes down, that doesn't improve our chances next year."

And, remember, finally what Cornell said, if you do nothing now and you wait five years, the cost is ten times as high.

Q: Bob, you made a big point about the dedicated stream in your initial objections to the Bond Issue, are you saying now that you are going to stop pushing for a dedicated stream or not?

MR. BAIN: In a sense, we have a dedicated stream now in this Bond Issue, the five years. I think while not abandoning the concept of a dedicated fund, we have to go back to why the idea of a dedicated fund came to the forefront in the first place. That reason was because through the past decade and more enough money was not being spent on the road and bridge repair program. Therefore, we are at the point we are at now, which is a crisis situation in which we have to begin the job, and that is what we are about right now.

GOVERNOR: And, I have made a further deal that five years from now, when we have consumed this money, we will talk about a dedicated source.

Q: Governor, the 1981 Prison Bond Issue that failed, voters didn't want a Bond Issue for prisons. Sure enough, you turned around in your first budget and put that money in the budget —

GOVERNOR: Say that again.

Q: The 1981 Prison Bond Issue that was defeated, instead of voters getting less money for prisons, sure enough, in the next budget, there was money for prison construction. Why won't the same thing happen with this Bond Issue, if it goes down?

GOVERNOR: I don't think the Legislature would see it quite the same way. What happened after the Bond Issue, first of all, more than a year intervened. Secondly, it lost by a hair, without a whole lot of support. I don't think we spent 12 cents, we spent very little on that Bond Issue.

Third, the Bond Issue was dramatically different —

not the Bond Issue, but the UDC proposal was dramatically different than the proposal in the Bond Issue. We don't even have money for county jails in this one, and the Bond Issue, as you recall, had about \$125 million, as I recall, \$150 million for local jails.

So, I think it is a different situation. You can get the answer very simply. Call the legislative leaders and call some legislators at random and say, "If this goes down, this Bond Issue, in November, would it be your intention in your election year, next year to spend money on roads and bridges instead of on other things like education," et cetera, et cetera. See what they say. That is where you get the answer, okay.

Q: I guess it was last Thursday, last week, you and Governor Kean made the announcement about not allowing the Soviets to land at the Port Authority airports. Could you tell us a little bit more about how long this is supposed to remain in effect? Would you extend it to other countries and under what circumstances?

GOVERNOR: Oh, no, I wouldn't even attempt to do that, Alison. It wasn't a broad based policy of pervasive import. It was a request by the State Department at a specific time, in a specific context, and it was our best judgment immediately. Incidentally, we thought about it for a bit, after we arrived at a conclusion, but the conclusion was very quick, that since it wouldn't deny anyone access to the United Nations, since there was a security concern and since there was a kind of aching desire to express indignation, responsibly, this was an ideal situation.

I am very pleased that we made the judgment we did. Nothing that has occurred since then has done anything but confirm to me the rightness of the judgment. Gromyko's response is clearly disingenuous, to suggest that he is not coming because he is not secure and then send his entire delegation on a commercial airline is, even for the Russians, extraordinarily and obviously contradictory. They are master manipulators of the truth. They live by a different code. They proved that with the airliner, they prove it with their constant distortions of the truth. Gromyko didn't come, because he didn't want to come, and he found an opportunity to make an excuse. That is transparent, I think.

Q: To pursue the point a little bit further, you wrote a letter to the Secretary of State, I guess, when they were considering whether to continue funding to El Salvador and said that you felt they should consider cutting off the funding because of the situation with the four nuns whose killers have not been properly prosecuted. Do you see yourself closing the airport to El Salvador's diplomats because that hasn't been addressed?

GOVERNOR: I haven't considered it.

Q: Why?

GOVERNOR: It hasn't come up. The State Department didn't ask me.

Q: So, it would only be a situation where the State Department specifically —

GOVERNOR CUOMO: No, you are looking for policy. We haven't made a policy. We had a specific question and we addressed it. When another question arises, we will address that. I don't make foreign policy except in dealing with New Jersey.

Q: Governor, there is a policy now on the books that says the Port Authority will not admit Soviet airplanes, which stems from the 1981 Poland crisis.

GOVERNOR: When you say "on the books", to be literal about it, Fred, I don't believe so.

Q: Isn't there a policy now in effect?

GOVERNOR: Yes, yes.

Q: So, there is a policy. What you were asked to do is waive an existing policy and choose not to do that?

GOVERNOR: That is a little ambiguous, too, because apparently there were exceptions to the policy, numerous ones.

Q: Are you in favor of extending the existing policy, perhaps, to the El Salvador government?

GOVERNOR: I say it existed, but there were numerous exceptions to it.

Q: Would you extend the existing policy, notwithstanding the exceptions, to the El Salvador government?

GOVERNOR: I haven't given it any thought at all. I am concerned about the Bond Issue today. If the State Department calls me up, as a matter of respect, we will have to respond as we did the last time. We will be prepared to but, we are not going to sit down, Kean and I, and start writing foreign policy. As enticing as it is and as exciting as it is, we deal with more mundane things at the moment, like potholes.

Q: Governor, the objections raised at the UN, though, over this action, which seems to be going against the agreement by the United States that we would not do anything to hinder access to the United Nations, doesn't this, in fact, do that?

GOVERNOR: Let me tell you about that.

Q: Doesn't it violate the spirit?

GOVERNOR CUOMO: Oh, no, not at all, not all. I happened, by coincidence, to be at the UN the day after this occurred. I say "by coincidence." I was invited months and months ago to a reception, and as a matter of fact, just fleetingly gave some thought to cancelling it, because the coincidence was so extraordinary I thought it might even be inexplicable, but we went anyway, and I talked to over 100 ambassadors from foreign nations, who were kind enough to come to a reception that was thrown for me, and talked to all kinds of people from Iraq, Poland, and Yugoslavia, on this question. Some of them were interviewed for television, as a matter of fact, while they were there, on the legality of it.

There has been a lot of confusion, incidentally, in the newspaper accounts about what occurred. The State Department sent a request to the Port Authority; the Port Authority Executive Director contacted the Governor's Office; the Governor's Office, Mike Del Guidice and Carrie Edwards, spoke to the respective Governors about it. We instantly arrived at the same conclusion, thought about it a little bit, stayed with the conclusion, and that is, no, to the State Department request. First response from the State Department, "That is preposterous." Now, I know, because I was in the middle of the UN reception and all sorts of microphones came at me, quoting the State

Department as saying, "The Governors of New Jersey and New York are preposterous legally," I said, "We are prepared to discuss it legally. I think the State Department is wrong. The law says that you can make no impediment. We have made no impediment. They have McGuire. They use other means of access all the time. They can take a shuttle from Washington. There are all sorts of things they can do. If this is a little bit inconvenient for them, so be it."

And, from a security point of view, with all the Koreans who live in metropolitan New York, to suggest that we ought to take our police force, and the State Police and try to protect Gromyko, doesn't make any sense, when you have military bases.

Legally, we are not impeding. As I understand the law —

Q: Legally —

GOVERNOR: The law, as I understand the law, these airports belong to us, not the United States government, and they do have access. Incidentally, all of this was quickly proven when Sabena flew in the entire delegation. There was a seat for Gromyko, he chose not to take it.

So, did I violate the spirit? I don't think so. I will tell you the truth, if we did, I am not sure I would be terribly upset, but we didn't. We didn't.

Q: Governor, do you want — some people have been suggesting today that the UN should leave New York State. Do you want to see that?

GOVERNOR: No, no, not at all. I was kind of surprised that Liechtenstein — as a matter of fact when I first heard the report, I thought they were suggesting a place — I was kind of surprised at what appeared to be the harshness. I am not criticizing them. It's really not my place, but neither Governor Kean nor I want to see the United Nations leave. There are people who disagree with us.

Now, do we want to do anything that impedes the dialogue? Let me get that very clear because I spent a lot of time and did again yesterday at the County Executives underscoring that all government has to be consensus

government, our kind of democratic government and it's absolutely essential that we conciliate, that we discuss. I congratulated, from this very platform, President Reagan for his response which was, "Let's go on with the arms talks." So, it is very important to discuss, it is very, very important.

On the other hand, when you are conducting a dialogue, your own communications should be accurate. You ought not to let the Russians believe that you are going to simply toss this off. That for all your talk about humanity and the importance of life and the difference between us and the Russians — that they think casually, in Afghanistan and Poland, and all over the world, they think casually about life and we don't, we reverence life and they dismiss 269 civilians — that after a week you can't find any way at all to communicate your disgust. That's bad, too, because then they fly in and say, "These people are casual about losing 269 lives, they are just like us."

And don't forget, too, the Russian people are a little confused because while we were told stories about Russians, Russian people are told stories about us killing Indians and dropping atom bombs and invading Cuba.

It's very important to find what opportunities you can to say, "Hey, look, we reverence life and we mean it." If we can find a way, that's not a cheap shot, that's not going to hurt anybody, that's not going to cost anybody, if we can find a way to make that clear to you, by two Governors, not Federal officials, which is also significant, appealed to me because the Russians are constantly being told that the United States, the difficulty with us is not the American people, it's the leaders in Washington. "They are all evil, they don't speak for the people, it's Reagan."

So, now, it wasn't Reagan and it wasn't the leaders of the people in Washington, it was two fellows who were a lot closer to the people in the streets in their respective states who, without hesitation said, "I will tell you what they are saying in Bensonhurst and I will tell you what they are saying in Hoboken, and it happens to be a good message. They are disgusted, they are angry, they think you did the wrong thing and here is an innocent way for the people to speak to you, not the leaders, not the State Department." The State Department was prepared to let

them fly in. The State Department said, "Let them come."

Q: Governor, before you gave the State Department your answer, did you have legal research done on the question, actually?

GOVERNOR: I knew the situation.

Q: You did not ask for any —

GOVERNOR: No, I didn't need to. I watch C-SPAN all the time.

Q: Governor, again going back to the idea that you think that the UN serves a good purpose and that mediation and dialogue and discussion is good. You don't think that by telling Mr. Gromyko that he can't land in any of the airports by the UN and making it more difficult for him to get there, that it doesn't somehow impede dialogue?

GOVERNOR: It makes clear our position. We want to talk but let's understand something, we are very upset, that doesn't impede it, it sharpens it, makes it more accurate.

You see, the obverse of that, Allison, would be to say the only way to go forward with dialogue when you have a situation where they kill 269 people is to pretend you don't mind. Otherwise, if you let them know you minded, that might impede the discussions. If you got a little angry maybe they wouldn't want to talk. That doesn't make sense either.

Q: Well, if on an ad hoc basis in the future, do you see doing this again?

GOVERNOR: No, Alison, that's not our thing, foreign policy. This question came up and we addressed it. We don't write policies for how to deal with the Russians.

Q: I am a little confused. Didn't you just tell us, though, you felt what was important here is that two Governors made their positions known?

GOVERNOR: Because we were asked by the State Department. We didn't volunteer it, we had no choice. The State Department says, "Here is an issue for you, deal

with it." We said, "Okay", and we dealt with it. We didn't make it up, seize it, "Oh, boy, there is chance to take on Gromyko," it wasn't like that at all.

Q: Governor, you said earlier that you thought —

GOVERNOR: We have chances every day, incidentally, if we wanted to do that, we could do it all day long. We could make policies all day long, every time they acted. How do we treat them today?

On the United Nations, the question came up, I happened to be at the United Nations, and one of the reasons I was there was to tell them, as Governor of the State that is host to the United Nations, how we felt about them, and I told them very simply, I said, "People complain that the United Nations has not kept us out of war, El Salvador, Lebanon, Afghanistan, all over the globe, people killing one another still, but there is no pervasive world war, and how can you be sure that the situation wouldn't be better if we didn't have you at the United Nations."

And it was, it is the old rabbi story, Rabbi Moshowitz tells it all the time about God asking Adam how he felt about Eve. He says, "What do you think?" And Adam says, "Do I have a choice."

And the same is true with the United Nations. It's the only opportunity we have to come together and, incidentally, aside from hostilities and worldwide wars, it has done immense good in areas of relief from hunger, fighting malaria all over the world, UNICEF.

There is a great deal that comes out of the United Nations that is very, very good. Just because you don't like the veto power, you don't like the way they behave in this situation or that situation, I think we should be very proud of hosting them. I know I am as Governor of the State, that's why we allowed the reception, that is why I went, that is why Ed Koch, most of the time, is pleased to have them.

Q: Governor, you said, as I understand, you said earlier that Gromyko had used security as an excuse not to attend. Didn't you provide him with that excuse?

GOVERNOR: Yes, that's — you know, sure, that's

right. That's like saying you work late and your wife runs off with another man. If you had not worked late she wouldn't have run off. So, we provided him with an excuse.

Q: Governor, you stated, in fact, that there was a security threat, is what I mean?

GOVERNOR: Yes, there was a security threat. There clearly was a security threat. You have to remember all the hostility that is in the streets, all the anger that is in the streets. Now when you land, oh unions. I said, "I am certain the unions will not do the work. They won't. They won't show up, they won't let the plane in. You will be immediately stymied because they won't work". And I didn't know it then, but they had already made that statement.

I know that because I have been through this. I have gotten, in the past, calls from the State Department on situations where they said, "Will you go talk to some of your friends in the unions because we have this problem or that problem." I got calls from Washington and I predicted that that would occur and, of course, it did occur.

And now, look at the Koreans. We have Koreans all over New York City, a huge, huge influx of Koreans who are beside themselves. How can I guarantee, how could Mayor Koch guarantee, how could Tom Kean, if you landed in Newark, guarantee security and why should you when you have McGuire Air Force Base which is a military installation all set to go.

I must tell you I didn't think it was even a controversial kind of subject. Look at the obverse of it. No, let them in. Why? Because the heck with the security, the heck with the message, the heck with it, just let them in. Why should we ever be perceived as giving them a hard time, they shot down 269 people. So what, it was probably a mistake.

It just didn't make any sense to us. We might have been wrong.

Q: Are you sort of declaring a special interest group veto power over who lands at the Port Authority airport? What if we were on the — the nation is on the brink of a

world war, presumably some foreign power has done something to the people of the United States. They want to send representatives to the UN. Are you saying because one group didn't like whatever they'd done, we don't allow them to land at the Port Authority?

GOVERNOR: No, I am saying in this case when they asked us, that's what happened. In the event of an imminent world war, I might conceivably make a different judgment.

You see, a lot of these questions you are asking me, in effect, what policy would you write to deal with these international — I wouldn't write one, I don't have one, I don't want one, I don't need one, it's not my place to construct one. They asked us, they are our airports and we gave them an answer.

Q: Governor, can you give us some specifics of past instances where the State Department asked you —

GOVERNOR: No, I would rather not.

Q: Governor, on another area, the New York Post reported in the last several days —

GOVERNOR: *New York Post?*

Q: Right, reported in the last several days that there is some dissatisfaction over the Kurlander report on Sing-Sing. Have you seen evidence of that and what are your feelings on it?

GOVERNOR: No, discomfort there has to be. I told Kurlander, "Write it exactly the way you want to write it," and none of us are comfortable. I am discomforted by it, very. But that's why I asked him to write it.

Q: There seems to be some question as to whether some of the allegations he has made in the report are backed up by the facts. Have you asked for clarification on any of that?

GOVERNOR: Tom Coughlin was given a copy. Tom Coughlin, I have spoken to a number of times. Tom Coughlin has never indicated to me the slightest irritation, concern, nor has anyone else anywhere indicated to me they were unhappy or felt they were dealt

with unfairly by the report or that the report is inaccurate.

I think it was a superb job. I have said that. I read the Attica report, I assume we all did. I think this was, at least, as good as the Attica report, possibly better. I suspect you will be reading that in journals around the country over the next few weeks.

Q: Governor, do you want Commissioner Coughlin to take any sort of disciplinary action against the Inspector General? Mr. Kurlander's report said that the Inspector General covered up the severity —

GOVERNOR: I will leave that to Commissioner Coughlin. I have great, great confidence in him. Remember, I had an opportunity, Alison, that came very early and really, now, in a way, it was probably good luck that it came so early. I had a chance to watch Coughlin work when I, myself, an amateur at it, had to sit through that Ossining, and I must tell you we talked to him, and we watched him all through that. I developed great respect for him and for his judgment, and his command ability.

Attica, for example, another question comes: Will you construct a new commission? Why should I? I have a Commission on Corrections, and I have Coughlin. He is very valuable, very valuable to the State. He has an extremely difficult job, especially when you are 117 percent of capacity, you beg for the opportunity to build prisons, the Legislature is very good to you, and then as you start to build, somebody hits you with a lawsuit and says, " We know you are 117 percent of capacity, the place is about to break up, but we are not going to let you build." It's really very frustrating. They had a perfect right to bring a lawsuit, I encourage the use of the law, but it has to be very, very discouraging for Coughlin.

Q: Are you at all concerned about a bureaucratic turf dispute developing between Kurlander and Coughlin?

GOVERNOR: No, only in the papers, not in reality.

Q: Governor, now that you have seen three out of four of the Presidential candidates come in, the ones that are apparently behind the two front-runners, do you think any of them can overtake Mondale and Glenn?

GOVERNOR: I don't know, David, I really don't. I do know this, and I think we were very clearly right when we said, "If you see these candidates you will stop talking about the Sominex 6." Now, I tell you, I don't know, anybody who saw Hollings last night in a room where the sound was terrible, the acoustics were terrible, everybody was perspiring; I thought he was very strong. I thought, you know, just to hear their backgrounds, Rubin Askew, and then you discover he was a Sergeant and a Captain, voted the best Governor in the United States, an enormously intelligent person, courageous, bright.

I think they have all shown themselves to be very qualified candidates, and all this newspaper talk about these people, they are so unattractive. That's because nobody heard them, nobody saw them, nobody knew what they were. What was Hugh Carey in 1974 when he started running? The guy couldn't win, a Brooklyn Congressman. He went on to be one of the most exciting Governors we have ever had, and one of the most capable.

Q: But now that you have heard them, do you think they can overcome Mondale and Glenn?

GOVERNOR: I don't know, they certainly have the ability to. Whether, politically, it's in the cards, you know, it's very difficult to size up this race. About three and a half months ago, I said, "In three or four months Glenn will be ahead of Mondale, and he will never have to say a word." I think Glenn got ahead of Mondale and never said a word — why? Because he is an astronaut, he is a celebrity. They come to your office, you have a secretary in the office, it couldn't have been more obvious. Mondale, Cranston, Hart, the secretary types away at letters. Glenn is coming. "You have to get me his autograph." I said, "He's coming to see me, I am not going for his autograph." She went out, "Can I have your autograph?" I said, "You didn't ask anybody else, why did you ask Glenn?" She said, "He's an astronaut," and wait until you see the movie. The movie, they tell me, is really terrific.

It's very important. It's very important. He has what Reagan has, a kind of charismatic aura, a personality quotient that eclipses the issues. How do you debate him? If I were Glenn, I would never say anything, I'd just make commercials, rocketships and flags. He will be very tough to beat.

Mondale has all the experience. Mondale, his problem is very familiar to me. I think I am probably closer to him on the issues, but "He never won an election." I remember hearing that. "He was a Vice President." Oh, I remember that. "You are always a Number Two, you never had a chance to run anything. How do we know you can run anything? You never ran, what kind of person could you be if you were a Number Two?"

So, he has a lot of obstacles to get over. On the other hand, he has got a bigger organization. He will probably get the labor movement. He is very strong with them. He is very strong with blacks. He has the traditional constituencies. So this is an extremely difficult race to predict at this point. And then, you know, the timing of the primaries. I have to guess that he is going to be strong, Glenn, in New Hampshire. Gee-willikers, right after that is Massachusetts. If he wins New Hampshire and Massachusetts, that is really something.

Then you have got Super Tuesday, so the whole timing — remember what happened with Carter? Jerry Brown won what — Jerry Brown won six in a row, I think, near the end of the thing. If those primaries had been up front, it would have been a different race. So, I don't know about this one, Dave. I will tell you, what I'd like to see is more debates now. I think once we — I'd like to see a way of pairing them off. I think what could make a dramatic difference is when you get into their challenging one another on the issues, and somebody starts blowing — dropping lines, and saying the wrong thing on Israel, or on El Salvador, or poison gas. That will come back to haunt Glenn, what he said about poison gas.

So I think you are going to need something to serve as a catalyst before you see any real change here. I don't know right now, you have to make Mondale and Glenn, obviously, the favorites, but I wouldn't rule these others out. I have seen too much ability in these first two, this first group of four.

Senator McGovern called me yesterday. He wants to be in the forums. He says that he wants to participate. He said, "Governor, I am dead serious about this, and I want to sharpen the dialogue." That's another factor. What if Jesse comes in? Some of his people have called and said they think he is serious, will there be room in the forums.

Q: Will you let him in?

GOVERNOR: If they are formally announced — the conditions are two: If they are formally announced, if they subject themselves to an individual forum like the others, before the town hall forum, then, yes, we will get them in, but first they have to have an individual forum someplace in the State like everyone else, and then they will be part of the whole group on October 6.

I don't think Jackson will announce before then is what I am told. McGovern has. I spoke to Bill Hennessy. I said, "Please try to find him an opportunity for an individual forum." If we get it, I am sure a place like Ithaca or somewhere, I am sure, would be delighted to have them. Then he will become part. I mentioned Ithaca because they haven't had a forum yet. It would have to be a location that hasn't had a forum yet.

Q: Governor, could you answer your own question about what if Jesse Jackson comes in?

GOVERNOR: I'm sorry, Paul.

Q: I'd like you to answer your own question. You said, "What if he comes in?"

GOVERNOR: What would it mean to the party?

Q: Yes.

GOVERNOR: Can we go back to Gromyko? I think I have a different view. If, as long as it's clear that he is not going to be a John Anderson, as long as it's clear that he is not going to run against the Democrat and the Republican as an Independent, in my judgment his running is not bad for the Democrats. That is purely political.

I would start with the proposition that anyone who wants to run, especially in the Democratic Party, that has always boasted of being open and accommodating to everybody, and seeking to give people upward mobility, anybody who had the courage and the ability to put together the resources that are required to even begin a race, I think ought to be encouraged.

It is very difficult to make a case, you shouldn't do it.

A black candidate starts with the world knowing that nobody has been better to the Democratic Party than the blacks, so why shouldn't there be a black candidate. What would happen if he ran and committed not to go into the general election? If he lost the Democratic race, what would happen is the registration would go up a great deal, of blacks. There would be a concerted registration drive for blacks, certainly, minorities generally, that would produce a much larger number of Democratic voters. My guess is it would produce such a large number that it would not cost any of the non-black candidates votes.

Let's, for example, assume that Mondale gets 20 percent, and that equals 1,000 votes. I think Jackson's registration would so increase the total number he would probably still get the 1,000 votes. He might not get 20 percent, but he would get his 1,000 votes. I don't think, in other words, Jackson's candidacy really tilts it as between a conservative or middle-of-the road Democrat, as compared to a Mondale. I don't buy that.

We are all guessing. Overall, in the general election, whoever the Democratic candidate is, would profit from Jackson's participation in the race, because there would be that added — now, look at what we did do all through the country, just look at a map down South, of places where Republican Congressmen won by 5,000 votes where you have 300,000 unregistered blacks. Register half of them. You see, so there at work here an enormous dynamic that has not been calculated. You know, it's not for me to encourage Jesse Jackson, or anyone else, but I can tell you this, that I have said to the people who came to me, "If the man announces as a candidate, I will do everything I can to accommodate him, get him a forum, to treat him the way we have treated all the other candidates, and you will never hear me say his race is bad for the Democratic Party."

On the other hand, if he were to run in November, having lost as a Democrat, then I would say what I said of John Anderson and the Liberal Party when they endorsed him: "You are going to cost this State a Democratic victory," and when it became clear that Carter was in trouble, I said, "We can be the only State in the United States to win for the Democrats except for Anderson," and that's exactly what happened. He took exactly the vote we would have needed to win. We would now have been the great State of New York, the only one

to have gone Democratic, and that would have meant a great deal.

So, Jackson, problematical; some people say, "I don't see it that way as long as he doesn't become an Independent candidate." I am talking now, of course, as a Democrat. Okay, thank you.

Governor Addresses the NYS Police Academy

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 23, 1983

First of all, to the graduates — let me thank you for having chosen to serve our State and congratulate you for having proven yourselves worthy.

From what I've been told of your achievements during the past months of training — your service at the State Fair, your academic performance skills with firearms and physical defense — you've proven yourselves to be one of the most distinguished classes to have ever passed through the Academy.

You are also the first class to graduate under the leadership of Superintendent Donald Chesworth, and that, too, distinguishes you. Superintendent Chesworth is a man whose entire career has embodied the very highest ideals of law enforcement, and he brings to the State Police an extraordinary sense of purpose and dedication that will, I believe, both inspire you and challenge you.

Because I know what kind of man Don Chesworth is and because I know the kind of graduates this Academy turns out, I'm certain that you will uphold the tradition of the State Police's "long gray line" — service, courage and integrity. A tradition that is unmatched by any other police force in the nation and that makes this the best police organization of its kind to be found anywhere.

Above all that tradition is one of achievement. In the past year alone, New York's State Troopers made a record number of arrests, removing thousands of dangerous drivers from our highways, jailing criminals who threaten our streets, homes and businesses, and reenforcing the efforts of local police departments across the entire State.

Under Superintendent Chesworth's direction, there has begun a major redeployment that has doubled the number of officers assigned to the fight against organized crime. And at the same time, State Troopers have stepped up their efforts against the drug traffickers, a campaign that last year resulted in an eightfold increase in drug arrests.

And yet despite all these achievements, one fact remains unchanged, a fact you've had to face in choosing this career, a fact that I, as someone whose entire professional life has been spent in the law — practicing it, teaching it, executing it — am especially aware of.

The fact is this: very seldom, if ever, has there been less respect for the law in this country than there is now. The evidence of this is everywhere: in the violent physical crimes that threaten our cities and haunt our suburbs; in the interstate flood of guns and narcotics that goes largely unchecked; in the exploding population of our prisons.

Stand at a street corner late at night and see how many people disregard red lights — just drive through them as if they weren't there. Look at the numbers of people who despite all the warnings, and pleadings, and threats continue to drive while drunk and to kill other human beings in the process. Consider that in a time of deep recession, security remained one of the few growth industries, doing a booming business in providing locks, iron gates, surveillance cameras and private guards. Just think how some communities have begun walling themselves off from the outside world, as the villages and towns of Western Europe did at the onset of the Dark Ages.

And this disrespect for the law goes deeper than the crimes of violence that surround us so visibly. It includes the so-called "white-collar crimes" — crimes committed with a pen or a computer — that cheat consumers, and bilk the government, and erode our sense of trust and common decency; the pervasive use of drugs among the middle class that helps support a multibillion dollar illicit drug industry; the illegal dumping of toxic wastes, which can kill people and deform their children.

In truth, we are a nation — rich and poor alike — that has in large measure lost touch with the sense of civic obedience — that has lost the profound respect for just

laws and legitimate authority that is desirable to our effective system of laws.

This creates an enormous burden for you. It makes the job of enforcing the law — of acting fairly, being firm, balancing involvement in the most difficult and perplexing moments of people's lives with the need to be impartial and objective — more difficult than ever for you.

Yes, we've put new burdens on our courts and police. In the day-to-day struggle to preserve order and uphold justice, we've had to ask more and more of our law enforcement personnel, requiring them — too often to risk their lives and, sometimes, as with Trooper Ashburn, even to give their lives.

In truth, we've given a large measure of the responsibility for dealing with the collective failures of our society, and families, and schools and churches to the police and to the courts.

We will not be able to reverse that terrible decline quickly. But at least we can — as a society — recognize how difficult we have made your task and give you the support you have every right to expect. At least we can do what must be done to guarantee you have the resources you need to do your job.

And I'm determined we do just that. That's why in a year when we faced approximately a \$1.8 billion budget gap; when we asked other State workers to accept layoffs; students to accept tuition hikes, business people new taxes — we exempted the State Police from sharing these sacrifices.

It is why we added a third class of recruits — the class that will follow yours — to the Academy, why we have increased your funding, why we have expanded your laboratory facilities, improved coordination with local police departments, concentrated new resources on catching and jailing repeat offenders.

The safety of our streets and the well-being and effectiveness of the people we ask to ensure that safety are for us absolute priorities. As long as I am responsible for the execution of the laws in this State, I make you a promise: you will have the financial support, the

personnel, the moral backing you need to do your jobs.

Let me give you a final thought. Even with that support, of course, requiring that people follow the law, will be difficult. And, sometimes, resisting the temptation to ignore some of its provisions and to dispense your own instant justice because the system works too slowly will be just as difficult. Sometimes, all of us become impatient with the law and feel it stands in the way of *real* justice.

But remember — that's God's judgment to make: we lesser beings must live by the laws of our own human society. It is the essence of your job, to let the law decide what is right and wrong. And it is important that you never forget that, no matter how strong the human temptation. For the law is all that stands between us and the rule of kill-or-be-killed, of revenge, ultimately, between us and disintegration and tyranny.

That point's been made a number of ways but never better than in a play called *A Man for All Seasons*. The play was about Thomas More, a lawyer and the Lord Chancellor of England, the man ultimately responsible for the everyday administration of justice in the King's courts and chanceries.

In the play, as in real life, Thomas More faced the temptation to put the law aside to do quick and surer justice. He was encouraged to step outside the law, to disregard the law's protections and distinctions, to reach out and punish the guilty — quickly, cleanly, even if it were technically illegal.

But Thomas More refused the temptation. He talked one day with his son-in-law, Roper. His son-in-law described the law as a forest, each tree another technicality behind which the devil can hide. His son-in-law suggested that he would burn down the whole forest of these technicalities to get a devil.

But in the play, More says, "When the last law was down — when all the trees were gone — and the devil turned round on you and came toward you where would you hide, the laws all having been burned flat?"

He goes on: "Yes this country's planted thick with laws from coast to coast — and if you cut them down, do you really think any of us could stand upright in the

wind that would blow? Yes, I'd give the devil benefit of law — not for the devil's sake but for my own safety's sake, for all society's benefit."

Thomas More's words are as relevant to us now as they were to the time and place in which he lived. They may offer no magic, one-stroke solutions to our problems, no instant, total answer to the evil around us. But they allow us to secure and maintain what few societies have ever managed to achieve.

A system where order is balanced with justice, where all — black and white, poor, rich, middle class — all can enjoy a reasonable degree of freedom, where an individual's rights are safe against the whims of its rulers or the prejudice of the majority.

This achievement depends in good measure on a group of superbly trained men and women, from all areas of the community, who reflect the diversity that is our greatest strength: men and women both willing to enforce the law and to obey it. It depends in good measure on you, our State Troopers.

A great responsibility, I know. But one to which you are more than equal.

As Governor and as a New Yorker, I express for all New Yorkers our admiration for your courageous involvement, for your faith and allegiance, your common willingness to surrender a part of yourselves to the service of others. We are proud of what you are, and who you are, and what, today, you now become. New York State Troopers.

Congratulations, good luck and godspeed.

**Governor's Remarks at the Schneider Children's Hospital
of Long Island Jewish-Hillside Medical Center**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 25, 1983

Congratulations to all of you. Especially to Judge Bert Hartnett and the Children's Medical Fund who have worked — through impediments and discouragements of

many kinds — and finally brought to reality, this lovely miracle of kindness. And, of course, to the Schneiders — who so freely and generously share their success.

Today is a day for prayers and for a simple Thanksgiving that the dreams and hopes represented by this hospital have come true, that there is now such a special place for children who are sick and in pain, a place dedicated to healing and comforting them, to giving them the most technically advanced care possible and doing so with gentleness and understanding.

You have heard described the years of struggling, campaigning, hoping, convincing, planning and fund raising that reach both a conclusion and a new beginning here today. It was an extraordinary display of courage, strength and perseverance. It culminates today in an extraordinarily beautiful achievement. The work was yours and the glory of the achievement is yours, also.

Yet even though I can't claim a part of either, I can claim — and do claim — something important: A commitment by New York State to the work of this children's hospital; a commitment to achieving decent health care for all our children; a commitment to seeing to it that no child in this State goes hungry, or is condemned to a life of sickness and debility because his or her parents couldn't afford even the most basic level of medical attention or nutrition.

In New York State, we will continue to act according to a principle that was the inspiration for this hospital, that rests at the very heart of both the Jewish and Christian faiths. The principle that society has an obligation to attempt to meet need.

The principle that human affairs should be left neither to the laws of evolution nor to a lifeless and abstract logic that says, "Fairness requires we treat everyone *equally*," that says, "the handicapped child will receive only as much care as the healthy one, and if we cut 10 percent of the budget then it must be across-the-board, the sick and homeless and destitute bearing the same sacrifices as the wealthy and the able-bodied."

You rejected that logic when you set out to build this hospital. You insisted that no matter how superficially appealing, so-called "fairness" is not enough, that the true

measure of our humanity is how we respond to those who can't help themselves, who depend on us to help them, to give them what the rest of us take for granted: the chance to live, and to stand on their own two feet, to be free from pain, to grow and take some small part of the happiness we all seek.

You saw that need and you met it. And you did it in an enduring way. Because, by virtue of this wonderful institution of stone and glass and plastic, and life, long after the Social Darwinists and the apostles of despair and the proponents of abandoning the very commitments that make us human have left the stage and taken their place in historical footnotes, the work you've done will continue.

Children will still be treated here, cured and made whole, and given some reason to believe that there is real goodness and real compassion in the world around them. Coming generations will build on your achievement — expand it and improve it — treasuring the sacrifices you made, remembering your faith and your struggle, remembering your success. And being inspired by it.

And all of us, whether a child or a grandchild or relative of ours ever passes through here or not — all of us are grateful that amid all the pain and hurt of our world there exists this affirmation of life This recognition of the nobility of our own purpose, which reaches far beyond us to all those around us — who need.

For all the tedious difficulty of our bureaucratic mazes and shifting politics, you have reminded us that it can be done. We are thankful for that. We are thankful that the Schneider Children's Hospital of Long Island Jewish Center will stand as proof that even in a world as violent and torn as ours, with its civil wars and massacres and massive armaments, with its ghettos and brutal poverty, still, it was possible for people to preach love and to practice it, to believe in something better and to achieve it.

Thank you for having me. And mazel tov.

Governor Addresses the Assembly Strategic Planning Conference

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 27, 1983

Mr. Speaker, I congratulate you. You continue to focus on important, progressive governmental policies. And I thank you for the invitation to participate.

"Can strategic planning, or some version of that process as it is practiced in business corporations, be used effectively by the State of New York in meeting the challenges of the next two decades?"

Let me feed a stereotype with my response. Let me offer you three simple answers to that question: Yes, no and maybe.

First, yes. Here are some cogent words on this whole matter of governmental planning, and I quote:

Constructive change must be based on careful research, correlation and planning. Indeed, there has never been a time when there was greater need for planning — physical, economic, social and governmental. Theoretically, the scope of State planning is as broad as the purpose for which government itself is instituted — the promotion of the general welfare of the people of the State. There is nothing affecting that welfare that may not at some time or under conceivable conditions become an appropriate subject for the application of the planning or policy formulating function.

Those words aren't mine, although they could be, for I agree with all that they say. Nor were they recently uttered. They're from a proposal for a permanent State planning council that was submitted to Governor Herbert Lehman almost a half-century ago, in October, 1934. And they illustrate, I think, both the long-recognized desirability of intelligent, careful planning and the difficulty in achieving it.

In the 50 years since those words were written, during which almost every Governor and legislative leader has

recognized the need for long-range planning, we've remained a government that — for the most part — deals with problems on an ad hoc basis, that reacts to crises rather than trying to anticipate and prevent them. The results of this ad hoc episode approach to government aren't hard to find.

Where we once had the nation's — perhaps the world's — most well-developed and well-maintained system of roads, rails and water systems, we now have a crumbling, dangerously decayed infrastructure in need of massive and immediate repair. The lack of a systematic strategy for inspection, repair and maintenance will now cost us billions of dollars. More billions fail incidentally, if the Bond Issue were to fail.

Our criminal justice system is still a shambles. After 20 years of ever-increasing case loads and backlogs, we have just begun putting in place a plan for building new prisons and expanding existing ones, for redeploying our law enforcement resources to reflect the dimensions and impact of the problems we face. At one and the same time because we did not properly plan, we have not enough jail cells and empty beds in psychiatric facilities side by side.

There are many other such examples, most of which will be a part of your discussions here today. Because of a failure to plan and because of the resulting inability to take preventive action, we find ourselves trying to catch up with our problems instead of controlling them, running, like the Red Queen in *Alice in Wonderland*, as fast as we can just to stay in the same place.

Fortunately, that situation is finally changing. This year, we took a major step forward in the area of capital planning with creation of the State Council on Economic and Fiscal Priorities.

The Council brings together, for the first time, leaders from business, labor and academics, and in so doing it gives life to a central truth about the whole process of drawing up plans that will affect millions and millions of our people — the truth that we can no longer have the private and public sectors working as discrete units, apart from each other, each pursuing its own ends ignorant of what the other is doing. If it's going to work, then planning must be based on a rational and established process of cooperation.

The Council is now a part of this process, one we must be prepared to build on. It will work closely with me to define our economic development strategy and create a framework for restoring stability to State finances. It will identify the State's most immediate needs for rebuilding its capital plant, for undertaking new projects, and for preserving and strengthening the weave of roads, rails, ports and water systems that supports our economy.

Thanks to strong and I think wise action by the Legislature this year, the Council's work will contribute to a new and effective tool for our government's planning of capital expenditures, beginning next year: a mandated five-year capital budgeting process. With the Division of the Budget and State agency staff, the Council will prepare a five-year plan, covering all capital financing and construction in which the State and its authorities engage.

The plan — to be initially completed by July 1, and updated annually thereafter — will form the basis for a capital budget prepared each year as part of the Executive Budget. It will go a long way towards balancing the capital needs of a changing economy with the realities of the State's fiscal constraints.

Speaker Fink, Senator Anderson and Comptroller Regan are to be commended for their commitment to creating this new planning process. The Speaker, in particular, has for some time pointed out the critical need for capital budgeting on a long-range, integrated, intelligent basis.

The Council, then, is a beginning. But there still remains the need for an even greater level of planning, if we are to realize the goals first set out so clearly to Governor Lehman, in 1934. That is a need I have been underscoring and seeking to correct since the old Office of Planning Services was merged into the Department of State which I headed as Secretary of State in 1975.

At one point to make my position clearer — and I hoped — to advance the argument, I drafted a proposal for a long-range policy unit. As I saw it, it would have to be connected to the political process but not controlled by it; have credibility without having coercive powers that belong only to elected officials; and would not be simply a new and expensive level of bureaucracy. Last year

Assemblyman Jerry Kremer submitted a version of the proposal as a study bill.

Obviously, there could be many variations of this idea — and I welcome the discussion they will inspire — but in a nutshell here are the outlines of the planning body as I envision it.

- It should be created at the highest level of government, preferably with constitutional support but at the very least with statutory backing, to provide the continuity it would need.
- Commission members should be as close to politically independent as possible, appointed for five-year staggered terms by the Governor and confirmed by the Legislature in the manner, and with the same care, as the Board of Regents.
- It must have direct lines to the public and to local officials to assure that broad perspectives would be heard and considered in the drafting of overall State strategy.
- While having an adequate professional staff of its own, the commission should have complete access in all of its work to State agencies and existing planning groups.
- It would be required to report, periodically to the Governor, the Legislature and the public in all the areas that need planning: economic development; demographic environment; education; agriculture and water.
- The Governor and Legislature would be required to comment.

It would have the power to comment, if it chose, on pending legislation. It would be encouraged to use the resources of our magnificent State system — SUNY — as well as our private sector.

By effectively eliminating the need for a substantial number of the current "temporary" commissions and task forces, it would only require a reallocation of a small percentage of the millions currently spent on such entities. In effect, for a negligible increase in expenditure, it

would give us a far better level of coordination and direction.

Again, this proposal is designed mostly to advance the discussion. There is nothing sacrosanct about its details. What is most important for the moment is to reach the specific consensus that we need to do something about providing a new capacity for dealing with the State's long-range problems.

Having said that, I want to speak for a moment about the second part of the question you are addressing here, a part that isn't answered so easily. That is, can government plan the same way as business corporations?

Depending on precisely how the question is interpreted, I think the answer could be — at least in part — no. Certainly, government must learn to use many of the methods of the business community, especially in the area of planning but in other aspects of management as well.

But there is an obvious difference we shouldn't allow ourselves to ignore or explain away. The difference is this: the soul that gives life and purpose to government isn't the same soul as that of a business.

Government's prime responsibility isn't to show a profit. It's different. Government's purpose is to help improve the conditions of people's lives. Government must deal with the question of how we care for the people who can't pay their own way in this society, the people handicapped by fate or physical disability, the mentally ill, the destitute, the people without skills, education, sometimes without even a roof over their heads.

We can't divest these people, or treat them as a subsidiary that can be closed down or terminated because it's throwing a wrench into the planning process and confusing our accounts. As much as for our bridges, and schools, and water systems — all the things which most of us agree government must oversee and administer — government must care for these people, make them independent as possible, ensuring they, too, have some chance to join in the pursuit of happiness.

The luxury business has, a relentless pursuit of monetary gain that allows it a ruthlessness in achieving bottom

line efficiency, is not perfectly translatable to our world of governments.

Finally, the third answer: the "maybe."

The truth is, I think, that maybe one of the reasons we've found it so difficult to institute a firm process of centralized, coordinated planning in our government is because the people who designed our government weren't very comfortable with anything that put too much authority in one place. They spread power across three different branches of government, set in place checks and balances, and, as far as they could, prevented the kind of concentration of power that might make the trains run on time, but at the price of freedom and the democratic process.

Certainly, our form of government need not be sloppy and inefficient. It must learn the wisdom of modern management techniques, and then apply that wisdom so that it can act forcefully and effectively.

But it must be deliberate. It must resist the temptation to take shortcuts, to sacrifice the means of our Constitution to social or political ends, no matter how attractive those ends might seem.

And to the degree to which we try to take power away from those who ultimately hold it — the people and their representatives — and put it in the hands of non-elected experts — as wise and intelligent and omniscient as they might be — then, in my opinion, the planning process is wrong and should be resisted. On other occasions, we will have the opportunity to discuss the implications of these notions with respect to our use of so-called authority.

Of course, no matter how good and thoughtful our planning is, all of us — in government and business alike — must be prepared to deal with the annoying tendency of the material world to resist our plans for it.

There's a fable that sums this tendency up, and also says something about the relationship of those who plan and those who must execute these plans. It goes like this:

An elephant falls hopelessly in love with a mouse. The elephant becomes depressed at the utter futility of his

situation. After a few days of this, he arranges to see the resident sage of the region, a university-educated owl renowned for his intelligence and analytical powers.

The elephant says to the owl, "I'm in love with a mouse and want to get married, but given my size the whole thing is impossible and I'm depressed and don't know what to do." The owl hardly takes a moment to answer: "The solution is simple. You'll have to change yourself into a mouse."

Overcome by the breath-taking simplicity and logic of the answer, the elephant takes a few moments to ask the next question: "But how? How does an elephant become a mouse?" The owl says, "I just define policy. I don't implement it."

I like the story. Candidly, however, I know if we can work together on this problem —, of a lack of adequate planning for our State — as we have already on so many others — we can make progress uniquely.

Thank you for having me.

Governor Addresses the Business Council, Port Chester

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 29, 1983

There's a story they tell about how when the financier Jay Gould was dying, he overheard his nurse whisper as she passed the thermometer to the doctor, "Today Mr. Gould's temperature went from 100 to 102." Supposedly, Gould then raised his head and spoke his last words, "When it reaches 103, sell."

Although I'm not someone who plays the market, I enjoy that story. It sums up, I think, the very practical and important center of any business philosophy — the profit-making motive.

We all depend on that motive. We rely on it to put people to work, to create jobs and payrolls, to give us the money to care for all the people who, in some degree, must look to the rest of us for help. Because of it, business is always searching for a better way to do things

— faster, more efficiently, getting more for less.

I believe government can — and must — learn from that example. That's why I created the Office of Management and Productivity — MAP — within the Executive Chamber to determine how government can achieve the same day-to-day efficiency that the market requires of businesses and corporations.

We, too, must learn to do more with less, to plan intelligently, and budget prudently, and invest wisely. Government can't close its eyes to the limits that it must work under, pretending that its resources are similar to water — endless and self-replenishing: turn on the tap, and it will always be there, and despite the occasional drought, there'll always be enough.

With MAP, we're determined to learn the same lessons every business learns in order to survive, and to apply them. And yet even after we achieve all the efficiency possible, we will still have to face one basic fact: Government's objectives are different from business's. Not necessarily nobler or better — but different.

Government's bottom line isn't profit. It's need. It begins with the needs of the people who have less than the rest of us — the people handicapped by fate or physical disability, the mentally ill, the destitute, the people without skills, education, sometimes without even a roof over their heads.

But it doesn't end there. Government also helps meet the needs of the middle class — the need for affordable higher education, for decent housing, for reliable public transportation.

And in truth, government's role in meeting needs goes far beyond this. Government provides the things that the very rich, as well as the poor, both expect and demand: clean air, safe streets, roads, bridges. Indeed, it is government that has made the investments that were beyond the resources of the private sector, investments that allowed the State's economy to grow and prosper.

It was government that built massive aqueducts to bring water to our cities, and government that made it possible for New York to build the Erie Canal, and government that gave the railroads the land they needed

to tie our society together.

In every phase of our economic history, government played an important and crucial role. It must do so again. In fact, I see no inconsistency for either business or government in recognizing this. The simple truth is that we need each other.

You need the services we provide — the schools, hospitals, transportation systems, police, water and fire protection — and the support we can offer — the academic resources, the capital resources, the incentive and investments.

And we need your jobs, and more jobs, and more jobs.

We tried the other way. New York tried to build an economy on the public payroll. Government became New York's number one growth industry . . . until we reached the point where expenditure outran our capacity to raise new revenues on a sound basis, and authorities and municipalities had to resort to an ever more dangerous level of fiscal brinkmanship just to keep things going. It got to the point where the very taxes we imposed to ensure we could provide certain services began to threaten our whole tax base.

Business began to vote with its feet against the economic climate here, and the results were dramatic. Between 1966 and 1974, years when the nation's economy was reaching postwar heights, New York lost 314,000 jobs. Over 20 major corporations left the State, and they were followed by hundreds of small businesses. The recession that began in 1974, and the crisis it precipitated, drove home just how far New York's economic decline had gone.

I don't believe that anyone who went through the experience that followed — the fiscal crisis, the threat of the UDC and New York City going into bankruptcy, the campaign for Federal guarantees — will forget its lessons.

We came face to face with the reality that, no matter how good your intentions, you just can't build a healthy economy on the public payroll. And we came to face another fact as well: The business of government has gotten too big for government to handle by itself — too intricate and too complex, too involved with financial and economic questions whose solution requires the very best

talent we have . . . all of that talent . . . both inside and outside government.

We realized that if government is to meet the needs we rightfully expect it to meet, then it would have to reach out for help; then it would have to learn how to bring people together, academics with entrepreneurs, management with labor, business with the public sector.

I've given this fundamental requirement for cooperation a name. I've called it "the family of New York." A simple concept. But I think that it's a true one, one that summarizes the way we must learn to balance benefits and burdens, to work with each other, and care for each other.

Above all, I know that the concept of family can work. Despite the traumas of the past few years — inflation, recession, social divisions, racial tensions, a loss of spirit — I haven't the slightest doubt that we have the faith, the will, the capacity to do all that's necessary to regain our preeminence.

New York proved that this year. Faced with recession and the most massive potential deficit in the State's history — \$1.8 billion — Republicans and Democrats joined together to make the hard choices that balanced the budget without punishing the private sector or denying the needs of the poor . . . and we did it in time.

Some were asked to make sacrifices, sure. There was no way around it. There are now more than 10,000 fewer State employees than there were in January.

Few, if any, received the increased support they thought their good causes deserved. People paid more for a glass of beer or a cigarette and probably a little more for gasoline. But overall, the people in need, the unemployed and the homeless, the disabled and the elderly, the impoverished and the addicted were all taken care of.

And the tab for all this wasn't simply passed on to the private sector. In fact, in the same year when the need for increased revenues was as great as it's been in the recent past, and when a tax hike might have allowed us to minimize the politically distasteful job of asking a whole array of interest groups for sacrifices, we took the hard way.

There was no increase in the rate of any of the State's three broad-based taxes — personal income, sales or the corporate franchise tax.

And more important, I think, our determination to spur new economic growth didn't merely consist of a negative — of *not* raising taxes. That determination led us to work aggressively to meet the needs of the entire private sector economy — the need for new sources of capital, for less burdensome regulations, for a business climate that supports initiative instead of stifling it.

This year, with the support of Comptroller Regan, we reformed the statutes governing pension fund and insurance company investments, allowing them to put more of their funds in New York's expanding businesses, and thus provide billions in new capital to fuel our growth.

Through the JDA, we continued to invest in New York companies. And, to take just one example, this money permitted Schweitzer Aircraft to build helicopters in Chemung County and to create 200 high-paying industrial jobs.

We also expanded JDA's role so that it can help troubled but essentially sound companies to restructure themselves, making sure they stay in New York — and grow in New York.

We continued the process of deregulation, and we required that all new proposals for future regulations must contain a careful and precise analysis of the costs they will entail.

To help small businesses get their fair share of public investments in New York, we have involved them in procurement programs of the State, its public authorities and the Federal government.

And across the State, we've brought our role in development of hi-tech to a new level — a level unmatched, I believe, by any other state government in the nation. We put new money into the Center for Industrial Innovation at RPI, and created a new Center for Biotechnology at Cornell, an Optics Center at the University of Rochester, a Telecommunications Center at the Polytechnic Institute of New York, and a Center for

Medical Technology at Stony Brook.

In everything we did, we looked on the business community as our partner in creating New York's future — not just talking about partnership, but acting on it, indeed making it a part of our government.

The State Council on Fiscal and Economic Priorities, on which Walter Fallon, Jack Bierworth and David Campbell have all consented to serve, makes partnership a working principle of government. The Council is unique in New York's history. For the first time it brings together experts from labor, academics and business to give us a five-year plan for how and where we invest in the infrastructure on which we all depend. It ensures that the work we begin this year — the work of rebuilding New York — can go ahead forcefully and efficiently, without waste, or confusion or delay.

Today, you endorsed another central element of that program, the Rebuild New York Bond Issue, and I thank you for that endorsement, and especially Ray Schuler, who helped achieve it. The Bond Issue means that New York can begin the largest program for infrastructure repair in the nation. It means New York still has the vision and the determination that first made it the Empire State.

All in all, I think that New York has put in place the most extensive and effective program for economic development to be found anywhere in this nation. That program includes every part of the State. Every business. Every industry. It includes the oil companies, with whom we settled — happily, on all sides — the largest single dispute we had — a \$755 million dispute that ended with smiles, and handshakes, and the oil companies agreeing that New York is a good place to do business.

And if you trust neither the oil companies nor me on this point — on the economic climate here — then go out and buy the national business magazine *Inc.* for October. Every year they rate the states on factors crucial to business growth. Last year, New York was twelfth. This year, we're fourth. Next year, I want us to be first. How? Well, first by getting the Bond Issue passed, and again rejecting any increase in the State's three broad-based taxes.

But much, much more. More deregulations, more

investments in job training, more cooperation between the business and academic communities, more opportunities for small businesses, more research and development, more attention to the State's energy needs, more accent on the role of education in economic development.

And more partnership — closer and better-developed relations between business and government at every level.

To achieve this, I am proposing a summit meeting to be held in Albany this fall that will bring together New York's business leaders to work with us in considering the host of economic decisions we face — taxes, infrastructure, the budget, public investment, education, job training, regulatory reform, the environment — everything that will determine our future.

Perhaps more than anything, it's this renewed sense of cooperation — of what it is possible to achieve when we act together — that is New York's greatest asset.

We already have everything else. We already have the talent, the drive, the genius, the resources, the work force, the universities, the banks, the creative energy. We are home to Kodak, Corning, Grumman, Pfizer, IBM, AT&T, GE — the big companies and the small ones that are on the cutting-edge of the technological revolution sweeping the globe.

If we've lacked anything, it's been an appreciation of this strength, an understanding that for all our differences, we are united by far more than what divides us, that with vision and intelligence, we can overcome all the obstacles in front of us.

And do more than survive. But grow stronger than ever before . . . bigger, wealthier, more productive . . . a State able to be at once compassionate and competitive.

Thank you. _____

**Governor's Remarks at the Investiture of Rabbi
Israel Mowshowitz, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 2, 1983

It's good to be back in my neighborhood. With so

many of my old friends. And once again in the company of my Rabbi.

I've known Rabbi Mowshowitz for almost 20 years now, and in all those wonderful years of friendship I don't think the Rabbi has every been without a story. He has had them for every occasion, shafts of rabbinic light that pick out the essential nature of complex truths and make them human and comprehensible and, often, even humorous.

So, I'm sure the Rabbi won't mind if to some extent I imitate him tonight — by beginning with a story . . . his kind of story.

It concerns two nuns who were involved in a car accident several years ago on the Belt Parkway. Neither of them — thank God — was seriously injured but that wasn't apparent at the time, because the accident occurred on a pitch-dark night of fierce winds and lashing rain. In fact, when one of the first policemen on the scene pried open the car door and saw the nun behind the wheel, he tried to comfort her.

"Don't worry, Sister," he said, "I'll call a priest right away." "No," the nun said. "Call a rabbi."

"A rabbi?" the officer said in a puzzled sort of way. "Sister, surely you mean a priest." "No," she said again. "I mean a rabbi. I'd never bring a priest out on a night like this."

The story is apocryphal, of course.

But if it wasn't and if Israel Mowshowitz was the rabbi who was called, it wouldn't have mattered who was in that car, what their condition was, or race, or politics . . . or religion. If they said they needed him, he would have come. And once there, he would have done what he could to help, to be merciful, considerate, comforting — all the things he has been to so many of us in this room — Jew and Gentile alike — at so many times in our lives.

Now, in saying all this, I don't want it to seem as if I'm ignoring advice contained in one of my favorite books of speeches, *Fires to Warm Us*, a book I've often had cause to reread, and just as often, to quote from. The brilliant,

scholarly, eloquent author — a rabbi named Israel Mowshowitz — says the following about attempting to do what I'm faced with here tonight.

"Praise," the Rabbi writes, "is the art of finding kind things to say without doing violence to the truth. It is the ability to differentiate between a gracious, honest compliment and the caricature of flattery."

True advice — and wise advice. Under normal circumstances it would give me pause, make me search all the words I wanted to use here, testing their worth and their connotations. Being sure not to depreciate the compliment by overstating it.

Tonight, however, the temptation to ignore the difference between true admiration and superficial flattery isn't a problem. The love, and respect, that brings us together in this holy place, from all over this State — that joins us and unites us — is far greater than any words we might use. And the challenge of finding kind things to say without doing violence to truth, in this one instance, tonight, is not the temptation to exaggerate but the difficulty in stating accurately all that we feel most deeply in our hearts.

The fact is that even if I were granted this evening the eloquence of angels, I can only speak as one person, and a very limited one at that. Whatever I say will fail to measure up to the truth of the man whose life and work has touched so many . . . so profoundly.

A better indication of that truth, perhaps, would be if I stepped out of this pulpit and each of you came up here to recount some help the Rabbi had given you, some advice that comforted you, some act of kindness or compassion or encouragement, some moment when he's been there to reassure or counsel or console. But that litany of kindnesses, I'm afraid, would keep us here a long, long time, so let me just offer as quickly as I can a few thoughts on what it has meant to just one person to have Israel Mowshowitz as a friend.

First of all, the Rabbi never waivers. He has neither part-time attachments nor half-hearted commitments. Whether he takes up a cause, or an individual, it's for life. In sickness and in health, for richer and for poorer, for better and — in my case — even when your're 35 points

down in the polls, the Rabbi is there. Wise. Gentle. As firm and accepting as the faith he's lived by.

I count on the Rabbi in many capacities, but there's one in particular I'd like to mention here tonight.

You see, it is a tradition in the Catholic faith for us to select patrons from the canon of the saints and to try to use these holy men and women as an example of how we should live. Each profession has a patron, a saint who practiced his trade and still managed to live a life of charity and holiness.

In the case of lawyers — my profession — the patron saint is Thomas More, a Lord Chancellor of England who gave up his office — and his life — rather than betray his conscience. More's portrait hangs in my office. And when I have to make a particularly difficult decision, I stop and say a small prayer to St. Thomas More, asking for his guidance.

Then I call in Rabbi Mowshowitz, and get his opinion. Usually, he and Thomas More agree. If they don't, I say another prayer, then sit and wait for Thomas More to change his mind.

The Rabbi who knows me so well, of course, knows about Thomas More. And he knows that this politician, lawyer, father, husband, saint, came to be known by a title his son-in-law first bestowed on him "A Man For All Seasons."

The Rabbi this past year in the middle of an occasion when our roles were the reverse of what they are tonight, and I was the recipient of kind words, bestowed on me a title that even if I didn't earn I enjoyed. Referring to my dedication to Thomas More, he suddenly announced that I should be known henceforth as "A Goy For All Seasons."

Yes, I see real parallels between the Rabbi and Thomas More. Consider the words a recent biographer used to describe Thomas More in defending him from his modern critics, words that seem to echo the Rabbi's greatness as well. In part, they go like this:

He was a scholar who loved to joke, poking fun even at his executioner; and he was a joking

man whose laughter was never cruel or unkind, never a disguise for cynicism, or bitterness, or indifference . . . He was a believer, above all in God, but also in his fellow men, in their ability to use their reason to improve the world, not perhaps to recreate the Utopia he wrote about, but to do a better job of housing, feeding and educating the human family.

And before everything else he was a compassionate man. That is the universal impression of all who met him: the powerful men he served, the lowly ones he presided over, the clergy whom he did not hesitate to criticize, the humanists he amazed with the depth of his learning, and even the king who wept over the fate he decreed for his "good servant, Thomas."

Change the context and the details only slightly, and you have touched on the soul of Israel Mowshowitz. Learning, wit, compassion, faith and courage.

We are a world where it is increasingly hard to find anyone with all these qualities. Never mind someone who possesses them in abundance. Never mind someone who on top of it all is eloquent, kind and merciful, who is filled with humility and love, whose concern for others seems limitless, whose passionate commitment to truth has been maintained regardless of popular opinion, or the political winds, or even harder tests.

A clergyman too sensible to ignore the world, and too wise to embrace it as the only reality, Israel Mowshowitz is bereft of the narrowness and self-righteousness that can diminish the power of belief. His text and his message have been the open books of his life, his faith inseparable from his actions.

That kind of strength and virtue is a rare achievement. And it both startles us and reassures us when we actually see someone achieve it, when we see a life transparent with the consistent goodness and constant decency that eludes the rest of us.

My friend, helper and Rabbi — now my Rabbi Emeritus — in the name of everyone here, I thank you for that example.

And since I began by imitating you, let me end that way — with a prayer.

May your position as Rabbi Emeritus mark a renewal of spirit and belief for you, a recommitment to the work that has brought you into our lives. And this night, and through all the nights and days God grants you, may your light continue to shine before men.

Mazel tov.

Governor Addresses the Catholic School Administrators Conference

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 3, 1983

The only story I know about Catholic school administrators is an old one — from the days of the Baltimore Catechism, when authority was absolute, seldom shared, and certainly never questioned — at least not aloud. In these days an administrator's job was to be envied.

Perhaps you know the story about the bishop whose phone rang in his residence at three o'clock in the morning. A hesitant voice on the other end said, "This is Father Smith, Vice-Principal of Holy Family School. I regret to have to tell you that Father Murphy, our Principal, collapsed this afternoon and died just an hour ago."

The bishop expressed sympathy and said he would pray for Father Murphy, but asked the caller, "Why are you calling at this hour to tell me this news?" Father Smith answered, "I wanted to know, your excellency, if it is acceptable to you that I replace Father Murphy," Whereupon the bishop replied, "Well, Father, if it's all right with the funeral director, it's all right with me."

With that little apocryphal story, I welcome you to Albany as you begin your very real deliberations about the future course of Catholic education in New York State.

This State has a long history of encouraging private education.

Last week here in Albany we celebrated a tricentennial. Three hundred years ago, Governor Thomas Dongan, a Catholic, convened the first popular assembly in the colony of New York and framed a Charter of Liberties and Privileges that provided religious toleration in the colony — a century before the Constitution was drafted.

Accompanying Dongan to this country as chaplain was Father Thomas Harvey, a learned man, a Jesuit — one of Father Duminuco's predecessors. Harvey established a Latin school at the site where Trinity Church now stands in lower Manhattan.

But the history of the parochial school system doesn't really begin there. It begins about midway between Dongan's day and our own, in the 1840's, when the first wave of impoverished and uneducated immigrants poured into New York. Those immigrants were Irish, but like the Poles, and Germans, and Italians, and Hispanics who followed, they looked to the Church both for comfort and leadership. New York's archbishop at the time was the indomitable John Hughes, and when the question of religious tolerance in the public schools arose, he led them in the fight to assert their rights. The issue pitted the immigrants and their bishop against a native-born, well-to-do elite, who controlled the Public School Society. The Society managed to corral most of the money allocated by the State for education into their schools, public not in our modern understanding, but in the British way — exclusive, wealthy, aristocratic.

Immigrant children, when they attended schools at all, found themselves and their faith made objects of ridicule and derision.

Eventually, through perseverance, prayer, and shrewd political instincts, Hughes broke the power of the Public School Society and saw the Legislature pass a bill providing for an elected board of education. In essence, he had won for the immigrants the right to control their own schools.

He then did something unexpected. Having won the fight, he ignored the victory and began to build a

separate Catholic school system tied to the parish structure of the diocese and staffed almost entirely by religious — especially religious women. "I think the time has come," he said, "When it will be necessary to build the schoolhouse first and the church afterwards."

What prophetic words. Many of us can remember parishes in Queens and the Bronx where the school building did come first and parishioners suffered the inconvenience of going to mass in the school auditorium on folding chairs until enough money could be gathered for a proper church.

That's how fierce was the devotion of the immigrants to education — not only in the 1840's, but in the 1940's. They thought of it not just with respect, but with reverence. And they still do. The poor of today, like the poor of yesterday, still look on education as the best and surest road from deprivation to opportunity.

According to figures I saw recently for schools in the Archdiocese of New York, so-called minority students actually outnumber non-Hispanic whites by better than two to one. In Manhattan, some 87 percent of the children enrolled in Catholic elementary schools are black, Hispanic, or Asian. In the Bronx, two-thirds of the children belong to one of these three minority groups.

Catholic schools are doing again what they have done so well in the past — giving students from poor families, or from those of modest means, the only leg up in our society that depends on the power of the mind and not the pocketbook.

Don't mistake me. Parochial schools should be given the credit they most certainly deserve; they cannot, however, be given all the credit. Most of the youngsters in this State — minority and otherwise — attend public schools. In fact, our form of government, while allowing and even encouraging pluralism in education as well as in belief, gives — and must give — primacy to the public school system.

You understand that. It does not surprise nor, I hope, threaten you. We should welcome diversity and look upon the different, sometimes even competing systems, as a source of challenge and strength.

The truth is that neither system goes it alone, unaided. There are constitutional ways that government can help private schools. Last year in New York over \$160 million in State and local funds went to nonpublic schools for such things as transportation, textbooks, breakfast programs, and mandated services.

My Executive Budget, which denied increases to virtually every State department and agency, contained an increase of \$15 million — \$5 per-pupil — in the textbook aid program. I fought for that increase and we succeeded in getting the additional funding. Next year, I will seek another \$5 per-pupil increase.

Now, as you know better than anyone, the courts have opened the possibility of other forms of assistance. In a recent Supreme Court ruling the constitutionality of a Minnesota law that grants parents of school children tax deductions for educational expenses was upheld on the grounds that the deductions were equally available to all. And as you also know, the whole question of tuition tax deductions or tax credits for parents of precollege students is presently being debated and considered in excruciating detail.

The question can take on a Byzantine intricacy when you try to fashion a program that is equitable; truly available to all. We're not daunted by intricacy. We continue to consider the various proposals and welcome your counsel in this difficult area.

But at bottom, or goal must always be to enrich the diversity that distinguishes education at all levels in New York State — to enrich it without undermining or denying the necessary primacy of public education.

I for one have benefitted from that diversity. John Kennedy said when he was awarded an honorary degree from Yale that he had "The best of all possible worlds — a Harvard education and a Yale diploma." Well, I had something as good — diplomas from both P.S. 142 and St. John's Prep.

Public school made me an American; the Vincentians, despairing early of making me a priest, managed at least to instill in me a love of language and a curiosity about words. In fact, the Latin they took such pains to drill into my head allows me to point out that the word

"administrator" comes from a root whose fundamental meaning is "to serve".

It's a word still true to its root. For the cardinal service you render, it seems to me, is one of service — clearing obstacles so that teachers can teach, and students learn.

There's no harder job. All ex-teachers — and here I include myself and my wife, Matilda — will verify that, no matter how difficult the work we now do, there is nothing more demanding — and often less financially rewarding — than working with young people, struggling to give them the attitudes, the perspectives, indeed the faith they will carry through life. It is a job — a vocation, really — that brings with it immense responsibilities.

Perhaps it sounds trite to say that the young are the hope of the future. It is, nonetheless, a self-evident truth that we best recall over and over again, constantly.

And in serving them, you serve the larger community, for one day — and it's not so very far away — the welfare of this State and this nation will depend on your students, on what they have learned from you and from your teachers.

And so, I leave you with two prayers as you begin your deliberations. May you continue to flourish and enrich this State with a beautiful diversity. And may the zeal or education that consumed our immigrant parents and grandparents continue to burn undiminished in you.

Thank you.

**Governor's Remarks to the New York Statewide
Senior Action Council, Syracuse**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 3, 1983

It was Victor Hugo who said that there is no greater force in the world than an idea whose time has come.

The Senior Action Council is one such idea. It

represents the awareness of New York's seniors that they must be organized and unified, ready to struggle and fight for their rights, for the dignity and independence they spent a lifetime earning.

And yet, think how difficult it would have seemed even as few as 50 years ago for people to have conceived of the need for an organization such as this one. We were a nation then of three-generation households, of people who kept the same job for 40 years and lived in the same neighborhoods all their lives.

We were a people who despite the failure of banks and businesses, of the entire economy and of government itself, clung to the one institution that remained a source of strength and security, . . . the family. Families took care of their own. Even though it was often hard to do, that was the common assumption. Everybody pulling together, the old as well as the young, the sharing of benefits and burdens, fairly, for the good of all.

That is the world I was born into, the world that many of you knew as young adults. And despite the memory of hard times and joblessness, of backbreaking work and sweat and struggle, we all feel some nostalgia for that time, for the closeness and sense of common struggle.

And we remember something else, too. We remember a compassionate Federal government concerned about the homeless in our cities, about the farmer foreclosed out of his land, about the workers who'd lost their jobs and were losing hope, about the elderly who after a lifetime of labor were denied the simplest level of security, about families being destroyed and driven apart by despair and the search for work.

All that changed, of course. Not overnight. It took time. It took struggle, and courage, and perseverance. Above all, it took the leadership of Franklin Roosevelt, the massive social reforms he instituted that rebuilt the economy, put people back on their feet, gave some measure of dignity and security to the retired, and hope and opportunity to the unemployed — that made the concept of family into a principle of government.

Those reforms weren't written in stone. Like every other social reform they need to be updated and brought

into conformity with the times.

Consider, for instance, the recent problems of the Social Security system. They were huge problems but the recommendations of the national commission that studied Social Security proved that working together we can reform and improve a system already in place.

And we need in a similar way to examine the Medicare program, to make it a more effective investment of our senior citizens' health.

But we must be careful in doing so. We must be careful to remember that to reform is not to reproach those using the programs. To reform is not to rescind or repeal or revoke or renounce. It is to improve. To improve programs so that people receive the care they need in a more reasonable manner, and to improve them so that they do not bankrupt cities and counties and leave them incapable of providing other essential services.

Unfortunately, the Federal government still closes its eyes to these facts. It continues to believe that economic recovery can only be purchased at the expense of the poor, the hungry, the unemployed, the minorities, the elderly. In the name of progress and fairness, it continues to attack all the social achievements that your generation fought to put in place, achievements that made life better and more secure for all of us.

We must oppose that course of action as strenuously and vociferously as we know how. But words aren't enough.

If we are to be listened to, we must show that we have the will to do, here in New York, everything in our power to improve the condition of people's lives. I believe we have made a good beginning.

This year, at a time when we faced the most massive deficit in the State's history — \$1.8 billion — we did not seek to solve our problem by making worse the problems of the elderly.

We committed an additional \$3 million of State money to the Community Services for the Elderly program. We did it with bipartisan support in the Legislature and with the aid of your strong advocacy of the measure.

Without question, the best thing any of us can do for the elderly is to keep them out of hospitals and nursing homes whenever possible. The vast majority of elderly people who need care of one kind or another want to remain at home, near relatives and neighbors, in their familiar surroundings. They want to remain there and we need them there.

That is why the community services program is so important. With almost 200 locally planned community services projects now in place, this program has helped hundreds of elderly New Yorkers avoid unnecessary institutionalization.

A second bill signed into law this year gave State nursing home ombudsmen the statutory authority to review patients medical records. History has shown that it takes constant vigilance to ensure quality care for the elderly in institutions. This law helps us do a better job of that.

Other bills signed this year should help the elderly to remain in the community, at home, when they need care. Respite programs, hospice care, adult foster care, centers for independent living — you know the details of all these programs and you know that the State's commitment to all of them was expanded this year.

At the beginning of this year I summed up what we were setting out to do with two words: jobs and justice. Jobs and justice for all . . . the young, and the middle class, and the retired person, and the people who want a job, or just to keep the one they already have.

As part of this program, we have to abolish mandatory retirement in both the private and public sectors. There's simply no rational justification for it. It's wrong . . . wasteful . . . and poor policy. I will continue to press for legislation that gives the elderly people who want to continue working the right to do so.

In the area of criminal justice, I know that crime and the fear of crime is a real and terrible concern for older New Yorkers. We all wish there were some way quickly to restore to our society a deeper respect for the law, for the inviolability of personal property and the sanctity of human life.

But there isn't. There are not magic formulas, no one-stroke solutions. We can only work harder to destroy the misery and ignorance that breed disrespect for the law, and, at the same time, make our criminal justice system so swift and certain that it both punishes crime and deters it. This year I signed legislation that provides \$1 million for grants to neighborhood crime prevention programs, with emphasis on the protection of the elderly. In addition, the Crime Victims Board now has a greater capacity to compensate elderly crime victims.

Your advocacy of all these issues and others — decent, affordable housing, adequate, accessible transportation, to name but two — has been effective and has benefitted senior citizens all over New York State.

There is another task before us now with which we very much need your help: The Transportation Bond Issue — we call it the Rebuild New York Bond Issue — that will be on the ballot next month.

Some cynics have said that senior citizens don't vote for bond issues because they don't live long enough to profit from them. I reject that suggestion out of hand. I know better. I know that people who sacrificed all their lives, who worked and saved and went without themselves so their children could have advantages they never had, aren't somehow transformed by age into calculating egocentrics, motivated solely by self-interest.

Besides, you know perhaps better than any other group how essential an issue transportation is. An adequate, accessible, coordinated system of transportation is often the one factor that enables elderly people to live independently, in the community.

These, then, are the goals we share and that this Administration is determined to work with you in achieving.

I know as well as you that this will require struggle, persistence, determination. For despite a great deal of rhetoric about the rights of the elderly, we are a society that is uncomfortable with age, that consistently fails to use the incredible resources of talent and ambition the elderly possess. We are a society where age is resisted and denied, where major industries have grown up around the attempt to remove all the wrinkles and restore all the hair

and restrain all the sags that indicate the passage of time and the natural unfolding of our lives.

In the end it's a losing battle, of course. And in truth it's an unnecessary one. For in denying an essential truth of our lives — the process of change, and maturation, and aging — we deprive ourselves of the wisdom, and experience and strength that belong to those who are unintimidated by time.

And worse, we deny a simple human fact: The millions and millions of people in their seventies and eighties and nineties who lead vigorous, full lives, who enrich our entire society with the knowledge and expertise only a lifetime of experience can give; people who are the link between the achievements of one generation and the hopes of the next.

I don't want to be too philosophical about this, because none of what I am saying was arrived at through a kind of detached, disembodied intellectual speculation.

I've seen it in the flesh as so many of you have. In my father's life, a man who worked and sweated all his years, who never asked anything more of this world than the chance to earn his own bread, yet who lifted his children onto his strong, broad shoulders and let them grasp dreams he could never touch. And my mother. In her eighties and still going strong. So strong that she puts me to shame. A woman incapable of even imagining that her age disqualifies her from any part of life.

We simply can't afford to waste this resource any longer. For the State and society of which we are all part can't survive or prosper if it ignores one third of its members, if it isolates and denigrates them.

The simple truth is we need you. Your advice. Your faith. Your experience. We need it in the government, and in industry, and in the home.

Everywhere, we need your help to be what we know we should be. A family.

Thank you.

Governor's Remarks at the Carter Library Benefit

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 4, 1983

This job of being Governor can be a difficult one but it's also extremely rewarding. One of those rewards is the opportunity to greet, be in the presence of and even say a few words of introduction about great dignitaries like the ones we are privileged to be with this evening.

In this country we have more than respect for Presidents, past and incumbent: we have reverence for them. So if Jimmy and Rosalynn Carter were nothing more than a former President and a former First Lady, we would extend to them the very best wishes of all the people of the Empire State and explain to them how grateful we are for their service.

But ladies and gentlemen, tonight is something more than that for me. This welcome goes beyond the normal protocols reserved for former Presidents and First Ladies. I had the special privilege of coming to know both the President and the First Lady personally and working for them in a cause that, to me, becomes more true and more compelling with the passage of time. So it is a special privilege to welcome them here today.

And to say to Rosalynn Carter that it's an honor to have you back in New York to tell you once again that your graciousness, your candor, your tireless energy and your real concern for the people in our society who often go unnoticed and unspoken for, set a standard of excellence for all First Ladies.

And a privilege to tell you, President Carter, that I thought of you in 1980 not only as a leader of unusual decency and intelligence and dedication but a man whose special litany of concerns was, I believe, a more appropriate one than any that we have seen since.

I thought in 1980 that your achievements had been great ones — the Camp David accords and a new emphasis on the importance of human rights and dignity and peace, a new insistence on the highest kind of morality, not from preachments but from example. I thought, Mr. President, that yours was a unique and important Presidency in our

history. One that marked a whole new commitment to American greatness and a whole new sense of its goodness.

I feel even more that way today, having studied the things I believed then, against the record of events since. I find the passage of time has already proven how right you were about the economy, about nuclear war, about how to go about the process of making and keeping a peace. You were right, Rosalynn was right and Amy was right, when she warned you of nuclear devastation.

And Mr. President I can tell you too that my frustration and unhappiness at not being able to tell your story before has also grown because yours, I believe, is a story that has not yet been properly told.

I believe, therefore, it is especially appropriate that we have a library to tell the story of that Presidency, examine its expectations, to ponder its problems, analyze its disappointments, search for its lessons and, yes, to honor its achievements.

Those of us who were privileged to share some small part of the Carter years, to know the President and his First Lady, to see how much they gave of themselves to their work, will never forget their examples. And we have a real sense of satisfaction and anticipation knowing that the new Carter Center at Emory University will carry their work on; that — in the President's words — "The continuing exchange of informed ideas" will be brought to bear on the problems that threaten us and diminish us.

Mr. President, Rosalynn, it is an enormous pleasure to have you back in this great State. We look forward to seeing a great deal of you in the future here where you will always be welcome.

**Governor Addresses the Suffolk County
Democratic Dinner**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 5, 1983

In a decade of political life, I've attended Democratic dinners in every part of the State, and through those

years, one fact about this Party has impressed me above all others.

It's diversity. We represent everyone from the abject poor of Essex county to the struggling middle class of Long Island. We speak for the people who work for a living because they have to and the people who want to work but can't . . . because they're too old or frail or simply can't find a job.

Our Party is composed of farmers, small businessmen, teachers, blue-collar ethnics, blacks, Hispanics. People of every educational background and from every economic condition. People who live in great cities and small agricultural villages and sprawling suburbs. Nor do we exclude the enlightened affluent.

In some parts of the State, like some parts of the nation, being a Democrat comes naturally — and easily. In other parts, we're a minority, and it requires real persistence — and tenacity — to keep the faith.

That's what's made Suffolk's Democrats so strong and so vital. You know what you are and what you believe.

You know it because you've had to live by your principles in the face of an entrenched opposition that has often been able to monopolize the power and privileges of incumbency. And you've held to those principles, not because it was easy to do so, or popular, but because they're right.

Because with those principles you know you can bring hope to the unemployed. Because you know that people out of work aren't just numbers in an economic equation, and that no nation, no matter how powerful or rich, can afford to write off ten million people as the price of economic recovery.

You're strong because you remember what a difference our party made to the immigrants, to organized labor, to the elderly, to all the people who shared the work of building this country but were so often denied any share of its wealth.

You're strong because you realize that we can still make a difference to all those people aching for some part of the American dream — people in wheelchairs, people

who can't speak the language, people who've lost a job or can't find one, people who can't even feed their children.

You're strong because you know that what we believe as Democrats is better than what our opponents believe. And what we've done is better than what they've done. And what we still hope to do is the only hope that millions of our people have.

That's what makes us Democrats. That's what keeps us loyal to this Party whether it's in power or not, whether it's in the majority or the minority.

Of course, we have our differences. No party as diverse as ours could be without them. We had them in 1982. We had a primary, and we weren't together in it. That doesn't embarrass any of us. The primary was the crucible out of which we produced consensus. We recognized that our differences within the family were utterly insignificant when we had to oppose our Republican adversaries.

We came together, and worked together, and despite being outspent three and half to one, despite an unprecedented media blitz, despite President Reagan's popularity, we won. I thank you for the support you gave me in that election. And I ask that in the campaigns we now face, you show the same solidarity and determination.

First in the campaign this November to elect Pat Halpin as Suffolk County Executive, to prove once more that we are a better judge of the people than the pollsters, that when we speak clearly, intelligently and passionately about why we're Democrats, the people listen.

And to prove that we know how to govern. In the past ten months, building on last year's victory, we've shown what Democrats can do. Thanks to Stanley Fink and Fred Ohrenstein and other great Democrats, we've proven we can be progressive and still pragmatic, idealistic and still practical. Committed without being confused.

We've balanced the budget without punishing the weak — balanced it and at the same time given more money to education, more money to the disabled, the unemployed, the homeless; more assistance to local

governments, to our courts, to our prisons. We've invested new money in high technology at Stony Brook and across the State, new money in job training and in economic development.

There are 244,000 more people at work in this State today than there were a year ago. Everyone predicts new strength. *Inc.* magazine, in one year, has moved us from twelfth to fourth in terms of the favorableness of our environment for small business.

With the Rebuild New York Bond Issue as its centerpiece, we've begun the largest infrastructure repair program in the nation, a \$7 billion effort that will produce thousands of new jobs in Suffolk and throughout New York.

Now we need a County Executive in Suffolk who can support these efforts, and extend them. An executive who isn't afraid to lead, who has a real grasp of Suffolk's potential as well as its problems, who understands this County's people and what they're capable of achieving. Who agrees with the kind of leadership this State voted for in 1982. We need Pat Halpin.

And we need the same kind of Democratic vision and leadership in Washington as we do in Hauppauge. We need to pick a presidential candidate for 1984 who believes as we do, a candidate who understands the best traditions of our Party and can lead us in drawing together the progressive but common sense coalition that is our power and our glory.

We've had a chance to hear each of the candidates in the presidential forums that have been held around the State, and in the final forum this Thursday we'll have a unique chance to hear them together.

Even before tomorrow, one thing is already clear from these forums. There are differences over particular proposals, there are different ideas on how much more to invest in education, where to cut the defense budget, what the specifics of our industrial policy should be.

But it's equally clear that now, as in 1980, these differences are not differences over basic values, over principles, over whether we should help education at all, over whether we should help shelter the homeless, or

prevent children from going hungry, or stop the economic hemorrhaging that is destroying neighborhoods and cities and entire areas of the country. There are no differences about that.

In fact, what appears to be shaping up — and I am delighted by it — is a renewed commitment to the *principles* that have made us what we are — our commitment to people, to improving the conditions of their lives, to an open society, to fairness, to programs that are suitable to the 1980's. And at the same time a commitment to find up-to-date ways to implement those principles. The values and principles remain the same — the specifics of programs, however, properly change and, if we do it right, they improve.

With this commitment, I believe that we'll choose a presidential candidate who can work with Pat Halpin and with all of us to bring new opportunity and hope to the people of Suffolk and the entire State. A candidate who can make us proud again of our national government, and what it is supposed to stand for. A candidate who can win and who deserves to win.

This is a great time for Democrats. A great time for people who believe in trying, who aren't afraid of the odds, who come from the kind of stock that laughed at the naysayers and the pessimists and went on to build the greatest state in the richest and most powerful nation the world has ever seen.

We are standing on the verge of an entirely new era of progress for Suffolk County, for Clinton County and all the counties in between. An era in which we rebuild our roads and bridges, rebuild our environment, rebuild our system of education, rebuild our economic base, rebuild our beliefs and our hopes.

It's up to you and me and Pat Halpin and our new Democratic President to lead the way. How lucky we are to have the opportunity. How lucky we are to be Democrats!

Thank you.

Governor's Remarks at the Final Presidential Forum

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 6, 1983

Before we move further into this evening's program, I would ask you to observe with us a moment of silence to reflect on the passing of a great human being who taught us, dramatically — and even in his death — the strength and the beauty of true faith and commitment — Terence Cardinal Cooke. Ladies and gentlemen, please rise.

Let me say thank you to our excellent State Chairman, Bill Hennessy, and his Committee, for having put together and administered these presidential forums so professionally, so fairly, so effectively.

They have exceeded our expectations. They have given our State's Democrats — indeed the whole nation — a sharper, clearer view of who the candidates are and what they believe. At the same time they have given the candidates, a better understanding of what we New Yorkers regard as the truth.

Thanks to the opportunities they have had for exposure and the individual performance of the candidates during this month, a funny thing happened on the way to this final forum. Many people — who didn't already know it — discovered that we have seven extraordinarily talented, well-spoken, thoughtful candidates from which to choose our Party's nominee for 1984.

I believe — and I suspect most of us believe — that each of these seven candidates would make an excellent President. There are differences among them, of course. They disagree on some specific matters — on how much precisely we should cut the defense budget or on how much more we should invest in education, or on what the exact components of our industrial strategy should be. But overall, out of the give and take of the forums, there has emerged more and more clearly two areas of basic agreement which — I believe — will define the rest of the campaign.

First, the candidates have all demonstrated a respect for the central, irreducible body of principles that makes

us Democrats: the essential belief in the ability of government to act aggressively — but reasonably and fairly — to help people. They agree it's government's obligation to assist people to go as far as their own abilities will take them, and at the same time to help those who through no fault of their own are excluded from their fair share of America's opportunity and abundance — to help the homeless, the unemployed, the disabled, the millions whose only real hope is a government that understands their need and is willing to work to meet it.

Second, the candidates agree that while fundamental principles do not change, our programs do — and should. They agree that if our precepts are to be more than disembodied dogmas — no matter how noble or uplifting — then we must find new ways to apply them, to adapt them to the specific circumstances and challenges that we face today; we must find ways to devise programs that are realistic and workable that will reach the people they are designed to reach, effectively.

No matter which of these candidates we choose to represent us in the election ahead, we in New York are thankful for the contributions they've made toward shaping a Party that will go into the campaign next year sure of what it is, and sure of what it believes.

And frankly, we are *proud* that the Democratic Party is possessed of such intellectual vitality and moral commitment — proud that the Democratic Party is so rich in talent and capabilities that the final choice of a nominee will be very hard to make.

Thank you for coming. Now let's listen, learn and . . . eventually . . . decide.

Governor Signs the NYRA Bill, New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 7, 1983

Over the past few months I've signed bills concerning the environment, transportation, senior citizens, education, worker safety, criminal justice and public finance. Today's signing is a horse of another color.

These two bills concern both a sport and an industry: thoroughbred horse racing. They extend the franchise of the New York Racing Association from 1985 to 2000 and provide thereafter a competitive process for the awarding of ten-year franchises to private associations.

The bills also establish a capital improvement program to refurbish the three NYRA tracks — Saratoga, Belmont and Aqueduct. Funds for that program will be provided from NYRA's profits and from all future revenues realized through off-track simulcasting. Current projections indicate that at least \$4 million will be available in the first year and that the \$50 million needed for improvements can be funded over the next five years.

I'm proud to have played a part in enacting this program but the real credit must go to those for whom this new law is the successful culmination of nearly three years of work — Speaker Fink, Senator Anderson, NYRA Chairman Tom Bancroft, and former NYRA Chairman Dinny Phipps.

The economic benefits this program ensures for the people of New York are noteworthy. NYRA is the cornerstone of the State's \$2.5 billion racing industry, which employs more than 40,000 individuals and provides more than \$175 million in annual tax revenues to State and local governments. Since its inception in 1955, NYRA has provided more than \$2.6 billion for the support of government in New York State.

This legislation is a major step forward but more is required if we are to build New York racing into the preeminent world industry it has the potential to become. We must enact a simulcasting law that promotes the industry throughout the State without endangering the on-track attendance and handle. We must reform our off-track betting system to increase its profitability and ensure its compatibility with the on-track system.

These bills, then, are a beginning. And if they don't accomplish all that must be done, they at least make it clear that in the race to keep New York as the nation's thoroughbred racing capital, we won't settle for place or show.

Thank you.

**Governor's Remarks on the "Rebuild New York"
Campaign, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 7, 1983

Thank you all for coming out here today. I know many of you can't stay long so I'll be brief and get right to the point. We need your support next month on election day when the Rebuild New York Bond Issue appears on the ballot.

I cannot emphasize too strongly how essential this Bond Issue is for New York — all of New York.

The need for repair and reconstruction of highways and bridges is critical. It is really no exaggeration to say that all around us — in every part of the State, as in the nation — there is a volatile potential for disaster on the roads and bridges we travel. The bridge collapse in Connecticut was a stark and tragic lesson. This week in Albany — in fact right outside the Capitol — one of that City's most heavily travelled streets caved in after the collapse of a sewer line that was constructed in the 1850s.

Fortunately, there were no injuries. But it is clearly naive and irresponsible to rely on good fortune as the principal protection against disaster.

If this Bond Issue passes, we can begin right now the work that needs to be done. The program will provide \$303 million in bond funds for rehabilitation of highways, bridges, railroad and port facilities in the City, as well as \$105 million in additional State funds for transit capital projects.

For New York City the money generated through the bond program will be used to reconstruct the FDR Drive, to rehabilitate the Hutchinson River Parkway bridge in the Bronx, and bridges and viaducts on the Cross Bronx, Bruckner, Brooklyn-Queens, Van Wyck, Whitestone, Gowanus, and Long Island Expressways.

Other bridges in each borough will be replaced, rehabilitated or reconstructed, waterfront facilities in Brooklyn will be improved. The City's rail freight capacity will be increased with construction of an

intermodal terminal in the Harlem yards and needed improvements to rail lines in Brooklyn.

Anyone in this City who owns a car or rides a train or a bus knows the dimensions of the job we face. They know that if there is work that can wait, it is not *this* work. They understand it is, finally, a matter of common sense and public safety.

Of course, some people say that borrowing more money is not the answer, that the State is already far too indebted.

No one has been more insistent than I that this State live within its means. The truth is, New York's long-term debt service has decreased as a percentage of tax receipts to a low of 4 percent in 1982-83. Given the schedule at which we are retiring prior debt, the Rebuild New York Bond Issue will not materially change this percentage. The State's commitment to long-term debt will be well within our demonstrated capacity to finance.

New Yorkers will be voting on more than roads and bridges with this Bond Issue. It is a vote on jobs — jobs right here in New York City and across the State. It is a vote on the power of New York to attract new businesses and keep old ones. It is a vote to begin the work now that, in any case, will have to be done sometime.

The simple truth is that we don't have — and we'll never have — the money to do everything at once, to resurface *all* the roads, reconstruct *all* the bridges. We must choose. We must decide on priorities. There is no other way *to begin*, for although \$1.25 billion is a great deal of money it is only *one-fortieth* of what we need.

But the longer we postpone this work, the more repairs will be needed, the more chance of collapsed bridges and closed roads, the more danger of accidents and lost lives.

The bipartisan support the Bond Issue received in the State Legislature has clearly shown that Democrats and Republicans alike — upstaters as well as downstaters — appreciate the seriousness of this work . . . and its urgency.

I hope you will all join myself and Mayor Koch in

voting yes on the Bond Issue November 8, a vote that affirms our determination to preserve and rebuild the network of roads and bridges and terminals and ports that have been and will remain a source of this City's vitality.

Thank you. _____

**Governor Addresses the NAACP Annual Convention
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 8, 1983

In the campaign, we promised to bring minority men and women into cabinet level positions in my Administration, so that it would reflect, better than any administration in New York ever has, the rich diversity of our people.

We've done that.

You know the names and you know, too, that these people are among the finest, brightest, most hard-working, you will find — minority or otherwise, in government or out: Lillian Roberts, Labor Commissioner; Yvonne Scruggs-Leftwich, Commissioner of Housing and Community Renewal; Cesar Perales, at Social Services; Carl McCall at Human Rights; Eugene Callender at Aging; Leonard Dunston at the Division for Youth; Wallace Ford at SONYMA, David Dinkins as a Director of the UDC; Julio Martinez at Substance Abuse, Dolores Cross at HESC.

That, of course, is the short list. It would take too long to name all those appointed as Deputy or Assistant Commissioners, Deputy Directors, Counsels or Executive Assistants. The list is available — it's in the record.

As to jobs, there is now within the Executive Chamber an Office of Contract Compliance and Minority and Women-Owned Business Enterprise, established by Executive Order. Under that Order, it is now official policy that at least 12 percent of the total dollar value of contracts let by the State will go to minority business enterprises. That Executive Order is more than a piece of paper. That policy more than wishful thinking, the State Office of General Services is now in the process of

awarding to a bona fide minority firm a major contract — \$17.1 million — to supply State agencies and municipal subdivisions with fuel oil.

We are determined, too, that minority groups benefit equitably from the Federal JOBS Program. I appointed Jewell Jackson-McCabe as Chairperson of the Job Training Partnership Council and we insisted, as few other states did, that a strong affirmative action policy be part and parcel of New York's handling of the Federal funds made available through that Act. I have also directed the Council to review the minority composition of the local private industry councils established through this Act.

A further, concrete indication of our commitment to the goals of equal opportunity and affirmative action is the relocation of four State agencies — Labor, Human Rights, Youth and Social Services — to three locations in Harlem. In addition, the Urban Development Corporation recently committed a total of \$3.5 million to three projects in Harlem: the East Harlem Recycling Center; the Apollo Theater renovation; and the construction of a permanent home for Jazzmobile.

At the very center of our JOBS campaign is the \$1.25 billion Rebuild New York Bond Issue, which goes before the voters on November 8. This program to rebuild New York will mean more than the achievement of long-delayed repairs. It will mean jobs — thousands of them. Jobs for people who want only the chance to have the dignity of a paycheck, to be able to earn their own bread.

The ugly truth in New York and across America is that a disproportionate number of the unemployed are black and Hispanic, and it's only simply justice that a jobs program such as represented by this Bond Issue recognize this fact. Beyond the requirement that gives an equitable share of the work to minority contractors, we will require every contractor to submit an affirmative action plan with his bid, and this plan will be a part of the basis on which contracts are awarded.

The Rebuild New York Bond Issue will give jobs to people now without them — in Harlem, in the South Bronx, in Bedford-Stuyvesant.

And yet it alone — or any of the other projects we are

undertaking — only touches on the greater problems of these communities. It will take generations to cure the ills that have left them debilitated, sustained only by the artificial means we devise when all hope of real opportunity is lost. But we can begin now and we have begun to redirect human services programs to secure justice — social justice — for all our people.

This year we committed \$12.5 million to expand housing opportunities for the poor and homeless in the State. The Office for the Aging has directed more than \$12 million of the funds it disburses to programs that benefit minority groups. In Buffalo we increased funding for the Kenfield/Longfield Housing Project to provide tutorial services and a teenage pregnancy program. Here in Albany, in the Arbor Hill section, we established an Alcoholism Day Treatment Program at the Whitney Young Health Center.

As always, the surest hope of achieving lasting gains as a family lies in the ability to give our children more opportunity than was available to us, to clear obstacles from their path just as our parents did for us. That work begins with education.

I have made it quite clear that investment in the State's educational systems must be one of our chief concerns in the coming years. To help us get the maximum return on the investment we will make in education next year, I have asked for the advice of a distinguished group of educators and administrators, including Chancellor Alvarado, Dr. Adrienne Bailey, and Chancellor Wharton.

But, when we've made progress in all these areas, we'll only have just begun to make our society as fair and just as it can be.

The achievement will demand relentless effort from all of us in the areas where the voice of your advocacy has so often made the difference between success and failure — affirmative action, equal opportunity, minority business enterprise, housing, human rights, the whole range of programs that the NAACP helped conceive and bring into existence. And despite the current sense of stagnation and frustration that has eroded so much of the hope and expectations of the civil rights movement, I know that effort can succeed.

For the future, I can make only one pledge but it is a solemn pledge. I will insist that all who work in my Administration commit themselves to the strict enforcement of the programs and initiative I have outlined here today. And, for as long as I am Governor, I will devote as much time as it takes to see these programs to their full fruition.

I said in my *Inaugural* address that we are "the sons and daughters of giants", the descendants of the serfs and slaves who refused to believe the world couldn't be made better, that freedom could belong to only a few, that while some people are born to be rich and comfortable the great majority must live and die in squalor and despair. Our ancestors scoffed at that, blacks and whites alike. They believed — liberally and with all their hearts — in the promise of America.

For some of us, that promise has come true. The bigotry that greeted us because we spoke another language or practiced a different religion has dissipated, if not disappeared. For others, men and women still judged purely on their color, still denied housing because of it, and opportunity because of it, and even justice because of it, the handicap of prejudice remains.

But for all of us, the truth is the same: We will fail as a society if we are divided into two nations, one affluent, the other impoverished, one hopeful, the other despairing, one confident, the other embittered.

Our only hope remains in reembracing the principle Dr. King described with an eloquence I could never match. The principle of mutuality. Of shared burdens, shared benefits, shared hope. The principle I call "family."

Thank you.

**Governor Addresses the Columbus Citizens Foundation,
Inc. Annual Dinner, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 8, 1983

The death of Cardinal Cooke, our Bishop, our friend

— has saddened us all.

But the truth is he does not want it to. The truth is that in his death, the only way he chose to deal with it, to manage it, to share it with us — he delivered the most eloquent sermon he ever delivered. He told us that it would dishonor our faith to treat his passing as anything but a fulfillment, anything but a culmination of all his magnificent efforts while alive.

Anyone who knew him at all, knows he would have insisted on carrying on this Columbus Day celebration and getting on with the business of living.

First let me extend my congratulations on behalf of the entire State to a very distinguished honoree, Sophia Loren. Sophia, we thank you . . . for sharing with us and the whole world your talent, your strength and your beauty.

And thank you for the award. I accept it on behalf of all Italian-Americans and there are many here tonight — who have tried to serve the public in a way that will bring credit to all of us.

This annual celebration is a significant event. It celebrates and commemorates two things — the two parts of what we are — Italian-Americans.

It reminds us first of the culture we inherit through our blood, the magnificent Roman culture that gave us law, architecture, music, painting, masterpieces of fine art. A culture that provided us yes . . . Michelangelo, da Vinci, Verdi and Dante, and has enriched and adorned a Church now nearly 2,000 years old. Nowhere in the history of mankind has there been recorded a greater contribution to our civilization.

And then, second it honors the heritage that began for most of us in New York harbor, in the drafty, impersonal halls of Ellis Island where our parents or grandparents were numbered, inspected and — finally — admitted to this country.

Most came only with what they could carry, with some clothes and small mementos of the place they left. That and a determination and a willingness to work, and the faith that things would be better for their children . .

the faith that by struggling and believing and sacrificing they could lift their children on their shoulders allowing them dreams and ambitions they themselves could hardly conceive of.

They made us what we are. They made us proud of our past and hopeful about our future.

And they taught us, those magnificent people, an unshakeable respect — for family, for the elderly, for the obligation to provide for the children one brings into this world. They taught us a shameless, bold patriotism, a holy strength, a deep, almost unquestioned religious conviction. And most of all they taught us selflessness. The capacity to bear pain for a generation so that the next generation could live better. They taught us love.

And while doing so, they remained true to their own heritage. They proved once and for all that being an American didn't require that you deny your past, conforming to what some previous group of immigrants insisted Americans should be — what they should believe, where they should worship, how they should behave.

It's their strength we celebrate tonight — all of us — all the immigrant children of America, whether we trace our roots to Columbus in 1492, or to Plymouth Rock in 1620, or Ellis Island in 1910 . . . or yesterday afternoon in Kennedy Airport.

It's their special, magnificent place in this nation's history — their strength, courage, laughter and faith — that we honor here tonight and that — if we are good enough and wise enough never to forget — we will pass on to our children and their children's children as Italian-Americans always.

Thank you for allowing me to be part of it.

**Statement by Governor Mario M. Cuomo and
Senator Daniel Patrick Moynihan**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 13, 1983

This year the Democratic Party has been fortunate

enough to have seven experienced and talented candidates from whom to choose a nominee for President. Each of these candidates appeared here in New York at the presidential forums held around the State, and each argued his case forcefully and articulately.

They are good candidates, and it is tempting to put off a final choice as long as possible. Yet it has become increasingly clear that the time to make that choice has arrived. In ten weeks the candidates will file petitions for the State primary. Fund raising is in full swing. County leaders and elected officials are being pressed for their endorsements. People want to know where the leadership of their Party stands. And now that the forums are over, and the candidates have had the chance to explain their positions, they are entitled to know.

We have decided that of all the candidates Walter Mondale will make the best President. We have decided this on the basis of three factors.

First, Walter Mondale's ideals. In everything he's done and said, he's been true to the principles that for half a century — since Franklin Roosevelt — have made us different from our opponents, the principles that make us Democrats. This commitment to principles has been more than just a verbal profession of beliefs. It's been the soul of his entire public career — as Attorney-General of Minnesota, as a United States Senator, as Vice-President and, for the past three years, as a passionate, eloquent spokesman against domestic and foreign policies that contravene everything this Party stands for.

Second, Walter Mondale has offered the best ideas for making our ideals come to life, for ensuring that this Party is willing to adapt unchanging principles to a world where change seems the only constant. He has shown he has the vision and the determination to shape a Party that knows what it is and what it stands for, that can offer this country what, at its best moments, it's always offered. That is, the leadership and programs necessary to achieve social change with social justice, to create a prosperity that is shared by the middle class and the working poor, to secure equal rights and equal opportunity for all those still denied their full share in this nation's freedom and abundance.

Third, Walter Mondale's experience. He has served in

both the state and Federal governments, on Capitol Hill and in the White House. He has worked on farm legislation and helped design programs to aid our cities. He has been involved in the making of our foreign policy and learned first-hand the responsibilities and the limits of our role as a superpower. He has been a consistent advocate of a strong but reasonable defense, one that maintains the security of America and our allies yet admits the absolute necessity for arms control and arms reduction. A firm and unwavering friend of Israel, he knows the complexities involved in that area of the world, and the danger. He has endorsed the idea of a special envoy to help end the deadly cycle of violence in Northern Ireland. And in every part of the world he has never lost sight of the truth that America's greatest weapon remains its commitment to democracy and human rights — to strengthening those nations with whom we share these values.

Of all the candidates, Walter Mondale is the best prepared to be President. And beyond the sheer breadth of his experience, there's something even more important — the sense of balance and the commitment to compassion that have been the constant hallmarks of his career.

He is a man whose only special interest is people.

We've known Walter Mondale for some years now, had the chance to see him at work as Vice President and as a Senator, to campaign with him, to listen to his ideas, to sense the depth of his convictions, to understand that whether in or out of power he is the same man, believing in the same principles — despite what the opinion polls say it is convenient or popular to believe. Last February, at the very outset of this campaign, we said it was important to emphasize that the choice we faced was one based on principles, not personalities. It's on that basis we've chosen to endorse Walter Mondale.

Precisely because this endorsement is based on shared ideas and shared ideals, it comes freely and without qualification. It isn't a bargain or a deal. Neither is it a half-hearted lending of our names to a candidate about whom we have reservations.

It's a commitment.

It's a commitment to do everything we can to make

Walter Mondale the next President of the United States.

Others in this State, of course, will choose differently. In the months ahead they'll have the chance to argue their candidates are better than ours. They'll be free to work as hard as they can to build support for their delegate choices in the State primary, and to see those delegates are elected.

It's an open process, and we look forward both to being a part of it and to demonstrating the true meaning of today's endorsement.

Thank you.

Governor's Remarks on "Jacob Javits Day", Stony Brook

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 17, 1983

Senator Javits, Marian, members of the Javits family, President Marburger, Senators Baker, Byrd, Moynihan, Kassebaum, Kennedy, Mathias and Pell, distinguished guests, friends:

To paraphrase a former President who was once similarly surrounded by people of genius and achievement, let me say that there hasn't been a gathering in one room of such intelligence, experience and brilliance . . . since the last time Jacob Javits played solitaire.

The presence here of so many distinguished guests — Democrats and Republicans, easterners and westerners and southerners — is an eloquent expression of the reach and breadth of Jacob Javits' friendship as well as the deep respect with which he is held by his colleagues in the Senate.

But it's also something more. It's the celebration of the difference one man's career has made — and continues to make — in the history of New York . . . and the nation. It's the celebration of a whole professional lifetime of brilliant service to the nation.

One New York newspaper recently said — and I quote — "although Senator Javits has largely withdrawn from

day-to-day involvement in politics, his influence will be felt for many years to come. He will remain a legend on the New York political scene."

Of course to someone who grew up in New York, Jacob Javits was always a legend, one of those larger-than-life figures who towers over his contemporaries and whose career seems to sum up much of the history that surrounds us.

I grew up listening to Jacob Javits on the radio, hearing him — as a Congressman — on the "Town Hall Meeting of the Air." It seemed he was always in the news, one day passionately pleading the cause of the millions of displaced persons being tossed around the postwar globe; the next, working to help tenants control rents or arguing with vehemence and logic the case for Israel and the creation of a Jewish homeland.

It wasn't until I grew older and began to practice law and follow politics with greater attention, that I realized Jacob Javits was indeed a legend — but the rarest kind. A legend in which the truth is stronger and more magnificent than any fiction we might dream up . . . in which the simple facts of a career are enough to make us understand what greatness means, how it is achieved and how it is lived.

In a moment, those far more knowledgeable than I will speak about Jacob Javits' personal impact on the institution of the Senate and about the legislation he authored, and inspired, and supported.

And in the years ahead, historians and political scientists will pour over the records Senator Javits has deposited here at Stony Brook, records that touch on all the great questions which faced this republic in the past three decades and that chronicle the longest and most distinguished career of any Senator to serve from New York.

At the risk of sounding presumptuous, I'd like to venture that both his colleagues here today and the historians who come here in the future will agree with me on one thing at least . . . they'll agree that Jacob Javits was a unique presence in the Senate; that he brought a new level of professionalism and intellectual rigor to it; that without histrionics and without raising his voice, or

challenging its stately protocols, Jacob Javits made as powerful an impression on that body as any who has preceded him.

His many legislative achievements are significant and well-known: The Civil Rights Act. The National Foundation on the Arts and Humanities Act. The Employment Retirement Income Security Act. Acts to establish community health centers and health maintenance organizations, to safeguard workers, to open up our government to closer scrutiny by the people it governs.

In all, a litany of legislative achievements that made this a stronger country, a fairer country, safer, gentler, more just, a nation willing to recognize its moral obligations to those who were excluded from all the privileges and comforts the rest of us take for granted.

As a Republican member of the Senate, Jacob Javits helped define and lead the broad progressive coalition that lasted until the beginning of this decade and that created bipartisan agreement on fundamental social issues — on people's right to have a decent standard of medical care and a decent standard of housing, on the right of the elderly to a degree of security and the young to educational opportunity, on the obligation of government to prevent people from going hungry or being denied basic human and civil rights because they're black or poor or women.

In foreign affairs, he was one of the shapers of America's postwar presence in the world, and among the first to see the necessity for reconciling our commitments with a sensible appreciation of our limits.

He refused to accept stereotypes that might have been politically popular but that distorted our view of the world and our role in it. He'd seen war and hated it. And although he recognized there are times when a nation must fight, his grasp of the Constitution convinced him that we needed new safeguards to protect the balance that made Congress the final arbiter of war and peace.

Out of this concern came the War Powers Act, which he conceived and helped pass into law . . . the first limitation on the power of the President as Commander-in-Chief in the 200 years of our history!

There are more accomplishments, of course, Jacob Javits' life continues to be filled with them.

Some are best spoken about by the men and women he served with in the Senate, whose respect and friendship and admiration he so consistently held. Some are more private, and belong to the part of a man's life he shares with those closest to him, his wife and family.

But other parts of his life belong to us all, especially to those who grew up as he did, seeing this country through the eyes of children whose parents were immigrants, the eyes of those aching to share in America's opportunities, to prove that there are no outsiders in this country, that given the chance, all our children can go as far as their talents will carry them — to college, to law school, to the United States Senate.

All the achievements of Jacob Javits are summed up and contained in that truth, and no one will understand the continuing significance of his life unless they are willing to reach beneath the honors, the degrees, the accolades, the encomiums and endorsements to the strength of soul that made it all possible.

Senator Javits put it best of all. Recollecting a visit on the last day of the 1980 campaign to the Lower East Side to the ghetto where he was born and where another generation of immigrants had arrived who spoke a different language but shared the same hope and faith, he wrote this:

And as I shook hands with so many people there on the street corner where it all began for me, I realized that they knew what I was and what I had accomplished for them and for all of us, and I saw that one defeat meant little on the long road I have traveled.

This entire State brims with pride that he is ours. That he has been ours for all of his years of service. And that he will be for the years ahead of him.

Thank you.

Governor's Press Conference (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 18, 1983

GOVERNOR MARIO M. CUOMO: Thank you for coming.

We have been fortunate, I think, in the last couple of months to attract a number of highly qualified people to the public service here in New York, or back to public service. Tom Galvin of the Convention Center, Kiley, now at the MTA, Joe Bellacosa, who has agreed, as you know, to head up the Commission on Determinate Sentencing, Adrian DeWind, and today I am pleased to make another announcement about another individual of immense experience and ability who has agreed to come back to the State's service, Mr. John J. Feeney.

I don't think you can or I can put a value on Jay's services. Fortunately, therefore, we didn't have to pay for them. He is coming to us as a loaned executive from the Chemical Bank.

I want to publicly express my gratitude not just to Jay Feeney, but to the Chemical Bank as well. I spoke with them directly. They were kind enough to understand our need for the kind of talent Jay Feeney has, understand our desire to get whatever services we could from the private sector, at minimal expense, and they responded by making a contribution of Jay Feeney to us for a year or so.

Jay will be replacing, in effect, Sid Schwartz in the Office of Management and Productivity. He will serve as Director of that Office, and that Office will be institutionalized in our government today through an Executive Order that I will be signing in a minute. He will head up the operation, and will serve in title as a Special Assistant to the Governor for Management and Productivity. We will work extensively with private sector loaned executives, other people like himself who will be participating in the effort as part of the ongoing partnership between government and the private sector.

He will be working, as well, with staff that consists of people already in place in State service. We won't be

putting together any budget for this operation. We will be using people from Mike Finnerty's Budget Office, from the Executive Chamber and from any other part of the government that he feels will be useful.

His function is an obvious one. Already, Sidney Schwartz has demonstrated what can be done, simply by looking closely at government and working to improve its efficiency, reducing costs and improving productivity at the same time.

We will have a report either later today, or perhaps even before you leave the room this morning, as to some of the achievements already recorded by Mr. Schwartz.

We have a society where the needs far outstrip the resources. I told someone earlier today, I was in Stony Brook yesterday, and the students say that the tuition is too high. I was at Marcy a couple of weeks ago and they say there is not enough for psychiatric facilities. You heard that we need \$1 billion more for education. You heard Mr. Kiley say we need \$10 billion more for the MTA. I think you could accept, perhaps, the legitimacy of all those requests. The reality that we have to live with is that the requests, even the legitimate ones, far outstrip the resources. That produces a number of obvious conclusions. One, you have to make choices and very hard ones. Number two, you need, wherever possible, to fight waste and to improve the efficiency of government.

There are, in that area, limitless possibilities. In the private sector, IBM brings people in every couple of years to root out errant bureaucracy, to root out what they call the institutional crab grass. If that's true at IBM, you can imagine what the situation is with government, that lives almost always more short range than the private sector, lives in two and four year bursts from election to election.

So, there is in this area, a huge potential for savings without cutting back on services. We have a work force now that is nearly 10,000 fewer than it was about a year ago. We have to deliver at least the same level of services, if that's possible, even with the reduced personnel. That's the function of the Office of Management and Productivity, to find ways in which we can learn to do that.

So, I am grateful to Jay Feeny, I think it's a very,

very important mission. I am pleased that we have the opportunity to institutionalize it, to give it a dignity in this government that I believe it deserves.

I am especially pleased, too, that we have with us today, Ray Schuler. Now, everybody in Albany and most of this State knows who Ray Schuler is. He has served this State in a number of ways: First, in the public service and now as President of the Business Council, working always to enrich and strengthen this partnership between the private sector and government.

Ray has helped us with the loaned executive program. He has been a catalyst and a mover, who has reached out to the business community to get us people who are willing to serve with us at no expense, give us the benefit of their expertise, their special knowledge as to techniques, to make our operations more efficient.

Again, I have taken the occasion in the past to say thank you to Ray. I want to do it again today. On an ongoing basis, he is very, very helpful to this government and I wish the whole State that is listening understands that.

There is another individual up here besides Jay Feeney who knows a little bit about management and productivity and I know that he knows, because he started with me in 1975 or maybe more accurately, I with him. He was here before. His name is Alexander Levine, he is going to be spearheading the Chamber contribution of this effort on management and productivity; he did in the old Department of State, with Mr. Donald Croteau, who was then I think, Administrative Director and just to give you one quick example of how effective these approaches can be, we took the old Department of State and joined to it two other agencies in 1975, took an audit from Comptroller Levitt at the time, may he rest in peace, asked Al Levine and the other people, administratively, to come as close to a zero-base budget as they could, applying that audit. After three years, I think, we were able to reduce costs something like 48 percent and increase productivity in every recordable category.

Now, you can argue about those numbers and we did in the course of a campaign once, but I can tell you there is no argument with the fact that thanks to their efforts, the Comptroller's audit and a real serious effort at

working at management and productivity, we both increased services and reduced costs at the same time. There is no question it can be done. It can't always be done the same way in every agency and maybe there is an agency here and there where it can't be done at all, but overall there is no doubt about our ability to deliver more for less.

Whether we can achieve it or not is something else. We have made some strides already. We will never achieve the kinds of efficiency that I hope for, but Al Levine and our experience at the Department of State is a living proof that it can be done and he is going to be doing it more broadly with Jay Feeney in this Office for the next couple of years.

Again, I would like to note that work has already taken place, I won't give you the specifics now, because they are all written out for you and you will be getting them in written form in a couple of minutes. But all you need to do is to apply the energy of these experts to the operation and you can make savings.

Now, Jay Feeney. I have known Jay as long as I have known Al, as a matter of fact, that audit I talked to you about was something that I discussed with Jay in 1975, when Comptroller Levitt was the Comptroller. Jay has been a professional in public service for a long time. He left for a while, went into the private sector, came back with Comptroller Regan. When he was still with Comptroller Levitt, we sat and talked about savings, talked about government, talked about services. He is the best of all combinations. He is relentless in his efficiency, he is a fiscal expert, but he understands that the purpose of government is to render services, not just to produce a balanced budget.

We have said over and over that a balanced budget which leaves out the legitimate needs of the middle class and the poor would be the emblem of hypocrisy. He understands that and I know that he understands it because I sat with him for a year as he managed, in effect, the Yonkers Emergency Financial Control Board which is exactly the same, incidentally, as the New York City Board, to the letter of the law except that it was for Yonkers and maybe there were a different number of zeros involved in the numbers, but the problem was as extreme in Yonkers. The Comptroller sat as the Chair of

that Board, Jay Feeney did most of the day-to-day work and I saw him managing that situation. I saw him lead the effort to find less expensive ways to deliver services to people in that City. He did it brilliantly, we are very, very lucky to have him back. Again, I am grateful to the Chemical Bank, but, especially, I am grateful to Jay Feeney for agreeing to make this sacrifice for us.

(Whereupon, the Governor affixed his signature to the Executive Order.)

QUESTION: Governor, the local paper has been running a series of articles about the fact that Exxon has been sucking fresh water out of the Hudson and selling it to Aruba for \$2 million. Do you have any comments about what the State can do; EnCon is working on it, but is there any other action the State can take about their activities in this?

GOVERNOR: I understand the Attorney-General is looking at it. I have read that, and I am sure he would, in the normal course and that's good. I have asked Fabian Palomino to talk to Hank Williams about it, and to inquire as well.

I have a general sense: I don't know the facts, and so I am not going to make any judgment prematurely and, I think rashly, but if, indeed, they are taking water that is ours, getting it free, selling it for "X" dollars, there has to be some way where we benefit, not just them. That's my intent as a lawyer and we are looking at that.

Q: Governor, on that subject —

GOVERNOR: It's called "unjust enrichment," but I have forgotten a lot of law. That's what it used to be called.

Q: On that subject, Governor, your Environmental Commissioner referred the complaint about that situation to the Attorney-General without, as I understand, doing any independent investigation, or making a determination himself whether there had been a violation of DEC law. Do you think that, in light of sort of the magnitude of the amount of water being taken, and what was being disposed of, that he should have taken a more aggressive action?

GOVERNOR: If that is the fact, but I will find out when Fabian gets back to me.

Q: Governor, on Shoreham, you said that draft report will not be the one that you will ultimately see. Do you have any reason to think that its conclusions were in error?

GOVERNOR: Oh, I don't know, I didn't read it. All I know is I spoke to Dr. Marberger yesterday, and I said, "I see they are writing about reports," and he said, "The reports aren't concluded, we haven't finished," and I said, "I won't get that draft report, whatever it was?" and he said, "No, we are still working on it."

See, if the draft report were concluded, he wouldn't be telling me he needs at least until the end of the month.

Q: If the report essentially said that the cost of running the plant, and abandoning the plant are virtually the same, there is a 6 percent difference, if that is the report you are finally given, has the same assumption, will that lead you to look toward abandoning the plant?

GOVERNOR: I don't want to take one factor, and then ascribe to it a conclusion. I asked that they give me the answer to that question; so, obviously I regard it as a relevant question, and when they give me an answer, sure, it will be meaningful, but I have asked them a lot of questions and they are all meaningful.

The first cluster of questions to me are the questions about safety on-site, and evacuation; they continue to be my principal concern. The second cluster, economics, but that's the second cluster. In a world where you have to balance considerations all the time, still you are allowed emphasis and mine is safety.

Now, remember, you start with a number of predicates and propositions that are fixed at the outset of the inquiry: One, the Federal government is in charge, and the Federal government has said nuclear plants are unsafe. All this argument about whether they are unsafe or not — the Federal government has said they are sufficiently unsafe to require evacuation plans; safe enough to operate, but not safe enough to operate without an evacuation plan. Why do you have an evacuation plan? Because there is sufficient reason to believe that something might happen that would kill or hurt people that you need a way away from the plant. That's where I start.

Now, the question becomes if I am satisfied that it should go on line at all, because of the on-site question there, Nine Mile, anywhere else, what about evacuation? That's the first cluster. I asked a dozen or so questions in that area. Then we have a whole string of questions on the economy. Only one of them was what is the difference on economic impact between opening and not opening? More discretely, what is the need for the energy from Shoreham as presently projected? You know, that is an interesting question. What happens if you don't open?

There is another question, a really interesting one — not interesting to Mark, but interesting —

Q: No, I was following up on that.

GOVERNOR: It's all right, Mark. What happens if it doesn't, if it opens, or at least if it is finished but doesn't get loaded; is there a use for the plant other than actually delivering energy? See that allows for a whole other —

Q: A prison?

GOVERNOR: A prison?

Q: Governor, on the question of Shoreham, whether it opens or not, the interest in gaining more Canadian hydropower, the Quebec Hydro question, is there a hedge against Shoreham not opening, and a growing feeling on your part that it never will?

GOVERNOR: No.

Q: What is the relationship?

GOVERNOR: No, it's not. I think, as I said to someone from Premier Levesque's Office yesterday, the need — strike need — our desire for the hydropower is strong, will remain strong no matter what happens to Shoreham for obvious reasons. It is virtually — if anything can be virtually infinite — it is virtually infinite, from an infinite source. It is cleaner, it is cheaper, it is safer, it is domestic, and so we want as much of it as we can get, without creating a dependence on Canada that makes you vulnerable, because that's another concern.

You couldn't let them give you all the power you

need, because then you have another dependency. We are nowhere near that yet, and so we will be very, very eager to go forward with hydropower as, indeed, Governor Carey was long before we had to focus on the question of Shoreham. So, it's a good thing to do, to get that hydropower, get more of it. All the Northeast is trying to, as you probably know. So, we are going to continue, quite apart from the question of Shoreham.

Now, I don't know, because I haven't seen the report. My scant knowledge of the whole area indicates to me that you might not need Shoreham's power right away, in any event, that Shoreham was built mostly for a point in time for the future. I think this is true about nuclear as well. It is a mistake, and everybody knows it is a mistake. If they had a chance to do it again, they wouldn't be building Nine Mile, and they wouldn't be building Shoreham, and everybody knows that now. So, what you are really dealing with is what do you do with this mistake; how do you cut your losses? Is it so expensive to reverse the process now? Is the dislocation so huge? It is what we have said over and over, not just I, but people all across this country have said.

It is a very complex issue. The hydropower question now, Mark, gets us to an editorial today, "One Man-One Volt." You have the whole question of Niagara and St. Lawrence, and what you are going to do with the agreements for 1985. And let me make something clear there: I have a Hydropower Commission working on that very important issue, but you have to get one fact down. The Legislature can choose to do nothing, in which case they leave it to the courts at the expiration of this in 1985, and I don't know what will happen then.

Q: Governor, on the question, again, on more Canadian hydropower, wouldn't the addition of tremendous amounts of Canadian hydropower, require the expansion of the Marcy-South line which is currently being fought by a lot of New Yorkers?

GOVERNOR: Yes, almost definitely, yes, you would need a 345 line to come down and this is at the PSC now. You could use the hydropower, but you couldn't get it to metropolitan New York.

Q: Wouldn't you need even more than 345?

GOVERNOR: I think the line as proposed — maybe Mike can help me — the line that is proposed is, in most people's judgment, adequate. I think one of the suggestions that is being made is to cut the line in half, which the Power Authority, at least, would say is insufficient.

Now, again, we are back to where we always are, people with legitimate concerns on both sides of the issue. I stood in the rain in Shoreham two weeks ago, out on Suffolk, for over an hour with people screaming about Shoreham and saying, "You are doing the wrong thing, don't let it open. Get the hydropower from Canada and from the upstaters who are only paying one-sixth of what we are paying." And, I said, "What do I do with the upstaters?" "The heck with them, you are down here now." It is a great line. It sounded like my mother.

So, here is another question. Even those people who agree that we ought to have the hydropower, some of them don't want the line going through their farms. Who is going to dismiss their concerns?

So, you have two alternatives when you are confronted by these competing interests. One is to be stultified and to run for cover and say, "Somebody here is going to be unhappy. I don't want to live in that kind of world. Let me duck." Or, do the best you can to balance these concerns knowing that one part of that population is going to be angry at you. That is what will happen here.

Q: Governor, your predecessor, very early on, made that decision when it came to the —

GOVERNOR: Which decision, Paul?

Q: For building a 760,000 volt line from the Canadian border to Utica and took the criticism for it. Sometimes, there is a frustration in trying to get an answer from you in that you understand all sides so well that it is hard for me to —

GOVERNOR: Don't feel bad, sometimes I am frustrated reading your column.

Q: It is hard for me to identify which sides, in the end, you are willing to take some heat from.

GOVERNOR: I am not concerned about that, Paul. I have made myself pretty clear for seven, eight, nine months here, I think.

Q: Let me try it another way. Are you in favor of the construction of the power —

GOVERNOR: It is a proceeding of the PSC. I don't tell the PSC what to do. I don't tell people who are about to hold hearings, "This is the way it has to come out." Why are you having a hearing? For me to announce in advance of all the administrative procedures, "I don't care what they say, this is the way it should be." What does that say to people? No, I think there is a time and a place. The time and place to make the decision on Shoreham is after I have read the report, after I have gone out to those people. I have no difficulty making decisions, when they ought to be made.

Q: Don't you think the PSC should have your advice on this?

GOVERNOR: Of course not. Of course not. What would you say if I were calling up commissioners and saying, "This is the way you ought to go on this one"?

Q: But, Governor, isn't your suggestion that we want Quebec hydropower, in essence saying we need the line also?

GOVERNOR: No, maybe you can't have it. For example, I want the income tax to be cut in half. Everybody knows that, right? Is that, now that I announce I want the income tax cut in half, does that mean Finnerty is obliged to cut it in half? There are some things I can't have.

Q: Governor, your State Energy Master Plan calls for —

GOVERNOR: Excuse me, let's be very careful here, it is not my —

Q: Okay, the drafted State Energy Master Plan from your Energy Commissioner —

GOVERNOR: Where did you get the draft?

Q: — Recommends use of more hydropower and sending it down to New York City and Long Island. That really is a

cornerstone of the plan, and yet the PSC has proposed an alternative Marcy line that is sort of half of what was originally proposed, which seems to cut down —

GOVERNOR: Excuse me, I am not sure the PSC has recommended that.

Q: Its staff.

GOVERNOR: So, my understanding of the process, just so we are talking about the same thing, is that the Power Authority asks for Line "X", the PSC has to have a hearing on Line "X" and has to decide whether Line "X" is suitable. Now, they can conclude, after all the evidence, after they have heard from you and me, they can conclude Line "X" is no good. Administratively, on all the evidence, the substantial evidence indicates that Line "X" disrupts too much. It is not needed, we will give you Line "X" minus "Y". But, that is, the process requires them first to arrive at a conclusion as to what they have been asked to conclude on. And, that is this first line we proposed. Before you get to the next question, you have to reject that and you have to do it on the evidence. You can't do it the way a Governor can, arbitrarily, you have to do it on a record and you have to read that record and say, "I have added it all up and here is the conclusion." So, that is what I want to see happen first.

Q: Governor, have you received any reports from Superintendent Chesworth or anyone else on these very serious allegations that have been made against the State Police?

GOVERNOR: What do you mean by "very serious"? What makes them very serious?

Q: There are allegations of police brutality, of illegal conduct by the Troopers, as well as unprofessional.

GOVERNOR: No, I haven't heard from the Superintendent yet. I have asked Larry Kurlander to get back to me from the Superintendent, as quickly as possible, a report, a full report on both the question of so-called alleged brutality, I am not even sure who is making those allegations, but alleged brutality and the conduct unbecoming Troopers, at the time of the State Fair.

First, I think the Superintendent ought to have an

opportunity to investigate, report back to me. I want it on my desk as soon as possible, consistent with his making a thorough investigation, then I will decide what needs to be done, at that point. But, certainly, it is a matter that concerns us. Whenever anybody makes a charge like that, it has to be looked at. I am hoping that they will conclude that there is nothing to it other than some hyperbole, but if there is more to it, we will do what is appropriate. It is certainly not something you can turn your back on.

Q: How is your back, and is that why you cancelled the Quebec trip?

GOVERNOR: My back is fine. It was better before the press conference than it is now, but it is fine.

Q: The Commissioner thinks he is going to need \$10 billion to rebuild the subways in New York City. Do you see any way, any source for that funding, or how realistic is that?

GOVERNOR: Oh, I have no idea. I want to see what happens to the \$8 billion first. We have worked very hard to get him \$8 billion. Before we start spending another \$10 billion, let's spend the \$8 billion.

Q: After John Glenn's appearance in Syracuse, on a trip back, you said, you had reservations about both Glenn and Mondale, that you didn't feel that Mondale, that he was shallow in some regards, that he was not —

GOVERNOR: The campaign was shallow, yes.

Q: Then, when you endorsed him, you said you had no reservations whatsoever.

GOVERNOR: That's correct.

Q: What happened in the intervening period to change your mind?

GOVERNOR: I asked him questions, for example, like the Medicaid pickup, which Mayor Koch had asked, and all the candidates had been asked, and I said, "Are you going to tell me and Pat Moynihan," and we were together when the question came up, "that you are going to commit, as President Carter did, to picking up

Medicaid right away?" And he said, "I can't do that." I said, "Why not?" He said, "We don't have the money to do it." I asked him some questions about entitlements where I thought he was very, very responsive and very, very honest giving answers that are not popular. I said, and I said publicly, "I think those answers are very good. I think you ought to share them with the American people," and I am sure he is going to.

I think Paul, one of the good things that came out of the forums was, from my point of view as a Democrat, that the campaign did take on a different posture and direction and style. It is now much more issue oriented than it was even in the middle of the forums and that is thanks, I think, mostly to Syracuse and Rochester, frankly, because both were asked the same question and forced them kind of into a difference of opinion on issues which has not stopped since then.

Now, personally, I prefer it that way. I prefer to hear them arguing about industrial strategy or no industrial strategy. MX, would you put the cruise missiles in now or wouldn't you? What do you do about acid rain? I would rather make my judgment that way than on, it is relevant he was with Carter and you were an astronaut. All of that is relevant, but even more significant is how do you feel on this particular point of governmental policy? And, now, we have got them down, and I say "we," because the forums did help. We have gotten them down to arguing those issues.

When it comes down to that debate, I present the Mondale side of it and I am very, very comfortable in that position.

The question I had was when to act, really. I was thinking about the possibility of a debate between the two front-runners, even the possibility of taking a State Committee poll. I decided against all of that for a number of reasons. One was that all kinds of people in the State called Moynihan and called me and said, "Where do you stand? We would like to act, but we would like to have the benefit of your judgment first." I thought that was a legitimate question.

Also, I hadn't thought so much about the calendar here. When you start thinking about April 3 and petitions in ten weeks, if you are serious about this business, if you

really think one of these people ought to be President, then you ought to see to it that you get as much support behind that candidate as possible. I couldn't do that if I waited.

It is very important we get out early and push. It won't be easy for the Democrat to win. A lot of people are fooled into thinking you can leave 11 million people out of work, bankrupt 57,000 companies and actually be in an economic recovery. I read every day how well we are doing. That is going to be tough to get past.

Who is doing well? This society is now at a point where I am afraid they are getting ready to just lop off 11 million people and say, "They are out of work, but the rest of us are in great shape," and call that a victory.

So, my sense of the whole situation was we had better get started earlier, because this is going to be a tough job and Pat Moynihan agreed.

Q: Governor, do you share the Comptroller's concerns that identifying specific stadium projects, Shea Stadium, for instance, would lead to snowballing demands for similar projects in other communities?

GOVERNOR: Dave, there is also the problem of building a convention center in Rochester and having New York City say, "I want one too." Of building a dam in Clinton and having Essex say, "We have water problems too." Yes, of course, that is always a problem. You have to make policy, you know, as it develops. But I certainly won't commit myself to a policy of building stadia wherever anybody wants a stadium. We will take it a step at a time.

We decided on a convention center for Rochester, we decided on the Carrier Dome. Of course, Utica wanted one. Rochester wanted one, and eventually got it. We decided to put the Empire State Games in Syracuse, now Buffalo wants it. That is always a problem, and I think the Comptroller oughtn't be concerned we are going to commit ourselves to a policy of building stadia everywhere. We might, as I said, if Buffalo shows a feasibility report that indicates that it makes economic sense, but we are not going to build it as a monument. We are going to help. If we do, and I underscore *if*, if it makes economic sense, as apparently the Carrier Dome did.

Q: Governor, any possibility of moving the Empire State Games to Buffalo?

GOVERNOR: That is being looked at, that whole question by Commissioner Lehman.

Q: How do you determine whether or not it makes economic sense to do a stadium?

GOVERNOR: We are talking about Buffalo. In Buffalo Mayor Griffin and I have talked about this for more than a year and what I have said publicly a number of times is, "Show me a feasibility study that can persuade us it makes sense economically." So far, we haven't seen that, but we won't, and we haven't promised to give any kind of assistance. As much as Buffalo needs help, just because they want a stadium, we want to be convinced it makes sense economically.

Thank you very much.

(Whereupon the press conference was concluded.)

Editor's Note: The question session began with the Governor, Mr. Feeney and Mr. Schuler taking questions on management and productivity, then the Governor took general questions.

**Governor's Remarks at Queens College Law School
(Excerpts), New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 21, 1983

How good it is to be here this morning. How exciting to see us building, progressing, moving more surely, more aggressively to a better future for our whole community.

This law school is another dramatic step forward for us — it shows our strength, our commitment, our ability to succeed. If only we're willing to try, occasionally to sacrifice — and to work together.

I need not keep you much longer. The purpose and value of this effort has already been made clear. Let me

talk only long enough to join my voice as Governor of this great State to those you've already heard.

Today's dedication marks both an end and a beginning, an end to the struggles that began several years ago to create this school, a final affirmation of the vision shared by Chancellor Murphy, President Cohen, Dean Halpern and many others — all those who refused to believe that public higher education was doomed to decline and contraction. And a beginning of the attempt to answer definitively the question posed in the first page of this school's bulletin: "Who needs another law school?"

Some people, of course, think the question answers itself. As was the case in 1946, we hear many voices raised saying there are already too many lawyers, too many laws. Too much litigation. Lawyers don't produce anything, they say. And if America wants to compete in this new world of high technology then it must discourage its brightest and its best from wasting their time in the service of something as abstract as law.

I don't accept this argument. I believe we need the law more than we've ever needed it; need it to protect us from the technology that could destroy our privacy, from the gigantic, powerful institutions in both the private and public sectors that find it difficult to constrain their power; need it to secure the rights of those who for most of our history have been denied the full benefit of our Constitution — blacks, women, the handicapped.

And I believe that most certainly we need more good lawyers who are willing to work in government, to serve the public interest, to help the least among us secure the level of human dignity that is their birthright.

Let me be careful in stating this. I don't want to sound like I'm sermonizing or preaching, demanding that lawyers deny themselves material success. Neither do I want to put down the "American dream" — possessions, physical comfort, a better life than our parents had. I am a lawyer and as a lawyer I've lived that dream, fulfilled hopes my parents couldn't even have conceived of for themselves, given my children advantages I never had.

But it can't end there or at least, I think it shouldn't. It shouldn't end in affluence, indifference, detachment. If success simply means individuals accumulating enough

so that they can cut themselves off from the other people's struggles; turning their backs on the millions for whom our economic ladder is only a treadmill, then the dream is not worth dreaming.

This is perhaps the central paradox of our democracy: to maintain individual freedom we must each surrender a part of our own autonomy, each look to something greater than our own happiness, each join together to support the family, the state, the society of which we are part.

Yes, lawyers have a special, indeed a unique role in our country. But that role must embrace more than a narrow involvement in the minutia of legal research or the interests of powerful, affluent clients.

Lawyers must be willing to offer their services to those on the margins of society, to the poor, to the dissenters, to those excluded from the full protection of the law because they can't afford a lawyer, or because society doesn't want to hear them, or because it is inconvenient for the powerful to do so. They must become a part of the solution to the problem of overburdened courts, supporting the use of alternative dispute mechanisms, combating the unnecessary proliferation of lawsuits.

The school we dedicate today is based on these ideals. They are an integral part of the rationale for this school's existence, imbedded in every aspect of its operations — in the faculty and administration, in the admissions process, and in the curriculum.

It is a new school but it embodies an ancient truth. In fact, more than a century and a half ago, Thomas Jefferson summed up the need for a school like this in these words:

Some men look at the institutions with sanctimonious reverence and deem them like the Ark of the Covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment . . . but as new discoveries are made, new truths disclosed, and as manners and opinions change . . . institutions must advance also, and keep pace with the time.

CUNY Law School at Queens College does that. It builds on the traditional law school curriculum, of course, but it recognizes the new realities of this nation, this State, this City. Like the City University, it seeks students who reflect the talent, diversity and energy that made this City great and are the best hope for its continued greatness. Above all, it seeks to train students who might ordinarily be foreclosed from a legal education so that they in turn might serve those who are foreclosed from a fair share of the American dream.

All of us have great hopes for this school.

We believe it will be a place where thoughtful, committed, compassionate lawyers are trained. Men and women who understand that if our system is to survive then it must be willing to change; that if the law is to speak for us *all* then we must be ready to reshape the law — adding, amending, revoking — struggling to realize the ideals the founders of this nation dared to call self-evident.

We believe that in time it will justify all the faith and hard work which culminates here this morning, that it will become one of the nation's most distinguished — and distinctive — legal institutions, a school that produces idealists as well as pragmatists, citizens as well as lawyers.

I mark it a great privilege to have been a small part of its beginning.

Thank you.

Governor's Remarks at the Dinner Honoring Prime Minister Bettino Craxi of Italy, New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 21, 1983

Mr. Prime Minister, welcome to New York and congratulations on your recent election.

Mr. Prime Minister Bettino Craxi, one of the particular joys of being Governor of this State is the privilege of meeting and welcoming distinguished visitors from all over the world. And yet, I would be less than

honest if I didn't admit a particular pride in welcoming you here this evening — a pride in both who you are and what you represent.

As an author and intellectual, you have been an eloquent and incisive spokesman for the cause of human rights and social justice. As a political leader and parliamentarian, you have worked hard and effectively to strengthen the democratic foundations of Italy and the entire West. Now, as Prime Minister, you are striving to lead your nation into a new era of economic progress and international peace.

You are a symbol of Italy's vitality and energy, its determination to help create a world that is better than the one we now have, and all New Yorkers join me in saluting you and wishing you success.

Of course, those of us who are Italian-Americans feel a special affinity with you. We share with you a great cultural and intellectual tradition, a history of achievement that is the basis of all of Western civilization, a legacy of art and music and literature and law that is admired and enjoyed by everyone who values excellence.

And we share another tradition as well. A tradition of struggle. The struggle of peasants to own their land, of working people to organize and unionize, of a nation to realize its right to self-determination and a representative form of government.

We Italian-Americans are fiercely proud of both traditions. And neither time nor distance nor our unshakable loyalty to the United States has diminished our interest in that heritage of greatness.

Lately, as you know, Mr. Prime Minister, we Italians have come into a new prominence in America. This generation has reaped the full harvest that our immigrant ancestors planted. That they nurtured with their blood, and tears, and sweat. More and more we have moved into the mainstream of American life, becoming industrialists, and scientists, and artists, and professors, and writers, and political leaders. Women and men alike, privileged and proud to have Italian blood in their veins, are emerging at the very top of their professions.

I think it is fair to say we are expressing a new success. But I don't believe we will be spoiled by it. I don't believe we will ever be fooled into finding it was simply inherited. I believe we will remember the struggle; remember the dream of the peasant and the laborer and the ditch-digger; remember the faith that sustained them through poverty and deprivation, through serfdom and steorage and sweatshops.

And we will remember, too, the price at which all our success has been bought, the sacrifices of those magnificent generations that believed in ideals of freedom and equality — believed in them, fought for them and made them work. Those magnificent generations, Mr. Prime Minister, were generations of Italians.

This history then binds us together, Mr. Prime Minister. We will not forget it.

I tell you that immigrant children here tonight will continue to be true to what we are . . . Americans, of course, first and forever, but Americans of a special type — a unique heritage. Americans dedicated to working with you to secure the enduring ties between our two nations because you are the source of our strength, indeed the beginning of our beloved.

We are Americans of Italian descent, so I say, Mr. Prime Minister: Viva l'America! Viva l'Italia!

Governor's Press Conference on SONYMA/Homeless

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 24, 1983

Of all the needs facing New York, one of the more critical is housing. That is true both for the middle class and working people who can't buy homes because high interest rates continue to squeeze them out of the market, and for the poor who have lost even the simplest level of housing, who are forced to seek shelter in train stations, or doorways.

It is a situation that government has a duty to help resolve and this morning I'm glad to announce two multi-million dollar steps New York State is taking to do so.

First, under the Affordable Housing Program administered by the State Mortgage Agency, we are making available \$184.5 million in mortgage funds at a fixed rate of 9.75 percent. That's four percentage points below the current conventional market rate. A quarter of these funds are being specifically reserved for areas of the State that are economically hard-pressed. For thousands of families, these mortgages will be the difference between fulfilling the dream of owning a house or postponing it.

Second, today we are announcing the first round of our homeless housing and assistance awards, which will provide a total of \$6.6 million in State money for the construction or rehabilitation of housing for the homeless. Another \$5 million will be awarded next month, completing the initial funding of what is a four year, \$50 million program.

The awards have been granted to applicants from across the State who will offer a variety of housing programs for the elderly, young persons, families, battered women and the mentally disabled, the people who comprise the great bulk of the homeless population in this State.

I'm proud of this first step to provide permanent housing and services for the homeless, yet more still needs to be done. Requests from community organizations and local governments exceeded the funds available by more than \$40 million. Given the overwhelming response, we must now seriously consider accelerating the planned four year timetable.

Finally, I'm grateful to the people who worked so hard to make all this possible: to Wallace Ford at SONYMA, to the members of the Task Force on the Homeless and to Commissioner Cesar Perales.

Last January, we spoke about seeing New York as a family and about trying to make that idea a principle of government. These are the men and women who are helping to make it happen. I'm deeply grateful to them.

**Governor's Remarks at the St. John's University
Convocation, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 24, 1983

First let me make special reference to five people.

One is not physically present in this hall tonight, although I am sure as long as there is a St. John's, the memory of him and his gentle goodness will be as much a part of us as the word "Vincentian," the Reverend Joseph Tinnelly, whose passing we continue to mourn. Then to John Doyle and the Honorable Bertram Baker, my good friend Ted Kheel, and his excellency the Governor of California, George Dukmejian, my sincerest congratulations.

I am especially pleased to be here with my fellow Governor, who has in a short time distinguished himself as one of the nation's greatest leaders.

I'm deeply honored to receive the President's Medal of the University I love.

I'm also apprehensive about addressing you. Standing up to speak about the Law School and its role as a training ground for public service — here at St. John's, in the presence of so many of my mentors, models, and colleagues — I feel like the man who arises to give a travelogue of China knowing that Marco Polo is in the audience.

I suspect Governor Deukmejian shares the feeling. As we share other things — the privilege of gaining our legal education here. The fact that we both have strong ties to the Albany area — where he was lucky enough to start out, and I was lucky enough to wind up. And the fact, as he pointed out so well, that we're both the children of immigrants.

One of the first things that occurs to me about the Law School is that it seemed to go out of its way to accommodate people like us — the sons and daughters, grandsons and granddaughters of immigrants — hard working people, maybe still working while at school — without great wealth or influence, but gifted with the

blood of giants strong enough to cross oceans in steerage, overcome deprivation and ridicule, and go on to build strong families.

St. John's took us, introduced us to Our Lady of the Law and taught us how — living with her — we could make a better life for ourselves — and our communities.

As in all great schools, there was at St. John's the insistence on the exact mastery of an enormous body of laws and precedents, on a vigorous training in all the forensic skills a lawyer needs to do his job.

But while this good Vincentian school required us to steep ourselves in Blackstone, and Holmes, and Marshall, they didn't leave it at that. They gave us another side of the law, a more human and personal side. They gave it to us in the model of a great lawyer who wore his learning and honors lightly — the model of St. Thomas More.

In gentle, brilliant, wise Thomas More we were shown the true greatness of those who embrace the world, who revel in its joys and struggle with its evils, who raise families and spend their days writing briefs and arguing cases, and immerse themselves in the great political questions of the day but who never lose their sense of balance, their sense of what ultimately matters and what does not.

In Thomas More, we had embodied the two values St. John's tried to give us. First, the determination to be great lawyers, to learn the law's intricacies and its procedures, to be able to apply them intelligently to the ordering of our affairs as a people. These skills — once achieved — practically assured material success. But the example of "the man for all seasons" taught us a further and deeper value. The value of applying the law with integrity; with — if you will — a conscience, that restrained our suppleness.

No matter how hard we struggled against it, no matter how much we tried to put out of mind anything save the quest for personal success or our ability to grasp the American dream for ourselves and our children, they insisted we remember that there are some compromises no amount of sophistry or success can justify. Compromises of principles, of ideals, ultimately of oneself.

We are grateful for that training, especially those of us who found ourselves in the rough and tumble of politics and public service where nothing seems permanent, where a bewildering array of interests struggle to establish — sometimes to impose — their views.

I don't want to sound naive or sanctimonious about this. Or give the impression that what we learned here was a body of rigid certainties that allowed the easy assumption of virtue, that enabled us effortlessly to distinguish right from wrong, good from evil, without doubt and with the right to feel constant indignation.

Searching for truth, like preserving our liberties or fashioning just laws, is rarely a simple matter. In fact, it can pit friend against friend and brother against brother. It can even turn one graduate of St. John's into a Republican, and another into a Democrat.

No, it wasn't that St. John's insisted that we reach certain fixed and immutable answers. It was the sincerity and integrity of the *pursuit* of the truth that was demanded.

Thomas More found *answers* elusive, and sometimes contradictory. He often complained of being unsure of what the truth was. But his quest for it was constant. And once he believed something to be true — he was unshakeable in defending it — even to the death.

One thing more — I think, personally — St. John's tried to teach us. If we are to fulfill our duty as lawyers — certainly as Christian lawyers — there has to be some standard of value other than the one that measures everything by its material usefulness. If our achievements are to be more than "a sounding brass, or a tinkling symbol," St. John's told us — then we should live by a standard that insists on order but then goes beyond just order and strives for compassion.

A standard that requires that we reach out beyond our own life and interests, helping those on the fringes of the most affluent society in history, those for whom "life, liberty, and the pursuit of happiness" mean no more than a losing struggle against hunger, disease, and discrimination.

The Vincentian spirit was pervasive . . . interlineated

among the dry prose of our case books and textbooks. Implicit . . . and occasionally explicit . . . in all the lectures was the message that the law, like the Church, must reach out to all — the poor, the destitute, the pariahs. It was a message that taught a sense of compassion — that sees the whole world as an infinite opportunity for performing good works and the lawyers as specifically equipped to perform those good works. And that sees the public servant as a coming together of those two elements.

We are not always happy with what we do — those of us who think of ourselves as politicians and public servants. But in the moments between the criticisms — in the quiet pauses when we are allowed private thought, those times of reflection that console and renew us — I like to think that I am a public servant because the Vincentians and St. John's taught me to be.

And to the extent that we have been able to do any good at all . . . and that can be debated . . . I believe it is because St. John's taught us to respond to the challenge of being . . . the king's good servant but God's too.

Thank you.

Governor Endorses the Proposal for a Special Envoy to Ireland

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 25, 1983

Recently, a news story written about the presidential forums held across this State mentioned how each of the seven candidates found himself asked the same question: if elected, would he appoint a special U. S. envoy for Northern Ireland?

If the candidates were surprised, they shouldn't have been. New York has always been a place of ethnic consciousness, of concern on the part of immigrants and their children for the lands where their families' histories were spun. But it would be foolish to imagine that the suffering and violence that continues to wrack Northern Ireland is of concern only to Irish-Americans.

It isn't. No more than the security and future of Israel is of concern only to Jewish-Americans, or the issue of apartheid within South America is of concern to only black Americans. The denial anywhere of the ideals this nation has pledged itself to foster and defend, the political rights and democratic processes that our Constitution claims belong to all peoples, must concern all of us.

In fact, however, Northern Ireland has been one of the few areas where our government has largely failed to exert any influence or even to recognize the role it might play in achieving peace.

Despite over a decade of brutalizing, destabilizing violence — riots, internment, assassination, bombings, torture, shootings and hunger strikes — despite the clear international aspects of the conflict, the effect it has had on the Irish Republic, the bitterness and uneasiness that it has roused among the the millions of Irish people in this country and throughout the world, we have preferred to believe that somehow, given time, the problem might go away, or at least the haunting, disturbing images of those killed and maimed and hurt might disappear from view.

But those images remain, bespeaking the total disruption of normal life in parts of Northern Ireland, the disruption of civil liberties, of commerce, and of ordinary communication between neighbors. An increasing number of Americans reject the argument that we have no stake in bridging the gap between the two traditions within Ireland, in ending the nightmare cycle of violence, and creating a country unified and at peace with itself. Americans of very different backgrounds — with names like Inouye and Tsongas and Mondale — have joined with the 43 million Americans who claim Irish ancestry to insist that, yes, we do have a role — in fact, an obligation — to end this tragedy.

In one of his last public statements, Cardinal Cooke called for this nation to live up to that obligation through, as he said, "a positive involvement of *our* government and public officials in insisting that Great Britain move forward a permanent, peaceful solution."

As a first step toward achieving this solution — toward moving the question of Northern Ireland's future away from the sense of endless, destructive stalemate —

Assemblyman John Dearie has proposed appointment of a special American diplomatic envoy to begin a concerted effort for peace. This envoy would be empowered to set in motion a new and wide-ranging dialogue — a dialogue that would include nationalists, unionists, the Irish Republic, Great Britain, the European Economic Community and that would attempt to put the economic and political resources of the Atlantic community behind the search for a solution.

A resolution embodying this proposal has been introduced into the United States Senate by Senator Pat Moynihan. Today, I formally add my voice to those supporting this call for a special envoy. I believe it is a reasoned and workable proposal for using this nation's influence and prestige to save lives and to avoid another decade of violence whose final end none can foresee.

This special envoy will not bring peace overnight. Neither Assemblyman Dearie nor Senator Moynihan claim that. Yet in the words John Kennedy quoted when signing the test ban treaty, "A journey of 1,000 miles must begin with one step."

In the case of Northern Ireland, the special envoy is that step. It's time to take it.

Thank you.

**Governor Addresses the Financial Women's Association,
New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 26, 1983

I'd like to begin by noting that although I've spent most of my career in the law and public service, my family has had a long involvement in the world of finance and commerce. As a matter of fact, my father lost his business on Wall Street in the Crash of 1929. A stockbroker jumped out a window and landed on his pushcart.

Since then — since the Depression — there have been a great number of changes in the way this nation does business, in the way it governs and regulates itself, in the

range of people from which it draws its political and economic leadership. A half-century ago, few people could have imagined a day where a New York Governor whose first and last name end in vowels would address an audience of bankers, managers, executives and entrepreneurs, the great majority of whom are women.

The fact that this is possible — that those once excluded from leadership positions in our society are now gaining them — isn't just a happy accident of history.

It's been *made* to happen, and one of the main instruments of change has been government — government working to end discrimination, government opening higher education to millions of men and women, government helping them to own homes, to have a greater sense of security, to allow them to give their children opportunities they never had.

This achievement is at the center of the topic you've invited me here to speak on: financing the Empire State. For the question, how do we finance the State? Implies an equally important question: To what ends do we finance it? What are the principles we use when government distributes the money it's collected from businesses and individuals?

So before we begin the question-and-answer period on the specifics of *how* we finance government, let me spend a few moments on the *why* — on the purposes of government.

And let me start with a confession of political faith. I'm a Democrat whose roots are in the progressive-liberal wing of the Party. I believe that government has a role to play in helping people, especially two groups of people: those who work because they have to, the blue-collar and white-collar people for whom a job is a simple necessity; and those who want to work but can't, the destitute, the disadvantaged, the people without jobs, or an education, or sometimes without even a roof over their heads.

The best way for government to do this — to create work and to generate the revenues necessary to house, and educate, and train people — is, I believe, through a growing private-sector economy. We tried the other way: New York tried to build an economy on the public payroll with government as New York's number one growth

industry. The results were disastrous.

Business began to vote with its feet against the economic climate here, and between 1966 and 1974, years when the nation's economy was reaching postwar heights, New York lost 314,000 private sector jobs. Over 20 major corporations left the State, and they were followed by hundreds of small businesses. The recession that began in 1974, and the crisis it precipitated, drove home just how far New York's economic decline had gone.

Out of that experience arose the conviction that we must be pragmatic in our approach to economic development — progressively pragmatic — encouraging the private sector to expand and ensuring that the opportunities this creates are shared equally — without regard for race, or sex, or religion. Whenever possible, this means we are trying to develop a partnership that goes beyond the stereotypes we inherited from the years when government and business saw each other as adversaries.

In the past year, we've created the Council on Economic and Fiscal Priorities, which brings leaders from the private sector into the process of planning the State's capital budget. We've begun the development of hi-tech centers across New York, uniting the resources of the State University and industry in the search for new products and new ways of production. We've worked aggressively to meet the needs of the entire private sector economy — the need for new sources of capital, for less burdensome regulations, for a business climate that supports initiative instead of stifling it.

This year, with the support of Comptroller Regan, we reformed the statutes governing pension fund and insurance company investments, allowing them to put more of their funds in New York's expanding businesses, and thus provide billions in new capital to fuel our growth.

We set up the Job Training Partnership Council, which is redirecting our employment programs so that they meet the real demands of the marketplace, particularly in rapidly expanding industries such as yours.

The financial services industries, as you well know, have been the single greatest source of job growth in New

York in recent years. They have been important in providing new opportunities for low-income New Yorkers — especially women and minorities. It is essential that we keep them here in New York. We are now working with Mayor Koch on the development of long-term programs to provide millions of square feet of new, reasonably priced office space in selected locations, and to reduce the costs of doing business here.

Everywhere, we've proceeded on the simple principle that government can act reasonably but forcefully, creatively yet prudently, to do now what it has done so often in the past: to be a catalyst for growth; to make the investments that are beyond the resources of the private sector, investments without which the economy cannot grow; to provide the things that the very wealthy, as well as the poor and the middle class, expect and demand — clean air, safe streets, roads and bridges and transportation systems — the things that — without government — people couldn't provide for themselves, no matter how rich.

The Rebuild New York Bond Issue is a central part of this effort. Along with the Federal matching funds it will generate, the Bond Issue will allow us to put in place a \$7.4 billion program for replacing bridges, resurfacing and widening roads, completing long-planned highways and service roads, modernizing rail-freight facilities, purchasing new buses and improving our airports.

I doubt that anyone who leaves this luncheon and drives uptown on the East River Drive can seriously question the need for this program. In fact, even the critics of the Bond Issue don't deny the need. They only question the method, proposing that in a State that has just reduced its work force by 10,000 people and closed a potential budget gap of \$1.5 billion, we somehow come up with an extra \$1.25 billion to remove the need for borrowing.

The truth is the Bond Issue is the sensible and feasible way to go, and that as New York continues to retire its debts, the Bond Issue will have a negligible effect on our overall indebtedness.

But more is at stake on November 8 than just a program for the massive and desperately needed repair of the State transportation system.

There's a principle at question as well. Can government and the private sector work together to halt the drift in our public affairs, which leaves us reacting to crisis after crisis instead of planning carefully to make the investments that can avert such crisis? Can we stop thinking in the patterns of 15 or 20 years ago — imagining our industrial and economic supremacy is unassailable — and finally recognize that the challenge of our competitors requires new levels of cooperation among labor and business and government?

I believe we can. I believe with the passage of the Bond Issue, with the new capital planning procedures achieved by the Council on Economic and Fiscal Priorities, with the growing partnership of the public and private sectors, we can do what must be done. And a great deal more.

Thank you.

Governor's Remarks at the Liberal Party Dinner

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 27, 1983

It's a pleasure to be with you once again. I have been at the annual dinner every year of my political life and each time it's been an occasion to reflect on how the Liberal Party has been good to me and good for me.

In recent years, I have been given the privilege of standing at the microphone and expressing to all of you my gratitude. Let me do it again . . . Thank you! Without you last year, I would not have been Governor today.

And each year it seems we are in the midst of another important campaign. This year is no different. Indeed, this year we may be confronted by one of the most important campaigns in recent history . . . one that deals with the most fundamental questions — inflation and recession; war and peace; for many, the difference between hope and despair.

I believe, therefore, it's important that we think about how we are going to go about the business of choosing a candidate — what criteria we apply in choosing one over

another. Image? Electability? Issues? Policies? Philosophy?

It reminds me of a story about the world-famous philosopher Sir Isaiah Berlin who found himself one day in the company of a group of professors visiting Haifa University in a rural part of Israel. It was hot and uncomfortable and when they came upon a pond, Berlin was not able to resist the temptation to cool himself off so he took off all of his clothes and placed them on a low-lying limb of a nearby tree and went for a dip, without benefit of apparel.

When finally he stepped out of the pond and moved back toward the tree he was surprised to find a group of young ladies moving directly toward the pond. Without hesitation, he buried his face in his hands covering everything from his scalp to his chin. When the girls had passed, his friend asked him, Isaiah why did you do that? Isaiah said: "My friend, in this country I am known by my face."

In the race for President I think we should come to know the candidates not by their face, or their knees but by their philosophies and their ideas for implementing them.

During the recent presidential forums for Democratic candidates, there is an interesting item in the papers. It said that President Reagan had called the Democratic candidates "the old men of Washington" who had nothing to offer Americans but "old and threadbare" ideas. He characterized the programs they espoused as "short-term political quackery" that offered nothing more than "temporary balm to the liberal conscience."

What an interesting use of words! Think of it. He said "liberal conscience" not "liberal ideology," you notice, or "liberal theory," but *conscience*. What a superb tribute from one whose purpose was to ridicule.

The President did not stop there. "You'd think they'd been asleep 100 years. They're like political Rip Van Winkles, still dozing along in the programs of the past, not realizing we must change with the times and try new ways of solving the problems that face us. You see them peddling the same old economic nostrums that got us into our economic difficulties in the first place," he continued.

It doesn't take a very highly developed sense of the ironic to appreciate that statement. How odd an accusation to come from a President whose theories of government and economics owe more to Herbert Hoover than to anyone before or since.

Of course, the folklore of Washington Irving that Mr. Reagan refers to is familiar to New Yorkers, even if his use of it is a bit faulty in detail. Even Rip Van Winkle didn't sleep 100 years. It was only 20. Still long enough, however, for him to make real progress. He fell asleep while he was a loyal subject of George III and awoke a free citizen of the United States with George Washington as President of a new democracy.

Things like that can happen in fiction and be charming. In reality, though, it matters very much which political party gains power. Political parties were designed to represent different ideas and emphases, different policies and programs. Surely, it matters very much which of these our people follows.

There are plenty of Americans who can testify to that, older Americans who wish they could have slept through the hardships brought on by the administrations of Warren Harding, and Coolidge and Hoover and then been able to wake up and find Franklin Roosevelt in the White House. Americans for whom "trickle down" economics meant unemployment, the loss of a lifetime's earnings, an economic depression that devastated their lives and destroyed their dreams.

Americans for whom the "liberal conscience" of Roosevelt meant the dignity of a job, some measure of security when they got old, the chance to own a house, to put their children through college, to gain some small share of a nation they'd help to build. The chance, as FDR himself put it, to earn "a living which gives not only enough to live by, but something to live for."

Roosevelt's ideas were good ideas. Good policies. A philosophy of government that worked well enough to rescue this nation from depression and to lift many people — many people in this room — to levels of opportunity, security and comfort we would not have had under George III or Hoover.

Now let's make it very clear before going any further.

None in this room argues that all we need for our present complex problems is boilerplate reproductions of New Deal programs. That's a straw man argument used by people who believe that the American voter is not capable of understanding subtlety.

But it must also be made clear that there is no one in this room shortsighted enough, insensitive enough to our own history to abandon the principles, the ideals and the convictions that were the inspiration of those programs. For the Liberal Party, those ideals and ideas and the willingness to seek programs to implement them, have remained the touchstones by which candidates for office are judged.

While others were beginning to doubt the legitimacy of their political heritage you continued to believe in yourself. You remained strong advocates of a kind of politics that says government has an aggressive role to play that is more vital and more important than preparing for war; a politics that believes we should have only the government we need but that we should have all the government we need.

You believe in a government characterized by fairness and reasonableness; a reasonableness that goes beyond labels, that is wiser than naked ideology. A politics that offers hope instead of fear, courage instead of expediency.

Most of all, yours is a politics true to the fundamental purpose of government as we understand it — we Democrats and Liberals — that is, the simple necessity for government to help people improve the conditions of their lives.

This theory of government has been under attack since Mr. Reagan began to use all the considerable skills and charm at his command to convince people that government should get out of the business of helping the old, the weak and the vulnerable and should start, instead, promoting competition by abandoning regulation, enriching the richest, hoping that perhaps some of the benefits might seep down to the rest. At this dinner in 1980, I said this theory was based on a whole new theological ethic, "God helps those whom God has helped. And if he's left you out, who are we to presume on his will."

In part, Ronald Reagan's campaign to discredit the progressive traditions of your Party and mine has succeeded — at least to the extent that some politicians began to apologize for their liberal pasts — or at least tried not to talk much about them. His campaign succeeded to the extent that a confused and tired American people were led to believe government was not part of the solution . . . government was the problem. It succeeded to the extent that this nation witnessed the most massive reversal of social policy in 50 years, the conscious abandonment of entire sections of the country when they most needed help.

With this new approach to government, the rich get richer — one-third of the largest tax cut in our history went to the 5 percent richest people in the nation, and the rest of the population got poorer. We now have the largest poverty class in our history.

In an effort to reduce inflation they induced a recession. More than ten million people were driven out of work, 57,000 bankruptcies, and that having been done, inflation still lurks around the corner. And just a few days ago, we learned that not only were the middle class and poor not treated fairly in the tax *cuts* — the taxes of the poor were actually increased!

I think that the campaign we waged last year proved again that New Yorkers, at least, reject this kind of thing — this philosophy that boasts of cutting taxes for the rich, raising them for the poor and at the same time fails to shelter the homeless, fails to feed the hungry, fails to find work for the unemployed or to create an economy where the poor are given opportunity and the middle class security, and only the elite grows stronger.

I believe that New Yorkers will even more convincingly reject this government's foreign policy. It's policy committed to devoting an obscenely disproportionate share of our wealth to the making and storing of instruments of destruction. Then having done that, makes it more difficult to relieve ourselves of that burden by involving us, stupidly, and with catastrophic loss of life, in Lebanon.

Next year we are going to have to demonstrate, once again, what we believe as a people. I think we must show the nation that we, here in New York, are convinced we

need not sacrifice our weak members to some false economic gods. We must persuade the rest of the nation that we can reorder our finances, reorganize our government and rebuild our institutions without abandoning our belief in the kind of strong, intelligent government we are heirs to.

In 1936, Franklin Roosevelt, having lifted himself from his wheelchair to lift this nation from its knees, was *opposed* in his campaign for reelection by many of the very people he had saved. This is what he said about it.

Some of these people really forget how sick they were. But I have their fever charts. I know how the knees of all our rugged individualists were trembling four years ago . . . Washington did not look like a dangerous bureaucracy to them then. Oh no! It looked like an emergency hospital. (They) wanted two things — a quick hypodermic to end the pain and a course of treatment to cure the disease . . . we gave them both. And now . . . some of the patients are well enough to throw their crutches at the doctor.

There are people in this room who have been made well and strong by 50 years of good political medicine that was prepared in the Roosevelt era. Indeed, there are people everywhere in this nation. It's the glory of the Liberal Party that it has never forgotten that.

And now, perhaps more than ever before in our history, we need the Liberal Party to infuse that faith into the progressive coalition we must have if we are to reclaim this nation's leadership. We need this Party to help prove once again that it's possible to create a coalition based on the one special interest that matters, the people. All the people. Blacks, women, construction workers, teachers, ethnics, the enlightened affluent. The great majority who work — or want to work — whose sweat and faith is the very basis of this country.

We must remind the nation that liberalism doesn't advocate "government for government's sake" but government for the sake of us all: for the teenager in the ghetto who is looking into the face of a lifetime of welfare and drugs; for the steelworker in Buffalo who's seen 20 years of work end up on the unemployment line; for the people sleeping in the streets and doorways of our

cities; for the retarded child in Brooklyn, and the retired teacher on Long Island, and the bright 18-year old in Rochester who can't afford to go to college.

Government for the sake of helping people to help themselves. Government for the sake of protecting people who can't protect themselves. Government for the sake of doing for this country what it alone has the resources and power to do.

There's an older name for liberalism, of course, it's family.

Now the challenge is before us again as it was in 1980 and then in 1982 — and it's a hard challenge. It will take all of your strength as members of the Liberal Party and all of our strength as members of the Democratic Party to overcome it.

To marshal that strength we must put aside, inter-necine and debilitating arguments and use our energies — undiluted and undiverted — against the real opponent — a philosophy that has set this nation on a wrong . . . sadly wrong . . . course.

Unless we are willing to be untrue to what we say we believe, we must work together with all of our might to make sure that the government of this country is returned to the principles of reasonableness, fairness, equality, compassion . . . family . . . and yes . . . for those of you who have chosen the name, to the principles of "liberalism".

I look forward to being there with you.

**Governor's Remarks to the Staten Island Democratic
Association, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 28, 1983

There are a number of remarkable things that happen to you after you win an election, one of which is you start winning awards. People from all over start asking you to accept trophies, medals, ribbons, and your office starts filling up with silver plates, and golden bowls, and

glass apples, and if you're not careful pretty soon you begin to think maybe you did something to deserve it — something beyond getting elected.

But tonight's award doesn't fit into this category. It's different and it's special — and two things make it that way.

First, you, the people who are giving me this award. You were with me from the beginning, when the professionals had written off our campaign as an exercise in political naivete, when the only question in many people's minds was how much we'd lose by, if the margin of defeat would mean the total eclipse of what we represent within the Democratic Party.

Maybe the best lesson of the entire campaign was the one you taught me: that there are some people for whom ideals are more important than being on a winning side; that there are people who are willing to believe in you, and work with you, and campaign for you without the slightest real hope of your ever being able to pay them back — people who are with you because of what they can give rather than what they can get.

There are so many of those people here tonight that I hesitate to name names. But, in the hope you'll understand that if I can't thank each of you by name it's because of a lack of time, not a lack of gratitude, let me mention a few: John Lavelle, last year's President, and Kevin Foley, who was my Assistant Press Secretary in both the mayoral race and last year's race, and Mario Esposito, Dominick Cappotelli, Betty Connelly and Allen Cappelli.

Because of them — because of you, all of you — because of who you are and what you believe and what you represent — this award takes on a very particular kind of meaning for me, a unique meaning.

Another thing that makes this award so special is the name it bears: the Paul O'Dwyer Humanitarian Award. It makes this award a challenge. I don't think that's accidental. I'm sure it's what you intended when you named it. You know as well as I there's nobody like Paul O'Dwyer. Except Paul O'Dwyer.

And in creating and presenting an award with his

name on it you are prodding its recipients as much as honoring them. Prodding them to be as good as Paul, as decent, as tireless, as courageous, as committed; and even though the odds are against anyone succeeding, I accept this award with the promise that, at least, I'll try.

Of course, I'd feel a little better if the challenge wasn't so daunting, if this was called, let's say, the Millard Fillmore Leadership Award or the Herbert Hoover Political Charisma Award.

I mean, just draw up a list of all the humanitarian causes of our times, all the struggles to increase human freedom and dignity, and then put down next to it the name of the first person you remember who took up that cause: the first Gentile you remember fighting for Israel; the first white you remember championing fair housing and equal opportunity; the first Democrat you remember speaking against the war in Vietnam; the man you always remember being up front on the issues, the man who never looked behind him to make sure he wasn't alone, the man unwilling to sit back and wait until public opinion made it a little safer or less unpopular to speak the truth.

The name is always the same. It's Paul O'Dwyer.

And, more than just the fact of being right, is the *way* Paul was right.

What was it that Chesterton called the Irish? "The race that God made mad, for all their wars were merry, and all their songs were sad." Chesterton was an Englishman, and yet despite the awful disadvantage that puts him at when speaking about the Irish, I think his little rhyme touches on the magic of Paul O'Dwyer's achievement.

For in a lifetime of involvement and struggle and political battles, a lifetime of causes and campaigns, Paul has never been embittered, never shown the slightest smallness or pettiness, never lost his wit and sense of humor — his merriness — his obvious delight at being in the middle of it all, fighting and believing, laughing at the odds, sure that as long as he was battling for what's right then what difference does it make who was behind him.

Maybe I can never live up to that example. Certainly, I can never surpass it. But God knows I'm honored to be associated with it.

Thank you.

Governor's Press Conference (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 2, 1983

GOVERNOR MARIO M. CUOMO: Thank you for coming.

Last spring the Legislature and its leadership, Majority Leader Warren Anderson, Speaker Fink, worked closely with us to bring in a budget that would overcome a potential deficit of \$1.8 billion, the largest in the State's history. For the first time in several years the budget was passed and approved on time. Yet, because of the extraordinary conditions we faced, it was I said, a budget of hard choices.

There are now some 9,500 fewer State employees than there were at this time last year; some things like beer and cigarettes cost more than they did then. But despite the very real pain that the budget entailed, we have the consolation of knowing that we did what the law required us to do. We balanced the budget. We thought we did it fairly without making any group or region shoulder sacrifices that belonged to all of us.

The *Budget Summary* released yesterday, I believe, confirms the accuracy of the projections that we made in drawing up the budget and it reaffirms, I think, the continuing need for fiscal restraint and caution in the months ahead.

There are no hidden surpluses in this budget, no unheralded revenue sources that will leave us with cash reserves to begin the new fiscal year. The budget is balanced, and as the Comptroller predicted, it is tightly balanced. As predicted earlier in the year, the national economic recovery is affecting New York State to a lesser extent than the other parts of the country. The size and duration of that recovery remain a subject of debate among economists.

With the State's new accounting system, GAAP, and with the creation of a new five-year capital budget, we are certain that the discipline achieved this year will become a permanent part of the budgetary process. In addition, the involvement of Comptroller Regan in examining and judging revenue and spending estimates, which we began last year is, I think, a very important improvement and it's one that I hope to be able to continue next year.

The *Summary* that you have, I think, drives home two points, two major points. First, the integrity of the State's budget, a carefully constructed balance that reflects as exactly as possible the limits we must work within. It's an achievement, with the help and support of the Legislature, we intend to extend to every phase of the State's finances. And second, there is no extra money in this budget to begin the reconstruction work on our roads and bridges that everyone now, everyone, agrees must be done.

Our Department of Transportation estimates \$15 billion worth of needed repairs. Repairs, not new construction, that will be required over the next five years. The \$800 million in the budget for highway repair and construction falls far short of meeting that need on a proportional basis.

The simple truth, as Majority Leader Anderson and Speaker Fink pointed out yesterday, is that roads must be fixed now and there are basically two ways to do it, borrow the money and pay it back over time within the budget or raise the money without borrowing by raising taxes and fees and cutting expenditures.

They believe, Majority Leader Anderson and Speaker Fink, as do the overwhelming majority of our elected officials, Democrats and Republicans, here in Albany or in Washington, that the Rebuild New York Bond Issue is the realistic, reasonable, workable way to go.

The Bond Issue when combined with present expenditures and Federal matching aid will give us \$7.4 billion for undertaking repairs whose costs will only increase the longer we postpone them. The passage of the Bond Issue next Tuesday will reinforce the soundness of our finances as reflected in this *Budget Summary*. It will strengthen the work begun last January, the work of achieving fiscal stability without sacrificing the State's future. Thank you.

If you have any questions on this or anything else, I would be pleased to try to answer them.

QUESTION: Governor, with less than a week before the voters have their say on the Bond Issue, what are you going to do to sell that to them?

GOVERNOR: I don't know what else I could do. I do so much so frequently, that I took off three days and it produced a column saying that I wasn't doing what I used to do. So, I have done just about everything I can and I am going to continue to, to the end.

The problem as I see it now, and it's a very big problem and a frustrating one. I think we have won the living room vote. I think if you sit down with people, you can summarize it very simply. You can say, "Look, everyone concedes that we have to repair the roads and bridges." Everybody will say yes. Everybody says, okay, you have a point, reluctantly people vote yes. That vote should win, I am not worried about that.

The difficulty is getting them from the living room to the voting place. Now that's very tough. We don't have \$14 million of the Lehrman campaign, \$5 million of my campaign, whatever it was, we don't have anything like that. The private people have come up with a couple hundred thousand and that's good and I am grateful. But that is, you know, a drop really in the ocean when you are talking about media in this State. And I am an expert on that. I have seen what the media is in this State and how little \$200,000 or \$300,000 really buys you.

Unfortunately, especially when you are paying commercial rates, which is what they are doing to them, and I don't really understand that. On the one hand they accuse you of politicking and then, when they come to sell you space, they call it commercial space, it's not political time. That I don't understand.

I am troubled. I read Norman Adler, who says he can only get 150 volunteers and last year he had 1,000. Last year he had a big personality fight and you had candidates. So I am very troubled, I don't know how you get them out. We will do everything we can, we will be on the streets, Matilda is going to be working, Stanley is working to get his Assembly people working, Warren says he is going to go all out, Congresspeople, Al and Pat, the

Senators are going to go on a train ride with us. Anything we can do to get pictures in the papers and remind people to vote, we will do it. But I am troubled, not about convincing people, I think we have done that. Some are not going to be convinced, but we have convinced enough people to win if you could take the vote to them. How we get them to vote, I don't know.

Q: Governor, do you see the Bond Issue as sort of a public referendum on your first ten months as Governor, do you see it as a personal —

GOVERNOR: Gee, I hope not, I hear that all the time. I don't know why it should be. I will take it because I think we are going to win, but I hope not. I hope that's not the way it works, but I am getting kind of used to it, I guess everybody does. "Well, you won the campaign, but let's see if you can put together the government. You put together the government, now let's see if you can pass a budget." Now, let's see — I guess that's fair.

The *Village Voice* just did an editorial in which they said "We are for Proposition 1, but we want Cuomo to prove himself to us. Prove that we can trust you, Mario. Come out against Westway."

We did the homeless, we did the budget, we did everything else, but now, "Prove we can trust you. Come out against Westway." So, everything becomes a whole new test, and I accept that. So, will it be regarded as a failure on my part, not the Speaker's, not Warren Anderson's, not 30 out of 34 Congresspeople, not the overwhelming majority of the Senate. If we fail, yes, it will be. Do I accept that, yes. Incidentally, if we win I'd be delighted to share the credit with everybody, because I will be forced to anyway.

Q: The radio ad for the Bond Issue called it a unique proposition, but never used the words "bond issue." Is it fair for an ad to ask voters to approve something when it does not tell them what it is?

GOVERNOR: It's a proposition.

Q: It's a bond issue.

GOVERNOR: It's also a proposition.

Q: Well, I know, but a unique proposition does not tell voters what actually will be done.

GOVERNOR: It's a referendum item. We didn't call it that, either.

Q: The Bond Issue describes the exact mechanism that will be used. Unique proposition tells us virtually nothing about what it is about. Is it fair to ask them a thing like that?

GOVERNOR: I think so.

Q: Why?

GOVERNOR: Why not?

Q: Because I would say a lot of radio listeners will not have heard of the Bond Issue until they hear that ad. Why not tell them what it is?

GOVERNOR: Let me give you a case. What if you said "bond issue"? They'd misunderstand.

Q: I would think most people know what bond issue means more than people will understand the words "unique proposition".

GOVERNOR: Then we have a difference of opinion.

Q: Okay. Also, you said that, the column talked about you are slacking off from the campaign. Can you give us a reason why you have done that?

GOVERNOR: I haven't.

Q: Yes, you have. Several weeks ago you were doing, in terms of personal appearances, several weeks ago you were doing an appearance a day. That has gone down to approximately nothing in the last few weeks.

GOVERNOR: Instead of an appearance a day, I have been doing other things. I have been on television and radio. If you look at my schedule, for example, I did the Women's Financial luncheon. It was all Bond Issue. I did the Chase-Manhattan luncheon. It was Bond Issue. It wasn't that I stopped associating myself with the Bond Issue. Instead of my going on the train, I sent Matilda on

the train. See, if the suggestion is "are you trying to withdraw from the Bond Issue," of course not. How could I? Remember, I thought the idea up. It was my proposal in the *State of the State*. It would be silly for me to seek to duck it now, and I wouldn't want to duck it.

I am very proud of it. I think it's absolutely essential. So, any suggestion that, "Well, he is somehow trying to escape," just doesn't make any sense, frankly. It really doesn't. You look at the schedule. Last night I did statewide television. I didn't have to do that. If there were any intention on my part to avoid publicity on the Bond Issue, would I go statewide just before the election and say to them, "Look, I hope you will give me an opportunity to deal with the Bond Issue."

I am going to do Channel 5 — why? Because that's the one way I can reach the whole State. On what? On the Bond Issue. I am going to do Gabe Pressman this Sunday. Now, frankly, if I wanted to duck, it would be easier for me to go to Cohoes and do a railroad show, or do a subway stop in the Bronx. Then I could be out and say, "I am doing a subway stop on the Bond Issue." Nobody would see it, it would be one line in *The Post*, and that would be it.

So, I am proud of the Bond Issue. I am doing everything I can now to make people understand. The only reservation I have about my name being used so much is I don't want it to be perceived as a political campaign like last year's, which it is not. This isn't the Governor on one side opposed to anyone. We are all on one side, those of us who are elected officials, basically, and there are people on the other side who are saying, "Well, there are better ways to finance this."

No, if you are asking am I seeking to duck it, I wouldn't be here now, frankly. I am here seeking every opportunity I can to talk about the Bond Issue, and to be associated with it.

Q: Governor, your answer to the first half of Laurie's question, if, in the radio ads, the proposition, referendum, proposal were identified as a bond issue, people might misunderstand it?

GOVERNOR: Oh, yes, I think so.

Q: How would they misunderstand it's a bond issue. I have been away, but it's a bond issue, isn't it?

GOVERNOR: It's also a proposal, and it's also a referendum. It is all of those things. Let me put it this way: I use the language I think most accurately represents it. I believe that the only thing that can defeat it is misunderstanding. I am trying to avoid misunderstanding of it, and using language that most clearly describes it.

Q: Unique proposition is rather a vague way to describe it. This Bond Issue means borrowing. I wonder if, perhaps, you are not using those words because it might be a red flag, people might automatically say, "No."

GOVERNOR: I think that's true. I think there is no question if all you say is bond issue, and you don't say it's a unique proposal, you put yourself at a disadvantage.

Q: What are people going to get from "unique proposal?"

GOVERNOR: I will explain it to you, if I may. I thought up the word "unique" —

Q: I know.

GOVERNOR: — because it is unique, Laurie. It is not the Second Avenue Subway, as Mike's article, I think, made very clear. It's not the 1973 Bond Issue. It's not like any other bond issue we ever had. It's unique. Why? More support, conceded need, more specificity than ever before in history. Is that an absolute guarantee? No, of course not, but there is more specificity than ever before in history. It's unique.

We have made a unique attempt to make ourselves credible. Why? Because past bond issues suffered since the politicians weren't credible, and we have made a unique effort. It is, literally, unique. I do use the language. I don't believe I have ever made a presentation on the Bond Issue where I didn't start with that by saying, "This is a unique Bond Issue. It's not like previous bond issues." Why do I say it? To sell the Bond Issue.

Incidentally, you know, I have been asked a number of times, "What is the legality of advocacy?" and we try to be very careful about the law, and I think we have here,

but let me tell you about the law here. Technically, don't ask me why, because I think the law doesn't make a lot of sense, I am allowed to advocate. Terrific, I don't have to limit myself to laying out the facts. That's fine, but here, in order to advocate this thing, all you have to do is lay out the facts. This is a case which the lawyers would tell you *res ipsa loquitur*, "The thing speaks for itself." All you have to do is say it's a bond issue, but, number one, it's unique. That's a fact, that's not an opinion, it's unique.

Number two, everyone concedes the need, that's a fact. Number three, you have choices on how to finance. You can tax. That's a fact. You can take it from the rest of the budget. That's a fact. Or you can have the Bond Issue. That's a fact. When you lay out the options, you win.

So, just being objective, and that's what we are doing with the word "unique," it's not an opinion word, that's a fact word. This is unique, it is literally unique.

Q: Governor, the State, on the Bond Issue, spent \$100,000 to \$125,000, plus the salaries of the people working full time, plus the airplane trips you and the other commissioners —

GOVERNOR: We could quibble, but I won't. My instructions to all of them was "Double up. Don't send anybody on a plane just to do the Bond Issue."

Q: The question is how can you justify spending this type of money, State money, and especially in a sense where you had to raise taxes, you had to lay off employees, you had to raise SUNY tuition?

GOVERNOR: I think this Bond Issue is essential. I have no problem at all. I am not the least bit embarrassed about having spent so much of my energy and time trying to sell this. I think it is absolutely essential. I have said it over and over, and I know there are some people who would disagree. I think it would be a disaster if it doesn't pass. I think it costs people very dearly if it doesn't pass.

Now, if you are asking me about the legality of doing what we did, there is no question about legality. Of course, it's legal. If you were asking me about the propriety of it; of course, it's right and proper to work as

hard as you can to get out the message when you believe the message is a true one, good for all the people. It's not good for me; it's not good for the Democrats; it's not good for the incumbents. It's good for the people of this State.

Incidentally, it's an issue that is so weak, politically, that I get congratulated by Republicans and Democrats alike just for having proposed it. When Tarky Lombardi stands up to talking about it in Syracuse he says, "I want to tell you what a courageous move this was by the Governor." Why does he use language like that? Because this is a politically unpopular thing, a bond issue, always has been. People don't even like being associated with it.

How do I feel about having asked Gail Shaffer, and Al DelBello, and all of these people to work as hard as possible? First of all, I am very grateful to them because they responded with total dedication, they have been terrific.

How do I feel about having spent that money? When you are talking about \$1.25 billion, and what that means to this State, it was one of the best investments we have ever made. We probably didn't do enough because you have on the other side — see, we start way behind, and everybody in this room knew it. There was a serious question whether we could even get it through the Legislature, let alone past the people, and everybody knows you start with a negative. That's why we are discussing the language "bond issue," because implicitly what you are saying is "Yeah, but if you said 'bond issue,' you'd know you'd lose, because nobody wants a bond issue."

We are aware of the negatives. We know what happened to bond issues in the past. We know, specifically, in 1973 Rockefeller asked for \$3.5 billion. The people beat that bond issue, and said, "Don't worry, they'll come up with the money another way", and they never did. That's why you are making such news on this list of bridges that are liable to fall down.

Incidentally, the Connecticut editorial was terrific on this. Danbury said, "What's wrong with the people of New York State? How can they even raise questions about this thing after what happened to us in Connecticut?"

I wish I had money, frankly, and the freedom to take a page in the *New York Times*, and a page in all the major newspapers all over the State and New York City, and run the Danbury editorial — just run that. I don't have that. How do I feel about not having the money and resources to do that? Very frustrated, because I believe with all my heart this message is a true and good one for the people.

Q: Governor, are you going to delay the issuance of your Executive Order on homosexuality until after the election?

GOVERNOR: No. I mean, if I wanted to duck the election I wouldn't have had meetings with the gays, and antigays, and the clergy for and clergy against, and I am continuing to do that. I have another meeting tomorrow.

Q: Governor, it has been reported earlier —

GOVERNOR: I don't know how to make this any clearer.

On the question of the Bond Issue, there was a body of opinion — Mike Del Giudice is a leading articulator of it — that the best way to do the bond issues is to stay away from them until the very end. In 1979 we did that. Stay away from it until the very end, and then you come at it kind of cold before opposition can build up and they can remember what a bond issue is, and try to sell it that way. We have a different approach this time. We have tried to address it as openly as possible; make an issue of it as early as possible, and not to duck it. Whether it's good tactics or not, I don't know. But I don't think it works to try to hide. Sometimes I guess it does, but most of the time it doesn't.

I don't think it works on gay rights. There are people saying, "Well, the gay rights are a cut and run, get the thing done, because it's a disaster, it's no win." I have a different view of it. I think the more you talk to people about gay rights — I went to the Tricentennial Celebration, 300 years, first Mass in the County, and the first question I was asked on the way out was, "How does this relate to gay rights? A cute question, and I said, "It relates perfectly." What the Mass said, and this anniversary says is, "People came to this country in order to be free to believe what they wanted to believe, and to have a government that would let them believe it."

Now, what happens is we get strong as a religious group, or whatever group, and then we seek to get the government to impose our morality on everybody. I said, "I think that's a very bad principle, and I think it applies to gay rights." So I am here at a Mass, yes, there is a relationship. Now, that's a tough message for some people. I want to get it out — why? Because I think the more people think about it, won't some get angry? Yes, of course, but I think, overall, it's better for people to deal with the issue on the facts, and wrestle with it and come to a better kind of wisdom.

I think that's true of the Bond Issue, too; so, no, we are not going to duck the issue until after the election. I wouldn't have gotten into a fight over Westway. I wouldn't have said to the environmentalists, "I don't like what you are doing, trying to hostage the Bond Issue because you are opposed to me on Westway." All you people who call yourselves purists, the Sierra Club, and everyone else saying, "If you agree with us on Westway, fine, we will agree with you on the Bond Issue. If not, we will take a Bond Issue where bridges might fall down and we will be opposed to it."

You get some Assemblyman or Senator in the corner of the room to make a deal like that, and everybody would be writing, "Oh, gosh, that's a terrible deal. Look at this, the irrelevancy of it all." That's the way you play politics.

Q: To follow up on that, if you were to issue the Executive Order on gay rights before the election, politically, would that hurt the Bond Issue, do you think or not?

GOVERNOR: I don't think so, Mark. No, I don't think that the voters are as naive as most of the analysts assume that they are. I really don't think we are like that. I think the big problem on the Bond Issue is getting them to know there is an election and to vote. People don't even think of it as an election day. That is our problem, that is what will hurt us, and that really does trouble me.

Q: Governor, it has been reported earlier this week, you have seen the New York Post, that homophobic forces within your "inner circle" may be the reason for delaying the signing of this Executive Order, or if you sign it or take some of the teeth out of it, which would be used to enforce it. Is that accurate?

GOVERNOR: No.

Q: Governor, you have done a great deal in promoting the Bond Issue. Your Budget Summary yesterday showed there was a \$8 million shortfall for savings banks. Are you doing anything —

GOVERNOR: What do you mean — hold it, \$8 million shortfall for savings banks?

Q: From savings banks.

GOVERNOR: Oh, yes.

Q: Are you doing anything to promote Proposition 3, which will be helping savings banks?

GOVERNOR: I wanted to get it in last night, and I didn't and I regret that. I am very strong for it. I hope somebody writes it down and reports it. I have met with the bankers. I would like to think, and I like to think the people would, that the banks have reached their customers with that literature, et cetera. It is a very important proposition to us. What it means is that you would generate capital. You would give people more of an opportunity to be involved with thrifts and savings institutions and savings banks. It would keep more under State law, and it would resist that temptation to move under Federal law.

So, I am supportive of it, and I regret I didn't make the most of the opportunity last night, and I intended to. Fabian Palomino, the last thing he said to me was, "Don't forget Proposition 3." I didn't get it in. I will get it on WNEW, Channel 5 and every show I do from now on. It is a very important proposition.

Q: Are you supporting all the propositions?

GOVERNOR: You know a lot of them don't come from us. Three is ours, Sagamore. Lehman is very strong for it, and I kind of like it. The judges, you know, yes, I am for them. I think there ought to be a better way to do that than specific propositions, going from six, it means monetary increases, we ought to look at the whole judicial system and do it intelligently in a big package, but I would take the — I am going to take the opportunity to vote yes on those. Sagamore, I went back and forth on,

but I am persuaded that overall it is good environmentally and it is a very good deal for the State.

I am trying to think of any that I am indifferent on.

Q: Tax increment financing, Proposition 8?

GOVERNOR: No, no, I like Pisani, I like the Pisani recommendations.

Q: Governor, on Proposal 5, temporary assignment of Family Court judges?

GOVERNOR: Yes, I am for that.

Q: What is your rationale for being in support of it?

GOVERNOR: What is the rationale in support? We don't have, apparently, enough judges now, and as a result of that, we do assign Civil Court judges to Supreme Court and Criminal Court judges to Supreme Court, and that has worked well.

The Office of Court Administration and the Chief Judge tell us if they could expand that to appoint judges to other courts, as well, it would simply increase the efficiency, and that makes all the sense in the world.

VOICE: Thank you, Governor.

(Whereupon, the press conference was concluded.)

Governor Addresses the Municipal Forum, New York City

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 3, 1983

There's a story they tell about how when the financier Jay Gould was dying, he overheard his nurse whisper as she passed the thermometer to the doctor, "Today Mr. Gould's temperature went from 100 to 102." Supposedly, Gould then raised his head and and spoke his last words: "When it reaches 103, sell."

I enjoy that story. It sums up, I think, the very practical and important motive of anyone who invests or

buys stock or goes into business — the profit-making motive that is at the heart of our free enterprise system.

We all depend on the free enterprise system. You, in the private sector, depend on it to direct the workings of the market place, to find more efficient ways to produce, to develop new products, to capitalize new industries, to find better ways of doing business, faster, more efficiently, more profitably.

And we, in government, rely on it to give people permanent work, to create jobs and payrolls in the private sector and to give us the money to care for all the people who, in some degree, must look to the rest of us for help — the destitute, the disadvantaged, the people without jobs or an education or sometimes without even a roof over their heads. We rely on your drive for profits to create work and to generate the money we need to house and educate and train people.

We tried the other way: New York tried to build an economy on the public payroll with government as New York's number one growth industry. It simply didn't work. You know the record as well as anyone.

Business began to vote with its feet against the economic climate here, and between 1966 and 1974, years when the nation's economy was reaching postwar heights, New York lost 314,000 private sector jobs. Over 20 major corporations left the State, and they were followed by hundreds of small businesses. The recession that began in 1974, and the crisis it precipitated, drove home just how far New York's economic decline had gone.

Out of that experience arose the conviction that we must be pragmatic in our approach to economic development — progressively pragmatic — encouraging the private sector to expand and ensuring that the opportunities this creates are shared equally. Wherever possible, this means we are trying to develop a partnership that goes beyond the stereotypes we inherited from an era when government and business saw each other as adversaries.

I hope you agree we sent proper signals when we agreed on a budget — got it done — no taxes. We have been especially concerned about your business — financial services. It is one of the most dynamic parts of our

economy, and this Administration is determined to work with you to keep it that way. At present, the Temporary State Commission on Financial Services is studying how to do this — how to ensure you can both stay in New York and stay competitive — and we are eager to work as partners to make its recommendations a reality.

Beyond that, we've created the Council on Economic and Fiscal Priorities, which brings leaders from the private sector into the process of planning the State's capital budget. We've begun the development of high-tech centers across New York, uniting the resources of the State University and industry in the search for new products and new ways of production.

We've worked aggressively to meet the needs of the entire private sector economy — the need for new sources of capital, for less burdensome regulations, for a business climate that supports initiative instead of stifling it. This year, with the support of Comptroller Regan, we reformed the statutes governing pension fund and insurance company investments, allowing them to put more of their funds in New York's expanding businesses, and thus provide billions in new capital to fuel our growth. We set up the Job Training Partnership Council, which is redirecting our employment programs so that they meet the real demands of the marketplace, particularly in rapidly expanding industries such as yours.

Everywhere, we've proceeded on the simple principle that government can act reasonably but forcefully, creatively yet prudently, to do now what it has done so often in the past: to be a catalyst for growth; to make the investments that are beyond the resources of the private sector, investments without which the economy cannot grow; to provide the things that the very wealthy, as well as the poor and the middle class, expect and demand — clean air, safe streets, roads and bridges and transportation systems — the things that — without government — people couldn't provide for themselves, no matter how rich.

The Rebuild New York Bond Issue is a central part of this effort. Along with the Federal matching funds it will allow us to put in place a \$7.4 billion program for replacing bridges, resurfacing and widening roads, completing long-planned highways and service roads, modernizing rail-freight facilities, purchasing new buses and improving our airports.

I doubt that anyone who leaves this luncheon and takes a ride on the East River Drive can seriously question the need for this program. In fact, even the critics of the Bond Issue don't deny the need. They only question the method, proposing that in a State that has just reduced its work force by 10,000 people and closed a potential budget gap of \$1.5 billion, we somehow come up with an extra \$1.25 billion to remove the need for borrowing. The truth is the Bond Issue is the sensible and feasible way to go, and that as New York continues to retire its debts, the Bond Issue will have a negligible effect on our overall indebtedness.

But more is at stake on November 8 than just a program for the massive and desperately needed repair of the State transportation system. There's a principle at question as well. The principle of whether government and the private sector can work together to halt the drift in our public affairs, which leaves us reacting to crisis after crisis instead of planning carefully to make the investments that can avert such crises. Whether we can stop thinking in the patterns of 15 or 20 years ago — imagining our industrial and economic supremacy is unassailable — and finally recognize that the challenge of our competitors requires new levels of cooperation among labor and business and government.

You know, in the State Museum in Albany there sits on display one of the 80-year-old trading posts from the floor of the New York Stock Exchange. Restored to near original condition by the Exchange and donated to the Museum, its oak panels and brass fixtures and leather seats evoke a nostalgia for the past, for the simpler precomputer days of pneumatic tubes and ticker tapes.

Nostalgia is the business of museums. But in your business — and in mine — there is little room for it.

Our common job is to shape the future, to make it better than the present or the past, to see there is more prosperity and opportunity than we have now, more chances for people to succeed. I believe we can do this.

I believe with the passage of the Bond Issue, with the new capital planning procedures achieved by the Council on Economic and Fiscal Priorities, with the growing partnership of the public and private sectors . . . with your help we can do what must be done. And a great deal more.

Thank you.

**Governor's Remarks to the Hellenic American Neighborhood
Action Committee, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 4, 1983

There's a rumor going around that there have been so many Greek affairs here at the Terrace on the Park that they're thinking of changing its name. They're going to call it Acropolis.

It wouldn't be a bad idea. Queens is a borough that exemplifies the American mosaic. Living here side-by-side are Koreans, and Jamaicans, and Italians, people from widely divergent cultures who respect each other, who live together, and work together, all proud of their unique past and hopeful for their common future.

But no ethnic presence is stronger here than Greek-Americans. You've made Queens one of the world's greatest centers of Greek music, and food, and culture, and New Yorkers who want to see and taste the glory that is Greece — or simply discover the difference between baklava and bouzoukis — no longer have to travel to Athens to do so. They can go to Astoria and walk along Ditmars Boulevard or along 31st Street. It's all there.

As an Italian-American, I feel a special affinity with your culture and its value. We share a great deal. First, a legacy of greatness, the classical inheritance of Greco-Roman civilization that is the foundation of all the values and achievements that distinguish the West. Second, the immigrant experience. The journey of hope that brought our people here to America, peasants and laborers in search of a better life for their children, a land where those children would be judged on talents instead of titles, a country of promise and opportunity.

That journey brought my parents here to Queens, to a small grocery store in South Jamaica. It brought them here with little more than the faith and determination that have been the soul of the Italian as well as the Greek experience in America.

Faith in the ability of their families to hold together through hard times, to protect the weak among them and encourage the strong, to preserve the best parts of their culture and pass them to their descendants, and to use all their strength to help build and support their new homeland, the United States. Determination to succeed through hard work. Not just to see their children become richer, but to see them become better — better educated, better able to participate in the society of which they were now part, better situated to insist on the standards of fairness and compassion and equality that are at the heart of the immigrant dream.

Those ideals are embodied in this organization, the Hellenic American Neighborhood Action Committee: Faith. And family. And compassion. They are embodied in the work of those who contribute to the Committee's success, those who give so much of themselves to see to it that the old are cared for, that the young are educated and given a chance to play, that breadwinners, can find work, and that the dignity of every single human life is protected and upheld.

There are so many of those people here tonight that I hesitate to start naming them, but in the hope you understand that time won't allow me to mention everyone, let me just mention a few: Your current President, a woman of great talent and dedication, Catherine Saketos; your Chairman, George Douris, who can't be here tonight but who is in our prayers and thoughts; Commissioner Angelo Petromelis and John Nikas who are advisors to the board of HANAC and also responsible for helping to Hellenize the Cuomo Administration.

Finally, of course, your woman of the year, Penny Kaniclides. Penny is a very special kind of friend. If I started to recount all the encouragement and support and goodness she's shown me over the years, we'd be here until tomorrow. So, I'll do something Matilda says I rarely do: I'll let someone else do the talking — in this case the Greek poet, Homer. He wrote about another woman named Penny, the wife of Odysseus, and in his long account of her bravery and wit and graciousness, he said this:

Noblest of women, the most faithful and constant, wise Penelope was of understanding mind. She knew when to give counsel and when to keep it . . . understood the difference between

insolence and nobility. And though all wooed her, none could wrest from her the heritage of her line, the strength of purpose that resided not in perishable titles, but in the imperishable haven of her heart.

Those are Homer's words, not mine. And yet the Penny Homer imagined doesn't sound so very different from the Penny I know: wise, understanding, faithful, caring and determined, a woman of great strength and equal goodness. Penny has faced all the hurdles that are thrown in the way of women who try to enter business, and the prejudices raised against those whose immigrant background make them unacceptable to the self-appointed aristocrats who think they're "more American" because their ancestors emigrated here before someone else's.

Penny faced them, and fought them, and overcame them. That makes her your "Woman of the Year." And mine too. Thank you.

Governor's Address at the United Jewish Appeal Inaugural Ball, Harrison

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 5, 1983

In the past ten months, I've been lucky enough to travel around this State and help open all kinds of things — factories, hospitals, highways, schools and housing for the elderly.

But no opening has been more important to me than this one, the opening of the United Jewish Appeal campaign. This is a campaign that reiterates and reinforces everything I've spoken about since my *Inaugural*, the need for us to have a sense of family, to recognize our obligations to each other — especially the least among us — to commit ourselves to something greater and more important than our own self-satisfaction.

I've spoken about this idea of family over and over again until I sometimes worry people may grow tired of hearing it. In truth, I think that people like you and I who descend from immigrants, who still remember their struggle, who were raised up to where we are now by

their pain — we don't have to be reminded very often of how important the concept of family is.

It comes naturally to us. Certainly, it does to your guest of honor here tonight, Irving Claremon. He knows all there is to know about the soul of the immigrant experience. He lived it. He came here with nothing. Worked and struggled and succeeded. But he didn't let it end there. He refused to turn his back on those with less, and working through the UJA, he helped them find work and hope and opportunity. Irving Claremon's life is a lesson about sharing — about family — and he deserves the thanks of all New Yorkers, whatever their religion, for the example he's given.

In fact, the kind of generosity we celebrate here tonight reminds me of a story told by Father Cahill, the President of my alma mater, one I think of every time I'm invited to a fund raising benefit. It seems that some years ago, the Theology Department at St. John's put in a request for rare Hebrew manuscripts to fill a gap in the library's theological collection. A problem arose when Father Cahill made inquiries and discovered that the manuscripts would cost about \$60,000. Even stretching things, the most he could find in the budget for the books was \$30,000.

He tried to figure out where he could get the other \$30,000 and thought of his friend — the then President of Yeshiva — Rabbi Samuel Belkin. Among his many other great talents, Rabbi Belkin was famous for his success at separating the Jewish community from its money for the support of Yeshiva and a number of other good causes. Father Cahill thought the idea of raising funds for Hebrew manuscripts at St. John's would appeal to the Rabbi. So he called him up and Rabbi Belkin said he felt that \$30,000 for such a cause could be managed without too much trouble.

A week later, the Rabbi called back and said, "I've got your \$30,000." Father Cahill said, "That's wonderful, Rabbi. Just one thing — do you mind if I ask where you got it? And Rabbi Belkin said, " Not at all — from Cardinal Spellman."

For all its fun, that story touches on a serious truth: The common ties that bind Christian and Jew together, our common roots, our common beliefs, our common

future. Sometimes these ties seem clear. At others, we seem to suffer from a collective confusion and depression of spirit that divides us, forces us back in upon ourselves, diminishes our sense of a shared destiny.

This, I'm afraid, is such a time. During the past several weeks we have all experienced sad and dangerous moments in our nation's history: In Beirut, over 230 Marines killed, and our nation again involved in a conflict that few Americans understand and that causes a great many people to throw up their hands and say, This isn't our fight. And whatever is involved there doesn't involve us.

It's an isolationism born of despair. And while we can perhaps sympathize with the emotions that cause it, and even continue to debate the American purpose in Lebanon, none of us can afford to let it obscure the issue at the very heart of our involvement in the Mideast: Our stake in Israel's survival.

I say this as an American Catholic. I say this from a perspective that varies, to some degree, from that of the great majority of you here tonight, Americans infused with the culture and the traditions of Judaism, tied by blood and belief to Israel, sharing personal memories of the Holocaust, of relatives lost in the Nazi attempt at genocide, and of the magnificent struggle to reclaim a homeland where Jews could live as Jews.

And yet, if my perspective differs from yours, it offers, I believe, as compelling and necessary reasons for caring about the security and well-being of Israel as those held by you who are born to that commitment.

First, my perspective recognizes a simple, basic truth: the common foundations of Israel and America, two nations joined together by the same underlying principles, the same commitment to justice and freedom and representative government. Israel is more than ally. It's a mirror image of our democracy, and it shares with us beliefs and convictions that we share with no other nation in the Middle East.

This means our obligation to Israel isn't — or shouldn't be — based on the shifting sands of military strategy, or political expedience, but on a fundamental

faith in democratic institutions, in the existence of the rule of law, in the rights and dignity of the individual. In a world where our beliefs are increasingly rare, where the number of dictatorships of the right or of the left continues to grow, the close relationship of Israel and America is a moral and philosophic imperative for both nations.

Perhaps there are times when moral imperatives would be enough to convince people of our inescapable duty toward Israel. Unfortunately, our age isn't one of those times, and for those who look on such reasoning as too idealistic, my perspective offers a second and equally compelling reason for supporting Israel.

Survival. Our own survival. Israel is the only democracy in an area of vital concern to us. Israel is the single nation in that area on which we can rely.

Israel's enemies recognize this perhaps better than many Americans do. Their propaganda boasts that attacks on Israel are also attacks on the interests of the United States. And the terrorists who murder Israel's children, and athletes, and diplomats — and those who give them the means to do so — understand that ultimately their goals transcend the Mideast. Israel, they know — and they make no secret of it — is a beginning. More vulnerable than other democracies, a place to start the unraveling of the defenses of the West.

Indeed, no one who understands the history of this century, who remembers how the West stood by in 1938 while Czechoslovakia was destroyed, should be allowed to entertain the illusion that the enemies of human freedom would be satisfied with annihilating Israel. It would merely be a beginning. We'd be next.

It is — of course — critical for *all* our people, Gentiles and Jews alike, to understand this and to insist our government recognizes the basic nature of the confrontation in the Mideast.

America must make it clear to all that Israel will have the weapons with which to defend itself; that so long as Israel's enemies continue to deny her right to exist and continue to prepare for war, Israel must maintain its military superiority.

The strains this burden places on Israel are tremendous. A nation of idealists — of poets, and scholars, and scientists — is forced to divert its attention and its resources to the ceaseless necessity of defending itself. But, there is no alternative. And as long as the threat to Israeli democracy continues, the United States must help Israel to solve the economic problems that result from shouldering a military responsibility that belongs to us all.

It would be nice if I could stand before you today and say that the entire nation agrees with this, that the sheer logic of America's survival commands unified support for Israel, but you know that I can't. You know better than I that beyond any legitimate strategic disagreements over how much military and economic assistance we must commit to Israel, there is a far more potent and dangerous force at work.

Anti-Semitism. Not just the shrill and crude vilification of the Jews, which brands its proponents as fanatics and extremists and is, therefore, less dangerous. But a more subtle twisting of the truth whose major premise is "Zionism is racism." Its proponents deny any of the traditional motivation of the anti-Semite — the desire to force Jews into a denial of themselves, to destroy their right to the possession of their traditions and, finally, to annihilate Jews as a people.

They claim to be seeking justice. Yet we should be absolutely clear about the consequences of the idea that "Zionism is racism."

For if Zionism is inherently racist, then the struggle of the Jewish people to maintain their identity is, by definition, evil — indeed, a manifestation of one of the central evils of our time — and to oppose the existence of Israel would then be a moral good.

It's important to remember that this proposition isn't just the twisted logic of a few extremists or even just a cynical sop to the prejudices of oil-rich nations. It is an operating principle of one of the world's two superpowers, the Soviet Union. Under the guise of anti-Zionism, Jews are persecuted within the USSR for their attempts to associate with other Jews, to promote Jewish education, to emigrate to Israel.

And it's important to remember another fearful, bitter

fact as well, a fact that makes the canard of anti-Zionism, easier for some to accept: The world is uncomfortable with the full truth of the Holocaust, and resists hearing it. To many, it's a distant event. Others want to forget or even to deny it happened. "It's ancient history," Klaus Barbie told his captors. It's irrelevant.

That's why we must speak as clearly as we can every time the proposition of Zionism is racism is repeated, or echoed, or proposed. Whether it is done from a street corner, or the podium of the General Assembly, or from a professor's lecture stand in the State University.

Let me be clear. I'm not calling for censorship. Freedom of speech is a sacred right and the people who founded this country wrapped it in the full protection of the law to ensure we didn't tamper with it. Freedom of speech means people have the right to be wrong. It means teachers can teach versions of history that are repugnant to us, that they can speak of Zionism as racism. I will defend that right as fiercely as I can. I always have.

But what censorship doesn't mean is that the rest of us must sit silently by, refusing to raise our voices, quietly accepting a doctrine that threatens us all. It doesn't require us to forget our own right of free speech, and to forego using it to respond. And respond we must. For if we permit this to pass unchallenged, if we allow it to spread and gain credibility, then we have accepted the first supposition of totalitarianism, the supposition which says words mean whatever those in control want them to mean, that separate is equal, that slavery is freedom, that the purposes of history require mass murder and genocide.

In so doing, we would not only endanger Israel's existence and our own freedom, we would also betray the memory of countless of our fellow human beings in Eastern Europe, in Cambodia, in Nigeria, those men, women and children whose right to exist was first made a point of debate and then, when the time came, who were tortured, murdered, tossed — nameless — into mass graves.

Tonight — here — by joining your efforts to the UJA, you speak against oppression and ignorance and anti-Semitism. You speak for the cause of human dignity, for the poor and destitute in Israel and the United States and around the world, for hope and peace and decency.

I am privileged you think me worthy to share in this, and I will do all in my power — as loudly and effectively as I know how to spread your — no, our — message.

"For the sake of Zion I will not remain silent," said Isaiah. For Zion's sake, again, we cannot be silent. For our sake, and our children's sake, for the sake of all of us, Gentile as well as Jew, we cannot be silent. Not today. Not tomorrow. Never again.

**Governor's Remarks at the Robert Kiley
Fund Raiser, Boston, Massachusetts**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 8, 1983

I'm very happy to be able to come up here and help steal a heavy hitter like Bob Kiley away from Boston. It means New York is finally getting back at you for Carl Yastremski.

I want to set the record straight, however. Some people on the New York political scene were critical of my trip up here tonight. They said it's unprecedented for a New York Governor to take the slightest involvement in Boston politics.

The critics are wrong. First, because this trip is personal, not political, a testament to how much we think of Bob Kiley and how much we want him in New York. Second, I'm not the first New York Governor to come up here during a Boston mayoral campaign.

My predecessor in this job, Franklin Roosevelt, came up here several times to visit Mayor James Michael Curley, and even campaigned with him. As a matter of fact, on one of these trips they were driving past Holy Cross Cemetery and FDR began to read out the names on the tombstones — Kelly, Murphy, McNamara, O'Rourke, O'Neill — until finally FDR turned to Mayor Curley and said: "Well, Jim, it looks like the Boston Irish are dying out." Mayor Curley didn't seem phased. "Don't feel sorry for them, Governor," he said. "They may be in Holy Cross Cemetery — but they still get to vote on Election Day."

To be honest, I'd be willing to do whatever's in my power to bring Bob Kiley to New York. The MTA represents the toughest and most demanding transportation challenge in the world, and Bob is, I believe, one of the very few people equal to it. But even for someone as talented, experienced and dedicated as Bob the job won't be easy.

No one knows this better than Dick Ravitch, Bob's predecessor at the MTA, the man who did such a terrific job in turning the system around. Dick once described the job this way: "Getting the MTA to run efficiently is like trying to perform acupuncture on a rock."

Bob, let me take this opportunity to be as honest and candid as I can. You're going to have to face a bewildering number of technical and financial details on your new job. But on top of everything else you're going to have to deal with screaming and complaining, endless debate and outcry, charges and countercharges. A ceaseless stream of outrage and indignation, a day-to-day barrage of jokes and jibes and insults. And besides Ed Koch, there'll be millions of riders to deal with.

The question has come up, of course, why Bob Kiley? What were the criteria we used to choose him.

Actually, it was simple. We used the advice once given by a real New Yorker, Charles Torche — Charlie the Torche — who coined one of the great slogans in the history of political campaigning, bywords of New York politics. Charlie's slogan was "Honesty, intelligence and integrity may be important . . . but they're no substitute for experience,"

But we were lucky with Bob Kiley. He had them all — in abundance. Everybody we talked to said the same thing: "Bob Kiley is brilliant. He's incredibly hard-working. He did an extraordinary job in Boston." And he had one other qualification as well, a qualification that, given my career perspective, tilted the balance in his favor. He's been an unsuccessful candidate for mayor.

Bob has already told the press in New York how much he looks forward to working with me to rebuild our transportation systems. But maybe he could have phrased it a little better. I mean, this is what he told the *New York Times*: "I believe," he said, "that Mario Cuomo is the

kind of Italian who can make the trains run on time."

By the way, let me assure you all that in New York we don't have the same kind of ethnic inbreeding it's said exists here in Boston. New Yorkers are more cosmopolitan. A person's ethnic background, for example, has nothing to do with whether or not he or she gets a job in the Cuomo Administration. Just ask Al DelBello, my Lieutenant-Governor, or Jim Larocca, my Commissioner of Transportation, or Mike Del Giudice, my Secretary, or Vinnie Tese, my Commissioner of Banking — or my consiglieri, Fabian Palomino.

And Bob Kiley — or as he now calls himself, Roberto Cardelli — should fit right in. Whatever name he goes by, Bob Kiley will be one of the great administrators in the history of New York. He's going to make a difference. A tremendous difference, to us, and in the name of all New Yorkers I'd like to thank the people of Boston for having the decency and generosity to let us have Bob.

Thank you.

**Governor's Press Conference — Rebuild
New York Bond Issue (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 9, 1983

GOVERNOR MARIO M. CUOMO: Thank you very much for coming.

Yesterday the State of New York decided to invest in its own future. And, as the Lieutenant-Governor said earlier this morning, I guess, today we start rebuilding the State.

I've been trying over the last few weeks, to make clear to many, many people who were participating in the effort and would be responsible for any victory — and you can't run through the list without risking leaving out people, and so I hesitate to do it. But there are some who were so obviously participants in the effort that produced this good result, I think that they really have to be mentioned, like the legislative leaders. We would not have won without Warren Anderson, Stanley Fink and

Rappleyea and Ohrenstein; without Ned Regan and Bob Abrams, both of whom endorsed and worked for the Bond Issue; without Senators Moynihan and D'Amato who campaigned for it after endorsing it.

There were people like John Heimann, whose name never surfaced, who raised all the money for the television and radio, privately. He was the chairperson of the private committee, and Chester Straub, who used to be a State Senator, who served as treasurer.

My staff here, you're used to dealing with, Mike and Tim and Andrew, you know what their roles were. But there were people who worked very, very hard, without whom we would not have succeeded, like Bob Sullivan, who nobody ever gets to talk to, and Harvey Cohen, who worked day and night and who is here today. And I want them to understand that if the rest of the State doesn't know how hard they worked, I do. And Billy Cunningham, who worked far beyond any obligation he had to earn his check, and John Marino, and a whole slew of other people who very, very seldom get recognized.

We'll try to get together tonight or tomorrow somewhere, where we can spend a little more time saying thank you. But I want you to know that I'm aware of how hard this job was and how well it was done.

I think it gives us a unique opportunity, not just to rebuild the roads and bridges — and it is unique; I don't know if there's ever been a Bond Issue this large. Anyone know? Hello, Gail. See, I didn't mention Gail Shaffer, Jimmy Larocca and Donohue, and I'm sorry. But has there ever been a Bond Issue this large?

MR. MICHAEL FINNERTY: Environmental,

GOVERNOR: The environmental.

It gives us the unique opportunity, I think, to enhance our credibility because, while it passed, what happened was that we were — all the political people — were challenged on certain propositions. You know, will you really send 52 percent to the upstate area? Will you really do all those things that you and Anderson and Fink put in the agreement? Will it really be dedicated, as we want it to be, to roads and bridges? Will you really spend \$7 billion in the program?

And now everybody will be watching and monitoring, and we'll have a chance to prove to those people who had doubts about our commitment, that we were telling the truth. I think that is a unique opportunity, a unique opportunity to make government stronger, to give people more confidence in their government which would be good. They showed an extraordinary amount of confidence yesterday, frankly, and for that we're grateful, but I think that we have an opportunity to enhance the credibility even beyond the quotient that was apparent yesterday, and we're going to work very hard to do that.

We said none of this money will be used for Westway, and none of it will be used for Westway. We signed an agreement and said these specific projects will be done. They'll be done. We said to people that we will do everything we can administratively, to see that women and minorities are given a fair opportunity to participate in this work, and we're going to do that.

We pledged not to take money out of the regular budget and to shuffle the bond and the budget money. We did that right from this — this podium, with Ned Regan, and we're not going to shuffle and I'm pleased that we'll be monitored by the Comptroller, by AAA, by everybody, I hope, so that they will see how accurate we were in those pledges and how sincere we were in our commitment to meet them.

If you have any questions, I'd be pleased to try to answer them.

QUESTION: Governor, do you have any explanation for why the Bond Issue, the vote did go poorly upstate as compared to downstate?

GOVERNOR: Poorly! It did extraordinarily well. Just look at Erie County. Look at Monroe County. Look at Broome County. Compare it to the past. We did very well upstate or we wouldn't have won.

Q: In the 12 counties of the Capital District, I understand virtually every county went overwhelmingly against it: Greene, Saratoga, Schenectady.

GOVERNOR: Well, but then you could go upstate and say, look at Clinton. Clinton voted for it, St. Lawrence, Franklin. I mean you can play that game. I

can give you neighborhoods in Queens where it lost. My block, I think we went down.

Q: Governor, the fact is, as in your 1982 election — your own — upstate New York overall voted against the Bond Issue; New York City and the suburbs voted for it. Isn't that correct? It's the same pattern. Why do you think that's the case?

GOVERNOR: Well, I really don't know. I can't tell you why they voted the way they did in 1982. I can tell you this: That from the beginning I said, I think, and we — we guessed right about this Bond Issue, I must say. I'm not boasting because it is only a guess, as you know, but we picked margins and almost everything else ten days ago and wrote it down, just to check ourselves. So there were no real surprises. Here and there, of course, we were disappointed in a particular place.

When we started, I think, the Bond Issue was really unlikely. Mayor Beame called, and he's been around a long time, and he said, "I must tell you when it was first announced, I didn't think you had a chance. I didn't think you had a chance to get two-to-one in New York City with the Mayor telling everybody we hadn't gotten a fair share in New York City"

And, incidentally, they made a very plausible argument to that extent, okay? Only 24 percent. They are 48 percent of the revenues, more than that percentage of the population. Why do they only get 24 percent? But what I said was, while it was an underdog then, as you enlightened people — really, that's a kind of pretentious word — but as you introduced them to the facts it would get stronger. I believe that's what happened. I believe that, if we had spent a little more time, I don't think the upstaters, many of them, really understood that 52 percent went to them. You see, because I constantly ran into people who would say to me, you know, it's all going to New York City.

Here's a favorite from Erie County. You know what Erie County said? And it was written in the *Buffalo Evening News*. A gentleman up there said, "I'm against it." Why? Because there's too much money going to the subways. You know how much went to the subways? Zero. Dick Ravitch complained, there's no money for the subways.

Now, so I think if we had been able to get every upstater frankly, and every downstater, in the way we have you in this room now and explained to them: it's 52 percent goes to you. If they had heard and seen the Mayor of the City of New York ripping us, saying, "You try to take our blood for the upstaters," now I think it would have been different.

So I do think it's a matter of education. I think now we have three years to convince them of what we tried to convince them of the last three months, and I think we will. I think they're going to watch it. I'm going to invite them to watch us. Ned Regan has pledged to watch us, AAA and all those people will be watching us, and I think they will see and we'll be able to stand here a few years from now and say, "I told you so, this is exactly the way it went."

So I am pleased, not terribly surprised, but very, very pleased and grateful at the result. And I think given more opportunity to inform, it would have been even better. I've always felt about this issue that, if the people understood it thoroughly, the margin would have been even larger.

Q: But why did you cancel your upstate tour on Monday and spend the time —

GOVERNOR: I didn't cancel — I didn't cancel a tour.

Q: Didn't you have plans to visit four or five upstate cities on Monday?

GOVERNOR: They might have had plans for me.

Q: Who is "they," Governor?

GOVERNOR: The great "they," you know, the schedulers, whoever they are who produce that thing that says, "You can't go home this week."

Q: Did it reflect your affirmation of their estimates — I'm going to stick with "their."

GOVERNOR: They're part of the "they."

Q: — that upstate, we've done all the educating; we're done upstate. Let's concentrate on downstate; did that have any effect?

GOVERNOR: No. As you know, Matilda spent a lot of time upstate. I spend a lot of time upstate. It's odd, somebody said this morning, "You did well in those Adirondack counties." It's interesting. We went up there, spent four hours, or three hours. It was only 190,000 people, they said. Spent three or four hours, you had a chance to talk to them and we did well there. Why? I think part of it is because they heard you, they believe you, they had a chance to make an informed judgment.

No, our only strategy was, get as much of the information out as you can. Now the frustration is that we tease about this being an electronic society. The frustration is, if you don't do it on television and radio, it is practically impossible to get to 18 million people in this State on a subtle proposition where they start with all kinds of predispositions that are negative.

Look at the negatives here. Politicians! Whew! That's a tough one immediately. Spending money! Wow! In ways we don't really understand. My goodness! To a magnitude that's almost unprecedented. A \$1.25 billion? See, there are a lot of people who felt that passing the Bond Issue would raise taxes.

We were trying to make exactly the other point. That the alternative was raising taxes. I was asked about 10,000 employees, and somebody wrote that I threatened to lay off — I never threatened a layoff. I did just the opposite. I said these are the alternatives, all of which I find undesirable.

Somebody wrote in the paper he threatened 10,000 employees. We got phone calls, says "You threatened to lay off people, more people." Not true. So the problem is one of getting out information. It's very, very difficult, very difficult.

Without television and radio, you know. And that's good and bad, because to get it out on television you have to do it in 28 seconds and that's distortive, almost always distortive. So you've got a very hard problem here, and then you add to everything, that the attention span is actually quite short. I mean my sense of the electorate is until the last five or six days, you can talk to them and they'll listen until the last five, six days, where they think in terms of actual decision-making, they're not thinking the way they're going to think when they go in the booth.

You know, they think kind of generically and loosely, but when you get down to decision day, they start thinking differently, more insistently, and so you really got to cram a lot into the last five days.

Now, why New York City? Well, obviously, if you have a last ditch effort, a last ditch opportunity to reach people, and you have a place where you can reach six or seven million in one day on one platform, you seize that opportunity. And that's what we did, and I think it was good. Almost always, I think traditionally the campaigns finish, don't they, Mike, in the garment district? Isn't that traditional last day? They've got it all set up, the police know exactly what to do. It's a whole format.

Q: Governor, during the campaign, the AAA lobbyist said that he thought in a tight budget year next year, even if the Bond Issue passed, you'd have to raise taxes and he connected it to interest charges. Could you rule that out?

GOVERNOR CUOMO: Absolutely. There'll be no interest charges next year, will there? Where's Finnerty? We can't have any interest charges. Out! No, I'm saying there will be no interest charges next year, so that the question of driving up taxes is just academic, not accurate. I'm sure they're well-intentioned and sincere, but it's not accurate. See, now, that's another good illustration, Dave. If we had had a chance to address that with everybody in the State looking on and listening to you and to me discussing it, that would have made a difference.

Q: Governor, what is the first year that that Bond Issue will carry interest; what's the first year we'll have debt service?

GOVERNOR: You know, I would guess, Mike, that 1985-86 will be the first fiscal year in which we'll have debt service.

MR. FINNERTY: That's right. First bonds will be issued in the latter part of next fiscal year; the interest will begin to be paid in the year following.

Q: If the bond money is raised this year, will the State be able to let contracts by the latter part of next year?

GOVERNOR: Jim LaRocca?

MR. JAMES LaROCCA: It's the other way around. We've begun to accelerate already, anticipating the outcome so that we are all ready to start letting contracts immediately.

Q: You let the contracts before you raise the money?

MR. LaROCCA: Not technically, but you have so many projects in the line that you begin to accelerate the letting schedule in anticipation of what will be sold in terms of bonds.

Q: When would you expect the first project to begin?

MR. LaROCCA: Immediately.

Q: Governor, throughout the campaign, we've been calling this your Bond Issue, your picture on all of the displays —

GOVERNOR: I noticed that.

Q: How much do you think that you put your prestige on the line that you were that closely identified, that you contributed?

GOVERNOR: I don't think it will have as much to do with its passage as it would have had to do with its defeat if it had been defeated.

Q: Considering it a referendum on your first year in office?

GOVERNOR: I never said it was a referendum. I said just the opposite, but that didn't stop people from saying referendum. As a matter of fact, the metamorphosis was fascinating. One article started by saying, "He said it was a referendum," and the next time it appeared. "Aides said it was a referendum," the third time it appeared it said "It's generally accepted that it's a referendum." And I told you, it was asked in here, "is it a referendum on you," and I said "Really, no, it's not." What about you? What about Fink, Anderson? Why me, paleface? I went through all that. I said, if it lost, it would be mine; if it won we'd all have to share, and it wasn't a referendum on me, I think.

I'm pleased that it's seen that way now, and that people write a story and somebody read to me this

morning, this great personal victory. That's nice to hear. It's not true, but it's but it's nice to hear.

Q: You think it's a vote of confidence in you?

GOVERNOR: I'd like to say, of course, it is; it shows what a great job we did this year. You know, balanced the budget, did all that, but I don't think it's like that. I think if you put out the death penalty issue, they wouldn't vote on the basis of how they feel about the Governor. If you go to the western side of New York where they're beating me up on Westway, you know, talk to some former friends and some present friends of mine who are about to become former friends, or vice versa, and you know, if you put that issue to them . . . we are really more sophisticated, I think, as a people than we give ourselves credit for.

We're capable of making judgements like, "Look, I don't think he's a liar but I don't think the system is going to work this way." It's better for writing purposes to say referendum. It's more exciting. I'd love to see what the stories would have been if I had lost — imagine.

Q: Are you saying the reporters should have been more laudatory?

GOVERNOR: God forbid I should tell you what to write. No, sir. You write whatever you want to write. I had a couple of bets, though. I'm not going to name any names. But they're legal wagers. I've checked that out, and I want those people with whom I made the wagers to remember that I made the wagers because I remember them.

Q: Was it in the lottery system?

GOVERNOR: No. It was perfectly legal. I checked it out, thanks to Dave Hepp, I've got this all worked out.

Q: I would like to ask you about the savings bank proposal. Do you plan to call —

GOVERNOR: Won big, thank goodness!

Q: I know that.

GOVERNOR: I should say that Vinnie Tese, the

bankers, I met with them, that's a very important proposition. I think you're going to see some exciting things happen there. I'm not going to predict specifically. I wouldn't be surprised if we get banks back.

Q: All right. Do you plan to call the Legislature back into session to come up with the description of the State charter which is necessary before they can go ahead and do it?

GOVERNOR: I had not planned to ask the Legislature to come back for that particular purpose, no.

Q: Would it be necessary to offset some of the banks going Federal, quickly to do that?

GOVERNOR: I have an agenda, a whole list of things that need to be done right away. We're way beyond this Bond Issue. One of them is to meet with Vincent Tese to find out how we maximize this situation now.

I did meet with about a dozen of the bankers a week — a day before the election or two days before the election. I said when this thing passes, as it will, I want to sit down, see how we get banks back from the Federal system. I would love to have a couple of banks stand up and say, "O.K. New York State is a better place for us to be regulated than the Federal system," and turn around and announce that, and I'm going to try very hard to do that. That signal would be very important to the business community and to the banks, and we're going to work on that.

Q: Governor, do you have any idea what projects will be started with the Bond Issue?

GOVERNOR: What I think what we have to do is go to Commissioner LaRocca for a list and as soon as he can get a list, he can give you schedules. I mean that should be easy to do.

Q: Are you still going to tear up your AAA card?

GOVERNOR: It's — you can only tear it up once. Did I say I tore it up? I didn't literally tear it up.

I think what I want to do now with AAA, with the

environmentalists, with all the people who opposed us, is to make it clear that many of their concerns, I didn't differ with and they will be met.

AAA was concerned about dedication. Fine! I agree. This is going to be over \$7 billion of dedicated funds. So what I want them to understand, and this is the frustration about the disagreements, I believe that it wasn't real. See, they were saying dedicate. What we were really saying was, yes, this is dedicated. I want them to understand that now. So I want this victory, if you want to call it that, to become an instrument of harmony and coming together, not divisiveness, and that's going to be easy.

All those people who voted against us because they thought we were going to spend money on Westway, honestly believed we were going to spend money on Westway, did not believe the law, and that it would be effective. I'm going to use this an an opportunity to prove to them that we can tell the truth, and that we did there. So, too, with AAA. So I will not be talking about things that are divisive now; I'll be talking about things that bring us together.

Q: Governor, the construction industry seems to be doing a bit better at the moment now as far as jobs are concerned. Have you talked to industry officials and union leaders about possible problems in getting enough workers, businesses, to take care of this work as fast as you want it done? Is that a problem?

GOVERNOR: Oh, Mark, I would be shocked if that's problem. If you go to Suffolk and Nassau and ask Jimmy Duffy of the Operating Engineers, I think he has something like 60 percent of his people unemployed, 60 percent. And I've heard that, you know, construction, it's just — you go anywhere to the construction industry, they were on their knees begging for this thing, for the work. They wouldn't have been in that mode, if you will, if they had trouble finding people to do the work. They're in terrible shape. You go to Western New York. There are people dying for a chance to work. No, I don't think that's a problem at all.

Q: Governor, do you have any reaction that you can share with us as to the defeat of the two incumbent Democratic judges in the Bronx?

GOVERNOR: No.

Q: Will it lead you to propose anything different next year in terms of gubernatorial appointment of judges than you might have otherwise not proposed?

GOVERNOR: No, Fred. You know what I said, and I've said consistently is that the major point there for me was I prefer the method we've proposed for selecting judges to election. It sounds odd to people to come out against elections. They don't work when you're talking about judges, and now everybody sees that, all the people who complain.

The one thing they see is, ah, this situation was affected dramatically by a county chairperson. We didn't know there was that kind of power. Now, what will occur to them is, that's true of *all* the judges that are selected. They're selected the same way. It's a county chairperson that does that. It doesn't make the county chairperson bad, but what this should say to the people of the State is, "You see, you didn't know who was accountable. If you let Koch and Jimmy Griffin and other executives and the Governor appoint, you know who's responsible for Judith Kaye, you know who's responsible for Simmons, and if you don't like it, throw this bum out.

That's the way the system ought to work. That accountability is key, and what the judgeship situation should say to the people of the State is, "See, now do you understand the way it works. These people make the decisions." They're not bad people, but there is no accountability. Incidentally, many great judges were selected that way, great judges, but we've decided as to the Court of Appeals that we'll try it a different way because we think we can get even better judges. And I believe the experiment is working in the Court of Appeals, and I think that's a good argument for extending it to Supreme Court judges.

Q: Governor, the Chief Judge on Monday gave a speech in which he said he wanted salaries for judges increased, more money for improving the court system generally. Are you going to be entertaining that proposal?

GOVERNOR: Oh, we'll entertain them, yes.

Q: Well, do you think judges should get raises?

GOVERNOR: Oh, the — I think this: I very strongly believe that wherever possible and wherever it can be done without damaging the services and institutions, we ought to try to give these deserved raises, if you conclude that they're deserved without putting a greater strain on your revenue-producing capacity, through taxes.

To the extent that they tempt you to raise taxes, they're undesirable. With the judicial system, what I have said publicly is, see if you can't raise the money out of the institution. I suggested to a group of judges who came to see me, led by Presiding Justice Milton Mollen of the Appellate Division Second Department, and I believe Saul Weprin was there, and I believe Doug Barclay was privy to it although he wasn't present. I said to them, go back and see if, before we decide on raises, see how much you can generate out of fees in the judicial system that will not punish poor people, and it might even have the effect of discouraging unnecessary litigation. So come back to me.

You know, I know a little bit about court fees and how it works, but come back to me and show me where you can produce this revenue out of your own system, because then it won't be a burden on our budget, and that's a good result. If my commissioners came to me for a raise, if Mike Finnerty were to come to me and say, "I think it's time your commissioners got a raise, you've been very tough on them," I would say the same thing to Mike Finnerty. I would say, "You show me really — don't play games with me," — because he could play games all day long if he wished to — "but just show me true savings. Where they come out of this budget, where you reduce somewhere else to pay for the salary."

I like that principle of the institution providing somehow: Cutting back on waste, raising fees internally in such a way as not to punish poor people. Now, they have come back with suggestions which I turned over to Mike and Wayne Diesel. They're analyzing them; they're going over them, I think with Budget, with various other people, with OCA, to decide how much we can get out of this without distorting the justice system. I like that approach.

Now, we haven't heard back yet from Mike and

Wayne, but we will. I think the time for the Judiciary to submit a budget is December 1, is that accurate?

MR. FINNERTY: Accurate.

GOVERNOR: When we get it, we'll look at it but I will, I'll be looking to see how these raises that are desired get paid for.

Q: Governor, can you explain a little bit more what kind of fees in the judicial system are you talking about, fees for court documents?

GOVERNOR: Oh, yeah, there are all kinds of fees for — filing fees; note of issue fees. At almost every step. When you start the litigation, for example, you go to the county — if they still do it the same way. Do we have any real lawyers left here? You go to the county clerk's office. They give you a number. You pay for the number, you know, the cost presumably of the service, and so on, through the whole process. You go to the Court of Appeals, you pay a filing fee. You pay a jury fee, all kinds of fees, all through the system.

Now, there's another avenue. OCA is new, five, six, seven years, I don't recall exactly, but it's new. It can't be that it is as efficient as it can be. That's true of the Adirondack Park Agency, and that's what I said in Elizabethtown. These institutions, I'm sure, that there's room for improvement. I'm sure that if you really tried, you could save money. I know that's true about our budget. I've known it ever since I was Secretary of State. There is always room to save some money, and what I want to do is keep the pressure on them to do that.

Take a look at OCA, show me places where you can maybe save some money in OCA which you want to spend on raises. I think that habit of saying, if you want it, show me where to get it, and driving them back into the institutions to make another effort at streamlining it, modifying it, saving it, improving productivity, I think that's an important emphasis, and I'm going to try to keep the pressure on.

Q: Governor, a follow-up question on the bond issue. Some economists have expressed concern that the slow economic recovery that we're going through right now could hindered if governments don't pull back a little bit on deficit

spending and you could translate it into deficit borrowing. What would be your response to them in light of the Bond Issue? How is this going to affect the overall economy?

GOVERNOR: That's an excellent question: I think you have to break it down into two levels. When you say "economists," and maybe you can be more specific, I would guess that almost all of them that you're referring to are talking about the national scene and not the state scene, because it's different at the national scene, and I agree totally that the \$200 billion deficit, David Stockman's as-far-as-the-eye-can-see, \$200 billion deficit is devastating.

We don't see it now. We don't feel it now. But every economist I've ever read will tell you that a year from now, a year and a half from now, we're going to get hit right in the side of the head with that deficit. Interest rates, the return of inflation; absolutely correct.

The irony politically is that only the Democrats could sanctify deficits in the past. Now the Republicans who have the largest deficit in the history of the universe, the largest budget in the history of the universe, are saying deficits aren't so bad. That's what the Republicans are saying: You can have a \$200 billion deficit. It doesn't really affect the economy. Imagine trying that four years ago when you were pleading for a balanced budget because deficits ruin us.

Now the Democrats ought to be saying — and I must tell you they're not saying as clearly as I'd like them to — that deficit financing is ruining us. I agree totally. How do you get at it? It's very tough. You have to do something with defense. I don't want to go through the Federal argument.

On the State side, we can't deficit finance the same way that the Federal government does, as you know, because we have to dollar-for-dollar it on an annual basis. As a matter of law, we can't have a deficit. So the situation is a little different.

I do believe it is undesirable to have — quote — too much debt. And it will hurt you. That is practically impossible for us in New York State. First of all, it's not occurring and this is another bit of information I'm not sure we were successful in getting out. You know, I read

somewhere in an Albany paper \$21 billion worth of debt in New York State. That's totally inaccurate.

That's authority debt. We don't pay for that out of our budget. Our debt is, I guess, less than \$5 billion and more than \$4 billion, is that right? Between \$4 and \$5 billion. And our debt per capita is going to go down even with the Bond Issue over the next five years. So we're in good shape when it comes to debt.

Are we bigger than Illinois? Of course, we're bigger than Illinois. Bigger than Tennessee? We better be bigger than Tennessee. We're bigger than everybody except California in most ways, O.K.? And we have more to pay for. Our debt is in good strong condition, will get stronger.

I agree with Ned Regan that the spring borrowing is not desirable. The \$4 billion last year, whatever it was, not desirable to start the year with a huge borrowing because of the calendar. I have agreed with Ned Regan that we ought to push for a constitutional amendment. That will be in the *State of the State*, I'm almost certain. We haven't gotten around to drafting it yet, but I'm almost certain I will go to the people of this State and say, "Let's" — I think he wants over 20 years, but we'll work that out, — "let's put it in the Constitution that you can't start the year with this immense borrowing. Let's buy it down gradually over a period of years."

When MAC winds up with a surplus, let's call it loosely, in New York City, as it has, MAC is a State agency, one of the things we want to consider is how we can use that to bring down the MAC debt gradually, O.K. So I'm very much of the opinion that we should be careful about debt. I am not given to the kind of profligacy and promiscuity that got us into the trouble in the first place. I remember 1975.

But you have to understand this. We have built into our system a series of restraints that make it practically impossible for us to be imprudent. Because we were so weak at it in the 15 or 16 years before 1975, we now have the Securities Coordinating Committee. We have the Public Authorities Control Board. New York City did have the Financial Control Board imposed on it, and I'll tell you what's more. You know what would happen if you tried to impose upon yourself too much debt. You'd

go right down to Wall Street, and they'd laugh at you. They'd say, "Forget about it." That would be the end of it. You mesmerize the people into doing an imprudent thing and endorsing a \$10 billion bond issue which you couldn't afford. It would never happen because they're ready for us on Wall Street. They remember 1975. Everything since 1975 is different.

Now, I must tell you that two-minute presentation means nothing, yesterday. The people upstate didn't hear it. The people downstate didn't hear it. Most people hear, this is debt, debt is bad. But I'm telling you, it is not a problem. We're very strong when it comes to that. Prudential-Bache — I was teasing Merrill, Lynch in Boston yesterday — I was saying, "Why don't you give us a better rating?" Prudential-Bache just gave us a better rating, better than Standard & Poor and Moody's, and I told somebody from Pru-Bache, "Why didn't you go public with this Bond Issue? I'm trying to sell bonds, but people are saying, debt debt, debt. You're saying in effect, we're so strong that you just improved our rating." He says, "It's a shame." He said, "We should have done it." He said, "I'm sorry we didn't think of it."

So we're in very, very good shape. I'm looking forward, if we can do another good budget, if Finnerty can work his miracle one more time and Del Giudice can work it out with the Legislature, I want to see them improve our rating and they will. They will, if we can do it on time once more, if we're as careful as we were last time, if the Comptroller comes in and helps us out, as he did. If we have that kind of credibility one more time, I think we'll be entitled to sit down with Moody's and Standard & Poor and say, "Hey, look, tell the world that we're not fooling them, tell the world we're in very good shape fiscally, because we are."

Q: Governor, are you planning to repurpose the Water Finance Authority?

GOVERNOR: Remember now the Water Finance Authority is not general obligation debt. It's not full faith and credit. It's revenue, which means that you create a project, you pay for the bonds out of the project. Imposes no obligation on the taxpayers, and that has to be clear. There's a difference between revenue bonds, which means that they'll be paid for by the revenue from the project, revenue bonds and regular bonds.

Do I think we need a water authority? Absolutely. Do I think water is a huge asset that we have? I'm going to, I hope, make the Great Lakes Conference, but even if I'm not able to go myself as Governor, I think it's the first time a New York State Governor has been invited. They're worried about the Great Lakes. They're worried about the water being siphoned off.

The people who followed us in the campaign, got bored with my story of the guy coming from the Midwest with his hands on his throat pleading for a drop of our water, coming from the Sun Belt. I said, if we're smart, we'll make the most of this asset. You need a water authority to do that. You need a water authority to improve the opportunities to keep it clean, to move it around.

Now, how would you pay for it? Out of the projects; not from taxes. Not the debt like the Infrastructure Bond Issue. Just pay for it out of the projects. You create a project for a community, for a user, and they pay for it and out of that you pay off the bonds.

SONYMA. Wonderful program, if the Federal government doesn't ruin it for us. People now being able to buy houses who never had the chance before. SONYMA deals in mortgages and bonds. We don't pay for it. The people who live in the houses pay for it. It doesn't cost you a penny for these people to have a house in Syracuse now, a nice attached house that they couldn't afford any place else in the United States, believe it or not, because they couldn't get the mortgage that we give them here — under 10 percent.

Now, that's why I talk about information. People don't understand these things. How could they? People hear debt. Debt is debt. You talk about water authority, another \$4 billion. Boy! First \$1.2 billion; now \$4 billion! They're different; they're altogether different.

I think the point I would try to make is, we got caught at spending too much, recklessly. They won't let us do it again, so don't — you don't even have to trust the politicians. Just trust the Street. Maybe it's easier to get them to trust the Street than us, although I'd rather trust us in the end.

Q: Governor, could you give some more information

about your proposal? You talking about eliminating spring borrowing through a constitutional amendment being phased in over —

GOVERNOR: Oh, no, no. I'd rather wait on that, Jonathan, because I think we mentioned it from here with Comptroller Regan, as matter of fact; I think as part of the development of his support for the Bond Issue he came right here to talk about it.

I'd rather save the details until they're worked out with the Comptroller and the staffs work them up. You know, I don't want to hint at them. The general notion is to phase out the spring borrowing, do it constitutionally.

Q: You say you will propose this in your State of the State?

GOVERNOR: Yes, sir.

Q: Governor, do you plan to bring the Legislature back at all before January?

GOVERNOR: I don't know yet. A great deal of it will depend on what Senator Moynihan, Senator D'Amato and the House people tell me about the convention center. If — if we can't get them to extend that opportunity beyond the first of the year, then if you want the convention center deal, you have to call back the Legislature.

Q: Do you have any deadline on when you're going to make up your mind as what to do?

GOVERNOR: As a practical thing, next week I would guess. That — incidentally, Alice — that is alive, convention center. There was a story that appeared that said the convention center deal is dead. It's totally inaccurate.

Q: It appears at this point that the Senate and the House are going to cross bills, and they won't have an agreement on it. Does that make you reinforce bringing back the Legislature?

GOVERNOR: No, it's very simple. If next week we don't have a bill and Pat says we're going to blow the whole thing, then I'll talk to the leaders. I want to do the

convention center deal and I suspect they do, too, and I'll talk to them. I want it; it could save us \$90 million. It's simple; it saves you \$90 million.

Q: Governor, if you do bring the Legislature back, what else will you put on the agenda?

GOVERNOR: I have nothing else on my agenda.

VOICE: Thank you.

GOVERNOR: O.K. Thank you.

(Whereupon the news conference was concluded.)

Governor Addresses the Hidden Disabilities and State Employment Conference

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 9, 1983

It's hard for me to think about disabilities and State employment without thinking of the man whose very desk I now sit at — a desk scarred by 1,000 contacts with the wheelchair that failed to keep him from raising this nation from its knees.

Franklin Roosevelt was a courageous and magnificent leader. His example alone should be enough to smash the stereotypes about the weakness of disabled people. In fact, it seems Roosevelt drew strength from the polio that left his legs all but useless.

Someone once asked him how he maintained his composure, and optimism, and determination when the world seemed crumbling at its foundations and the task before him must have appeared overwhelming. He said: "If you had spent two years in bed trying to wiggle your big toe, after that everything else would seem easy."

Even so, Roosevelt thought it wise to conceal his disability as much as possible from a public that associated disability with helplessness. People made that mistake much more often then. They were wrong of course. And I like to think that today we have a more enlightened attitude about disabilities.

Certainly, we have learned from the example of Roosevelt and from others much closer to us — people like Fran Berko and John Gerrity — that disability need not be an obstacle to achievement. And yet, if we had overcome all our irrational prejudices against people with disabilities, there would be no need for this Conference.

I see it this way. State government, as an employer, has a special obligation to its workers, and to all the people it represents, to be a model of fairness and decency in its employment practices and to ensure that no one is denied the dignity of a job because they're black, or a woman, or a Catholic, or disabled.

Among the states, New York is already in the forefront of legislation to remove barriers that keep the disabled from achieving all they can. With the help and vision of legislative leaders like Senator John Flynn, we have made it easier for disabled persons to enter the State work force and they have done so in greater numbers than ever before.

We've done a great deal. We must do more — two things more, at least. First, we have to make managers and supervisors, those who control the working environment, more sensitive to the needs of a whole range of people who may require special treatment if they are to manage a disability and, at the same time, achieve at work everything they are capable of. What does that translate to in practice? A number of things. Let me give you just an example. It might mean being more flexible with established office routines and procedures to accommodate a person with severe diabetes who needs frequent light meals in order to function well. Or it might mean an open, frank, fair attitude towards disability that does not stigmatize but encourages employees who need help to seek it from programs that are already established and available.

The second thing we need is a greater emphasis on the notion of prevention. Prevention is, in fact, a philosophy as well as a therapy, a way to think and plan and act that allows us to avoid the sometimes futile, often costly search for solutions to problems which could have been stopped before they got started. Prevention means teaching people how to develop healthy hearts; not just spending millions to develop artificial ones. It means recognizing the importance of self-control, self-discipline,

self-respect in the way we live, encouraging people to look to themselves as much as to science for the secret of longevity and health.

You may have read this past weekend an article in the *New York Times* magazine called "The Genetic Revolution" about the amazing breakthroughs in research that may, someday, enable scientists to diagnose many diseases before they occur, and to cure them. I think that most of us understand that this achievement is a dream to be realized in the far-distant future. We know that for our lifetimes at least we must learn to live with our disabilities, whatever they are. To live with them and to enable each person to work and achieve as much as he can. To continue to give New York the finest, most effective public service in the nation.

That's why your're here. I wish you well in undertaking a responsibility that belongs to us all.

Thank you.

**Governor Addresses the Riverdale Zionism Rally
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 10, 1983

I'm proud to join with you this evening to speak out in defense of Israel, in defense of the ideals it embodies, the ideals of Zionism.

And yet I'd be less than honest if I didn't acknowledge that the pride I feel is mixed up with a sense of sadness — that after a century of epic struggle, after pogroms, after Hitler and the Holocaust, after the creation of Israel, after three-and-a-half decades of war and striving, after the magnificent accomplishments of the Israeli people, there is still — still — a need for us to defend Zionism.

And besides this sadness, I feel a certain apprehension, also. Apprehension that some in America are tired of the struggle in the Mideast, ready to throw up their hands, to say, "This fight isn't our fight. We should have no part of it."

For the great majority of our people, this temptation to a new isolationism is a sincere reaction to the loss of American lives in Beirut, to the endless demands upon the United States in every corner of the world, a weariness with carrying the main military burden for the entire West. Many Americans are tired and confused, and they need to be reminded that America's stake in the Mideast isn't just the seemingly impossible one of drawing order out of the present chaos in Lebanon. That it's far more important, and critical, and vital. That it's to support the only democracy in that part of the world, a country we are tied to by blood and faith and history, a nation whose interests are our interests, whose future is our future. Israel.

If we put this case right — put it forcefully and directly — to the American people, I believe they'll respond as they've always responded when Israel's interests have been in question. With generosity, with determination, and consistency. But we must be careful not merely to presume on this reaction. We must be honest enough to admit that sometimes it takes hard work and persistence to get people to understand just how indispensable Israel is to us all, Jew and Gentile alike.

And we must face a bitter, ugly fact as well. A fact that the Cardinal-Archbishop of Marseilles raised so eloquently with the synod of Roman Catholic bishops meeting this month in the Vatican. The growing strength of anti-Semitism. Not just the shrill vilification of the Jews, which brands its proponents as fanatics and extremists, and is so crude that it is therefore less dangerous. But a more subtle twisting of the truth that claims it isn't anti-Jewish at all, just "anti-Zionist."

The major premise of this doctrine is "Zionism is racism." Its proponents deny any of the traditional motivation of the anti-Semite — the desire to force Jews into a denial of themselves, to destroy their right to the possession of their traditions and, finally, to annihilate them as a people.

We must not sit silently by, refusing to raise our voices, quietly accepting a doctrine that threatens us all. We know where such silence leads. We know the progress of terror that leads from lies to persecution to outright murder. We have the record of *Kristallnacht*, the November 10, 45 years ago when synagogues were shattered

and burned, Jewish homes looted, Torahs and religious books profaned, a night and day of violence and death that opened the way to genocide.

The Nazis tested the waters that evening. And the world sat silently by, or else it made excuses. *Kristallnacht* was an aberration, some said. This was as far as Hitler would go, others said. Hitler is only placating the extremists in his party. Don't provoke the Nazis any further. Don't protest. Don't antagonize them, or things will become worse. The Nazis heard these words. They heard the world's silence. They understood it, and welcomed it.

It is the lesson of that silence that makes tonight's rally so necessary. That forces us to remember the full and awful legacy of *Kristallnacht*, no matter how hard it is to do so. To remember with raised voices what it led to — the helpless, mute victims, degraded, murdered, incinerated — the ghastly summation of centuries of anti-Semitism. And to remember those who resisted, who refused to accept the world's indifference, who stood up in history's darkest, most abysmal corners and proclaimed the freedom and destiny of their people.

The Zionist freedom-fighters who were the pillar of fire that led the Jewish people through the long night of persecution and destruction — led them back to their God-given homeland. The freedom-fighters who were the seeds of a new and ancient nation. Unconquered. Unconquerable.

Yes, we must insist that the whole world remember all of it and learn from it. The agony of the Jews: *Kristallnacht*. The deportations. The ghettos. The gas chambers. The ovens. A people's lonely struggle. Their courage, resistance and defiance. The world's deafness to their cries. The near-miraculous regathering of the remnants, and the rebirth of the State of Israel. *All of it.*

Above all let us make sure the memory of *Kristallnacht* and the events that followed it is more than resurrected grief or recollected sorrow; more than ritual or speeches or even rallies. Let it be a living, burning part of us, igniting in our souls a fierce respect for life, for all that resists hatred, needless bloodshed, the slaughter of innocents. Let it fire in us an unbreakable determination to protect and nurture the future of Israel,

the Jewish homeland. Let it serve for all of us everywhere as the call to oppose oppression and evil.

"For the sake of Zion I will not remain silent," said Isaiah. For Zion's sake, again, we cannot be silent. For our sake and our children's sake, for the sake of all of us, Gentile as well as Jew, we cannot be silent. Not tonight. Not tomorrow. Never again.

**Governor Addresses the American Jewish Congress
Luncheon Honoring Abraham Beame, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 10, 1983

There's an old political saying that "Victory has 1,000 fathers but defeat is an orphan."

Certainly that's true about this City's fight against bankruptcy. Many people claim credit for the final outcome, and in truth, many people deserve at least a part of that credit. But let me say here what I said last month in Washington when Ed Koch and I went down to the annual reception the New York Congressional Delegation holds for those in the Capitol who supported us during the fiscal crisis.

I said then that there are two people above all who deserve thanks: Hugh Carey and Abe Beame. They pulled the City through the worst; they worked, and struggled, and fought to see to it that New York got the chance to put its own house in order; they made possible all the progress of these past several years.

Neither of those men was with us last month in Washington. But one of them is here today, and I again want to take an opportunity to thank him for all that he attempted and all that he achieved. I think that New York was lucky to have had Abe Beame as Mayor during that period. Many of the devices and strategies that saved this City were put in place in the last part of this Administration . . . in 1976.

I'm not trying to gloss over the differences we had then. I ran against Abe in the Democratic mayoral primary of 1977, and we fought a hard race in which Ed

Koch did to us both what we were trying to do to each other. But our differences never diminished my respect for Abe Beame as an individual, for his pluck, and courage, and integrity, for his decency, for his sheer devotion to the cause of this City and its people.

In fact, if I had to name one positive result of that whole painful experience of fighting a campaign and losing it — besides that it put me on the path to my present position — it would be the appreciation I gained of Abe Beame. It was more than just an appreciation of the challenge he faced in dealing the long accumulation of the City's problems. It was more than just a better understanding of how he tried to manage an urban crisis of unprecedented proportions, a crisis that frightened some of us, and exasperated all of us. It was the way Abe Beame did it: without pointing fingers; without divisiveness; without rancor.

And it was the sense of real concern he showed for the people represented by all those numbers and statistics, the people struggling here to make life better for themselves, the people whose hope would be destroyed if the City turned its back on them. With all the attention he had to show to the City's books and ledgers, Abe Beame still worried about the City's soul, about saving the City's solvency yet losing the spirit that makes New York — for all its problems — the most bravely optimistic and indomitably hopeful city in the world.

In the final analysis, Abe Beame help save that spirit. And when the people in their wisdom decided they wanted someone else to continue the work he began, he left office without bitterness or accusations, content, as he said, to have been given the chance to serve.

Today you honor Abe Beame for that service. I'm happy to join the American Jewish Congress in doing so, particularly because this event underlines a central truth about Abe Beame's life and career — that is, his Jewishness. Don't misunderstand me. You don't have to be Jewish to appreciate Abe Beame. You don't even have to remember that he was New York's first Jewish Mayor.

All you have to do is understand how much his Jewishness means to him, how faithful he's been to its commands to mercy and compassion, its injunctions to public service and to social justice. It's a faith shared by

generation after generation of immigrant Jews, a faith carried across centuries, nurtured in ghettos, and in steerage, and in sweatshops, a belief that Jews helped infuse into the life of New York, a sense of moral purpose that made sure this society had more than muscle and brains. That it also had a heart. Abe Beame carried that faith into City Hall. He has done the very best he can to live by it, and see to it this City lived by it. Along with each of you, I offer him my profound thanks.

**Governor's Remarks to the National Italian-American
Foundation, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 17, 1983

This is the first time I've ever seen myself cast in bronze, and I'd be less than honest if I didn't say it's an ego-boosting experience. It took a little extra bronze, but you even filled in my bald spot.

Yet, let me make a small confession: when I first heard Domenick Mazzone was doing a bronze sculpture of me, I got a little nervous. I mean, all those pieces of classic Roman sculpture came before my mind's eye — the ones with only a fig leaf standing between art and the naked truth. When I mentioned it to Matilda, she told me not to worry. "Mario," she said, "they wouldn't do that to you. They know you had enough trouble winning when people saw just your face."

What we really honor here tonight, however, is more important than any individual. For instead of honoring me you could have chosen any number of other Italian-Americans — many of them on this dais or in this audience — and made the same point. And the point is, we Italian-Americans have arrived . . . in terms that Americans understand well.

Just look around you. We are executives, professors, scientists, writers, prelates, politicians, men and women of substance, leaders in our own communities, free at last of the outright bigotry and snide condescension that limited the immigrant world of our ancestors . . . those immigrants . . . those giants.

Their struggle is now history. A brave and beautiful epic of peasants and laborers and ditch-diggers who never stopped believing in America and never stopped working to make it better. But it is history nonetheless.

The real question left before us as their children is what to do with that history. Do we preserve it as a curio of our past, a wax-museum memory of ethnic solidarity, of how our people clung together and worked and prayed together, and succeeded? Do we consider that the hard, dirty, back-breaking work of planting and plowing is over and that all we need do is enjoy the harvest?

Or is our history as Italian-Americans something more than that? Is it more than a prelude to assimilation? Is our history a challenge to do more than remember? Is it a challenge to make sure that our success doesn't cut us off from the millions for whom prejudice and poverty are not history, but a daily reality?

The National Italian-American Foundation is helping answer those questions the only way we can answer them without dishonoring the legacy we're heir to. Its goals are simple, yet in their simplicity, they preserve the soul of the Italian-American experience in this country — a soul built around sharing, around a sense of family, around a sea-crossed quest for opportunity, for work, for education, for a world where the children of the poor could realize dreams their parents didn't even dare conceive of.

The Foundation encourages us to remember — yes, it does a magnificent job of that with the cultural activities it helps sponsor and the scholarships and research it helps fund.

But the Foundation doesn't leave it at that. It uses our history as a basis for making sure that we Italian-Americans continue to make a difference in this society; that we involve ourselves in furthering those policies which embody what the Italian journey into America has been all about — opportunity, equality, compassion, hope, social justice, freedom.

Yes, ladies and gentlemen, brothers and sisters. This is a *great* time to be an Italian-American. The *New York Times* has gone as far as to describe this as "the decade of the Italian-American." It's a moment of culmination. A moment of satisfaction.

It's up to us — each of us in this room — to make sure it's also a beginning; to make sure that in closing one chapter in our people's history, we are opening another. A chapter of excellence, growing excellence in every field, leaving a greater and greater imprint on our society. A chapter that honors the sacrifices that lifted us from the holding pens of Ellis Island to the grand ballroom of the Grand Hyatt; that lifted us by achieving so greatly and so grandly.

That's the challenge we Italian-Americans face — to make our children remember us with the same pride, respect and amazement with which we remember those who came before us — those who with so very little did so very much.

Thank you . . . for considering me and Matilda a part of your success.

**Governor Addresses the Mortgage Bankers
Association (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 17, 1983

I know mortgage bankers and I respect them. I represented them for a long time and now I know how important they are to this State.

Not everybody feels the way I do. In the old neighborhood there were people who felt differently. I remember one old immigrant, Carmelo, whose banker was a saint — literally, St. Anthony of Padua. St. Anthony didn't appear to him in visions. He was a hollow-based statue that stood on Carmelo's bureau, in which he banked the money he was saving to fulfill the dream he carried across an ocean — the dream of owning his own house.

Carmelo trusted noncanonized bankers to the same degree he trusted politicians — not at all. There'd be no mortgages for Carmelo, even at the 2 or 3 percent interest that was then prevalent. He'd save every dollar he needed by himself and tuck it in St. Anthony. Then, when he had it all, he'd buy a house.

As he got older his kids tried to change his views on

this. "Look," they'd say, "mortgages are okay. Everybody borrows to buy a house. It's the American way." But Carmelo wouldn't be swayed. He stayed with St. Anthony. "St. Anthony neva gonna close down," he said. "Besides, I lika his hours, and I appreciate his interest."

Carmelo reminded me of my father, especially when he talked about politics. When I first decided to run for Lieutenant-Governor in 1974, I went to Poppa and told him how I felt that our family had gotten so much from America now was the time to give something back. The best way to do this, I said to him, was by going into politics.

"But Mario," my father said, "why politics? I mean, all your life you've been honest."

I think we both realize that we're in professions that aren't regarded with any great warmth or affection by the public. In fact, in a poll taken a decade ago, bankers and politicians ranked 43 and 49 respectively on a popularity chart that was scaled from 1 to 50. Part of this unpopularity derives from the fact that we're both in a business that requires us occasionally to say no. Part of it derives from the perception that we occasionally enjoy doing so.

I don't think this perception is true. Certainly, in politics, we don't like sending people away with less than what they'd want, and I believe the same is true about bankers.

In fact, many of you probably know the story about the small town banker in upstate New York who some years back was approached by the wife of an acquaintance of his. She had some bad news, she told the banker. Her husband was sick and she needed a small loan of \$500 to tide the family over.

"No problem," the banker said, and he arranged it. A week later she was back. "Remember the bad news?" she said. "Now it's worse; my husband's medical insurance had lapsed and I'll need a loan of \$2000 to see he gets the right treatment." Without hardly wincing, the banker said it could be arranged; and she got the loan.

Two weeks later, the woman was back once more. "Remember the bad news that got worse?" she said. "Well,

today it's the worst of all. My husband must have surgery and we need \$20,000 to pay for it." Summoning all the compassion he could, the banker said, "You can't put a price on a life." And the wife got the loan.

Two days later, when the banker looked up from his desk, there — again — was the wife walking toward him. "Please," the banker said to her, "just this once give me some *good* news . . . tell me your husband died."

Today, what I want to share with you is, as I see it, mostly good news.

Over the past decade, savings banks and savings and loan associations have experienced the roughest years since the Great Depression. During the 1970's mortgage bankers were forced to cope with especially volatile interest rates. Unfortunately, most of their investments were tied down in long-term fixed rate mortgages with interest rates far below prevailing market rates. This, as everyone here knows, has had a severe impact on the profitability of your industry. If this was not enough, high interest rates also caused one of the worst housing markets slumps since World War II. This again, as you all know, had a severe impact on your industry. Temporarily, that situation has abated. Inflation is down, and if the national economy hasn't exactly recovered, it's at least showing signs that it hasn't lost consciousness.

Just as important, people have finally stopped taking your existence for granted, presuming that the savings industry is immune to the forces that drive our economy, and that it will simply go on doing in the future what it's done so well in the past. That is, fueling the nation's housing industry, making our national dream of owning a home into a reality for millions and millions of people.

In the past few years the housing situation in this State has tested the stamina of many New Yorkers. Not only have the residents been fighting high mortgage rates and the high cost of housing generally, but the search for housing has led them to find ways to make up for the reduced production of traditional dwellings: loft conversions, manufactured homes and even owner-built homes have been resorted to.

This changed attitude was clearly demonstrated just over a week ago, on Election Day, with the passage of

Proposal Three. That proposal was approved by a margin of 69 percent to 31 percent, sixteen points ahead of the Bond Issue that many of us worked so hard to pass. The vote on Proposal Three was a sign that the public understood the very crucial role you play in this State and that it's willing to do everything in its power to support that role, to encourage it and, where possible, to expand it.

It's a position shared by my Administration. We strongly supported Proposal Three. But we recognized it's more a beginning than an end. There's still a great deal to be done, and not everything that needs to be done, of course, can be accomplished by State government.

In the end, the health of your industry like the health of the entire economy depends on the policies of the Federal government, and with \$200 billion deficits "as far as the eye can see" — as David Stockman put it — reinflation and soaring interest rates remain a present danger.

Yet we intend to do everything in our power to create in New York an environment in which initiative can thrive, in which the private sector can do what it is intended to do — make profits, and invest those profits, and generate jobs and new capital and more jobs.

The first step in achieving this is to recognize that neither business nor government can do it alone. They need each other. They need to realize that their relationship can't just be one of regulator and regulated, an essentially adversarial relationship where their only face-to-face contact is in the courtroom. Both business and government need to seek what our competitors such as Japan have sought so successfully. Partnership.

We've already set that process into motion in New York and in the past 11 months we managed for the first time to make partnership a part of our government. The Council on Fiscal and Economic Priorities, which draws together people from the business, financial, academic and labor communities will now help us to draw up a five-year capital budget.

This September, we also created a Temporary State Commission on Banking, Insurance and Financial Services to help us overhaul the regulations governing your

industry, making sure they support growth, not stifle it. On this Commission, we have representatives from the banking, securities and financial services industry. We also have representatives from labor and consumer groups. It will be this kind of cooperation that makes us all very optimistic about what this Commission will be able to accomplish.

A distinguished member of that Commission is Governor Malcolm Wilson, Chairman of the Board and Chief Executive Officer of Manhattan Savings Bank, a member of this Association, and a former resident of the Executive Mansion on Eagle Street in Albany. With men and woman of his caliber on the Commission, I am sure it will make important and perceptive recommendations for reforms and changes in your industry that will benefit us all.

Through another public-private partnership effort, SONYMA has provided \$365 million in low-interest funds to the mortgage market in New York. This is the limit provided for under the Internal Revenue regulations pertaining to the volume of lending bonds. Any new bond issues under this program will, of course, depend a great deal on Congress' action regarding proposed legislation imposing a "sunset date" of December 31, 1983 for the tax exempt status of mortgage revenue bonds. We are monitoring this legislation very closely and are developing contingent programs for SONYMA in the event of its passage.

All of us here today know how much more needs to be done. New York State has always been mindful of the crucial role played by mortgage bankers in helping our residents achieve the goal of homeownership, a goal which has not always been easy to attain, especially during periods of high interest rates. New York has sponsored various legislation which enables lenders to make a fair return on their investment while still permitting potential homeowners an opportunity to finance a home. The most recent instance of legislative support to the mortgage industry is Chapter 1 of the Laws of 1983. That legislation effectively deregulated most mortgage loans made by financial institutions by eliminating various limitations, including statutory loan-to-value ratios. The elimination of a statutory margin between the appraised value and the amount of the mortgage, permitted individuals with small downpayments to finance residential mortgages.

Also, New York has permitted our banking institutions to offer variable rate mortgages to avoid the risks entailed in making long-term fixed rate mortgages in a volatile interest rate environment.

Regulations of the Banking Department permit the development of mortgage instruments that cope with interest movements but still provide sufficient consumer safeguards.

Commercial banks may now make single mortgage loans up to 15 percent of their capital, while prior to this legislation the limit was 10 percent of capital. This allows those banks to make larger commercial type mortgages for apartments, condominiums and cooperatives and thereby contribute to the housing stock in New York.

Overall, the recent legislation and regulations should certainly serve to make the industry more competitive and adaptable to a more dynamic environment. It can affect downpayment requirements, maturity of the loan, and other aspects of a real estate loan which make the difference between affording and not affording a home.

And yet, it's important to remember how much we succeeded in doing since last year at this time. Then we faced a potential State budget gap of \$1.8 billion. We closed it, and did so without raising the State's three major taxes, without punishing the poor or abandoning the weak. We invested millions more in the State's housing industry. We changed the laws governing pension investments to give our industries new sources of capital. We began a \$7.4 billion program to rebuild New York, and received a resounding approval of the voters to do it.

New York will now lead the nation in repairing the framework that supports and spurs economic development. There'll be thousands of new jobs and from those jobs millions-of-dollars worth of new investments — in new housing, in new purchases, in new products.

And all this is, I believe, a prelude. We haven't even begun to tap the potential of this State for change, for innovation, for new ideas, for new investments, for new ways of doing business, for new economic growth. In education, housing, public safety, in hi-tech and industrial development — in a myriad of fields — we have the chance to tap a reserve of genius and creativity no other

State and few nations can match. Together, we can. As partners. As partners working to rebuild New York. All of it.

Thank you.

Governor's Remarks at a Press Conference — State Agency Moves from the World Trade Center

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 17, 1983

As early as next month, we will begin the first phase of the plan to move State agencies from the World Trade Center to locations in all five boroughs of the City. There are three clear benefits of these moves.

First, neighborhood preservation. The prime object of the move is to help revitalize selected business districts throughout the City. There are obvious economic benefits that come from having a sizable State presence and work force located in any community. Such a presence may, in fact, lend the sense of stability that is essential to attract new businesses to an area and to keep old ones.

Second, the World Trade Center is highly desirable office space. It is attractive to prospective private-sector tenants and can be rented to them by the Port Authority at a price considerably above what the State presently pays but still fair and competitive for the downtown area.

Third, the new income from the rental of Trade Center space to private companies will be used to help establish a New York/New Jersey Economic Development Fund to finance, at low interest, projects in the Port Authority region.

You have most of the particulars of the move in the press statement released today. A few of the numbers there deserve some emphasis.

We are talking about more than two million square feet of prime, rentable office space on 48 floors in Two World Trade Center. The State currently pays about \$12 per square foot for space that can be rented to private concerns for about \$35 per square foot.

The move will be in five stages — with about two-thirds of the State's leasehold vacated by the end of 1984.

Of course, anyone who has moved recently knows it's expensive to do and almost impossible to find new space that doesn't cost more than the old. One of the attractive features of this move is that the Port Authority has agreed to help defray the cost of relocation. As long as we adhere to our schedule for moving out, the Port Authority will pay the State a one-time \$10 per-square-foot payment and \$14 per-square-foot annually for six years for the space vacated.

Moving always involves some temporary inconvenience. But, overall, this plan has so much positive potential to help areas in the City that need a boost that any short-term, minor disruptions entailed in the move are by comparison inconsequential.

This move is a good one for us all, for business as well as government. It opens new space for the private sector in an area where the demand is great and still growing. It helps add new jobs in this City as well as increasing the resources of the Port Authority, resources we will use to the benefit of this entire region.

Finally, there's an old saying that "all politics is local politics." In the same way, all real economic growth is local growth, an increase of investment and opportunity felt at the grass roots. Like the Rebuild New York Bond Issue passed last week, this move helps to achieve such growth. It gives neighborhoods a chance to share in economic development, to become, once again, centers of commerce, and opportunity, and hope.

Thank you.

**Governor's Remarks to the National Committee for
Furtherance of Jewish Education (Excerpts), NYC**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 20, 1983

A few hours ago I was out in Richmond Hill at a Sikh Temple, joining with Sikhs to help celebrate the birth of their religion's prophet.

The Sikhs worship differently than you or I. Their language is different, their rites and rituals unfamiliar, their ceremonies unlike what we, as Jews or Christians, might be used to. But the message was familiar to anyone who has ever sat in a synagogue or church. It was a call to compassion, to mercy, to charity, to faith, to love, to justice, an appeal to all the same values that form the basis of this Committee, and which the Committee works so hard to foster in the Jewish community.

Don't misunderstand me. I don't want to imply that the differences in belief that distinguish Christians and Sikhs and Jews are just a matter of style and that it really doesn't matter what you believe as long as you believe something.

Our differences are real and important. They distinguish our communities and make them unique. They make us see the world a little differently from our neighbors, cause us to have varying views on many things. But the point is these differences don't weaken us. They strengthen us. They don't foster divisiveness. They create diversity.

It has seemed to me — for as long as I have thought about such things — that pluralism in religion, in race, in culture, in politics is the central achievement of our State and nation, the foundation of our liberties, and nowhere is that truer than in education.

We don't have one government system that imposes a stifling uniformity on the young, that says there's only one way to think, only one way to believe, only one way to act, and government will tell you what it is! God forbid. That's why we're here in this country. That's why we came — to be free.

We let people choose. We don't insist that they believe what we believe. We let Catholics educate their children as Catholics, Lutherans as Lutherans, Jews as Jews. We not only permit it — we encourage it. We remember what a lack of freedom means. We remember that once anyone's freedom is unnecessarily restrained, everyone's is.

So, too, with the important business of education. We insist on freedom. Without weakening our very real and necessary commitment to the primacy of the public

system, we in New York give millions of dollars to non-public schools for such things as transportation, textbooks, breakfast programs and mandated services.

We do so because it makes us all stronger. We do so because more and more we understand how valuable it is to inculcate in our young the moral and religious values that allow a society to live and act as more than a random concatenation of individuals.

As our democracy is designed, it is largely beyond the power of government to create these values. In their wisdom, the people who wrote our Constitution stripped government of the power to impose the beliefs or values of any one part of the community on all the other parts.

They made government neutral, and this neutrality protects us all. Yet, this official neutrality was never meant to foster apathy or unbelief. Just the opposite, it was meant to allow us to live out our commitments to the moral and religious truths that each of us chooses to honor.

This neutrality was meant to make possible the very achievements the National Committee for Furtherance of Jewish Education honors here tonight — the achievements of men and women who live for something greater than their own satisfaction, who work and sacrifice to support the community of which they are part, who help provide the religious education that gives purpose, and dignity, and meaning to a life.

The entire community is in your debt for the work you do. And at a time when the world is increasingly submerged beneath a tide of violence, hatred, despair, we need more than we ever have the values you foster. We need for you to keep believing, working, fighting, to remain loyal to a faith that goes before us all like a pillar of fire.

Thank God — and the Constitution — we are free to do it. You are to be congratulated for using that freedom so well.

Thank you.

Governor's Remarks at the NYC Fundraiser

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 22, 1983

Whoever thought of arranging it so Matilda would be the one to introduce me here tonight is a genius. In one gesture, they summed up the central fact of our marriage, a fact some people don't see as clearly as they should: The fact of who leads in the Cuomo family, and who follows.

Matilda made this whole thing possible. And I don't mean that in the old sense that once led people to say that behind any man who achieves is a woman who believes in him.

Matilda has never been behind anything. She's been in front, always — in the care of our children, in our community, in our campaigns. It's been her habit to build up our strength out of whatever inadequate materials were at hand, to be the strong center that would not yield, nor crack, nor falter.

All that we have, and hold, and value, we have because of her, because of her extraordinary courage and faith, because she wouldn't give up and wouldn't let us give up.

Then, I want to thank the two people who worked so hard and so successfully to make this evening a reality. Lucille Falcone, who took time from her law practice to serve as Chairperson for tonight's dinner, and she truly did a marvelous job. I also would like to thank Phyllis Wagner Cerf who was also helpful in making tonight a success.

I'm deeply in their debt. Literally, and yours, too. Incredible as it may sound, this event tonight has brought in over \$1 million. What extraordinary generosity. What a great job by Lucille and Phyllis — and yet it's disconcerting . . . and an unhappy commentary on our system that we'd have to do this 13 more times just to match what my opponent spent in the last election.

I'm not unduly concerned however because you have done what they said couldn't be done. I guess it's fair to

say we did it together. Despite being outspent three to one, despite the fact that the so-called popular issues in some cases worked against us, despite all the odds, Bill Stern and a bunch of dedicated friends were able to produce the wherewithal for two extraordinary victories.

And frankly, since then — again thanks to your support and encouragement and working together with you and Stanley Fink and Warren Anderson and Fred Ohrenstein — we have been lucky enough to do some other things that they said couldn't be done.

Balanced a budget with a nearly \$2 billion potential deficit, still found more money for every social program, money for a new program for the homeless, money for a new program to deal with the effects of AIDS and raised \$900 million in additional revenue all without raising any of the major taxes.

And then, with the help of many of the people in this room tonight, we passed the New York State Bond Issue, the centerpiece of a \$7.4 billion program that will be felt in every county and village of this State — a Bond Issue that a lot of people said would never be approved.

We have been very fortunate indeed. It's been a good year. I was talking about it with Rabbi Mowshowitz the other day. Talking about the kind of year it's been. The Rabbi, who has a wonderful story for every occasion, said he was not surprised that we should have been able to do all of this.

He said remember the rabbi, the very learned rabbi who was summoned to the court of the czar. He appears before the throne, and the czar says, "I want you to teach my dog to talk. And I'm giving you a year to do it."

The rabbi doesn't protest. He takes the dog and when he gets outside his students crowd around him and shout, "How could you take the dog? Why didn't you protest? Why didn't you tell the czar you couldn't do such a thing as make a dog talk?"

"Look," the rabbi tells them, "a year is a long time. In a year, the czar could die . . . or the dog could die . . . or who knows — maybe I can teach the dog to talk."

Well, we got lucky. The czar didn't die, we taught the dog to talk.

And in the years ahead, I look forward to working with you to helping the people of this State understand what else can be done. All the wonderful things that can be done. That challenge should exhilarate us.

In fact, it should call to mind the sense of this society's possibilities — its capacity for compassion, belief, achievement — that many of us will always associate with one man.

John Kennedy. Today, the twentieth anniversary of his death, there are thousands of words being written about his record, about what he meant to this Party and nation.

To me, the record is clear. America has often been forced to choose between leaders who seemed either strong or compassionate, the one to the exclusion of the other. But Kennedy was both. He knew how to hold power and how to use it, and yet he never seemed caught in the game of power for power's sake. Rather, he gave it a style and a sense of purpose — to help all those still trapped on the margins of American life, to reach out to them, and embrace them, and include them.

We've had some good presidents since then, men who tried, yet never one who could touch people the way Kennedy could. Never one who could make us believe, as he could, in our country, in our future, in ourselves.

No one has said this better than Ted Sorenson. He helped to form the Kennedy presidency, and he has worked hard to help this country remember what it was about. His words — so elegantly delivered by the President — were some of the best ever written for a leader in this country. His mind, his ideas, were very much a part of the President's greatness.

Tonight, he's done a very gracious thing. He's agreed to help us remember also, to remember a great man — and a good man — whose legacy we claim as our own. I'm honored and privileged to present to you, Mr. Ted Sorenson.

**Governor Addresses the Chiropractors Association
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 26, 1983

Let me say immediately that I believe in chiropractic. That it is an old and working profession. That I regard it with respect. That I will do what I can as Governor to see that it is fairly and honestly regulated, but always with the understanding that it is a worthy — a noble profession — that is entitled to the high status its practitioners have earned for it. My father would have been proud if I had become one.

Someone suggested during the reception that the Chiropractic Association invited me here tonight because their members think I'm one of their own. They keep reading in the papers that I'm a "hands on" Governor.

Of course, in my job what you read about yourself in the papers isn't always pleasant. But recently — especially since the passage of the Rebuild New York Bond Issue earlier this month — reporters are writing that this Administration had a very good year.

I can't disagree. Yet I know the story of this past year isn't the full story. It's only a chapter, and it wouldn't have been possible at all if it hadn't been for the chapters that came before, if it hadn't been for the support of people like yourselves. People who refused to believe New Yorkers had become so jaded in spirit that they were willing to abandon the compassionate heritage that has been at the heart of government in this State for the past half century.

I am very grateful for the support this organization and the chiropractic profession generally has given us. Especially, because they gave it when others didn't.

Of course, there are always the skeptics, the doubting Thomases withholding judgment until the *real* test comes. Their logic goes something like this. First they said, "Well, okay, they can win an election. They beat Koch but the real test is what they'll do against the Republicans." Then, on Inauguration Day, it was "Well, O.K., so one good speech. But it's another thing to turn

fancy words into realities." Then came the *State of the State* and it was "So, they have a program, but now the real test begins — they have to start dealing with the Legislature."

Before we could even catch our breath, hostages were taken at Ossining Prison and the skeptics watched again to see how we'd handle a *real* crisis. And so it went all year — when the budget was passed on time, most recently when the voters approved the Bond Issue that will enable us to start rebuilding New York.

The truth is I don't mind the skeptics. In a way they're right. Whatever good we've been able to accomplish this first year, it isn't enough. You work everyday trying to help people who come to you hurting. And certainly there are few satisfactions in life greater than that which comes from being able to relieve another person of pain. But there are always new patients. For every person healed, there are others with unbearable pain who come to you for relief.

In that respect, our professions are similar. The people who depend on us most are the ones in pain. We do as much as we can but it's never enough. It'll never be enough until every man and woman who wants a job can find one, until all children have enough to eat and an opportunity to learn as much as they can absorb, until every trace of discrimination is driven from among us.

We've a long way to go. But we've taken the first step. We've reaffirmed the traditional commitment of government in this State, a commitment to help people improve the condition of their lives.

We didn't believe those who said that Americans and New Yorkers would no longer support a political philosophy based on sharing and compassion, that they were travelling a new and narrow road toward self-interest. We knew that despite all the struggle and disappointments, and tragedies that have marked our recent history, the people continue to believe we can be better than we are now. Not just richer, but freer, more decent, more just.

With your help, we got that message across. Slowly, very slowly, the skeptics are becoming believers. Just as they are for you.

It's been a very good year, then. And in the year ahead, I look forward to making people understand what else can be done — done by us — together.

Thank you.

**Governor Addresses the Sunday Service, St. John
the Divine, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 27, 1983

As a Catholic, I am particularly honored to be invited here to this magnificent seat of the Protestant Episcopal Church of New York, one of the true architectural jewels of Christendom and one of the great houses of commitment, service and, therefore, worship.

I know that in ritual and theology my Church and your Church are close. They always have been. Two centuries ago, in fact, Benjamin Franklin described the differences this way: The Roman Church, he said, claims to be "infallible," while the Episcopal thinks of itself as "never in the wrong."

Since Vatican II, we've grown even closer. The Archbishop of Canterbury has traveled to Rome to kneel at the tomb of Peter, and the Bishop of Rome has prayed in the mother church of the Episcopal faith. Each has spoken about the respective responsibility of their churches in the schism that divided us some four centuries ago.

Closer indeed. Recently, I spoke with a good friend who is a bishop in my Church. I mentioned the invitation I had to speak here today and asked him about the differences that still divide us. The bishop thought a moment, then said, "If I'm not mistaken, the Episcopalians still don't have a second collection on Sundays."

But I haven't come here to talk about the ecumenical progress between Catholics and Episcopalians. You've asked me to speak this morning on "The Stewardship of Political Power." Or, as Dean Morton has written, on the "sacred dimension" that infuses and surrounds every human activity, even politics. This isn't an easy thing for

me to do. I'm not a theologian. My grasp of the Bible is probably not much better than that of any ordinary lay person. And while I have a learned and accomplished biblical scholar and homilist on my staff — Rabbi Israel Mowshowitz — he parts theological company with me at the end of what we Christians call the Old Testament.

If, then, I'm to talk honestly and meaningfully about the idea of "stewardship" or "the sacred," it can't be from the perspective of a scholar or an exegete. It must be from my own experience — from the perspective of a person who struggles to be a believer, a person raised in the pre-Vatican II American Church, an immigrant Church of ethnic loyalties and theological certainties that were rarely questioned.

Ours was a Catholicism closer to the peasant roots of its practitioners than to the high intellectual traditions of Catholic theology and philosophy. We perceived the world then as a sort of cosmic basic training course, filled by God with obstacles and traps to weed out the recruits unfit for eventual service in the heavenly host. At this, God had been exceedingly successful: the obstacles were everywhere. Our fate on earth was to be "the poor banished children of Eve, mourning and weeping in this vale of tears," until by some combination of luck and grace and good works, we escaped final damnation.

I don't mean to belittle the Church of that time. Indeed, it was not the Church so much as it was we churchgoers. Our faith reflected the collective experience of people who through most of their history had little chance to concern themselves with helping the poor or healing the world's wounds. They were the poor. Their poverty and their endless — sometimes losing — struggle to feed themselves and hold their families together had varied little across the centuries.

But what I now understand is that, in those days, in our preoccupation with evil and temptation, we often put guilt before responsibility and we obscured a central part of Christian truth: that God did not intend this world only as a test of our purity but, rather, as an expression of his love. That we are meant to live actively, intensely, totally in this world and, in so doing, to make it better for all whom we can touch, no matter how remotely.

Many of us in the Church had to learn that lesson.

The great Jesuit scientist and theologian Teilhard de Chardin was the first to teach us. He reoriented our theology and rewrote its language. His wonderful book *The Divine Milieu*, dedicated to "those who love this world," made negativism a sin.

What an extraordinary reaffirmation of Christian optimism. What a wonderful consolation to those of us who didn't want to think of the world as God's cruel challenge. Teilhard de Chardin glorified the world and everything in it. He said the whole universe — even the pain and imperfection we see — is sacred, every part of it touched and transformed by the Incarnation. Faith, he said, is not a call to escape the world but to embrace it. Creation isn't an elaborate testing ground but an invitation to join in the work of restoration and completion.

All together these exciting new articulations of the world's beauty helped an entire generation of Catholics to realize that salvation consisted of something more than simply escaping the pains of hell. We were challenged to have the faith that Paul speaks of in today's epistle, a faith that "knows what hour it is, how it is full time . . . to wake from sleep."

So for people like me, struggling to believe, my Catholic faith and the understanding it gives me of stewardship aren't a part of my politics. Rather, my politics is, as far as I can make it happen, an extension of this faith and the understanding. There is a paradox here, of course, one I must face daily and one every American who belongs to a religious faith must also face. In fact, it would be impossible to stand here as a Catholic governor — as one elected by Moslems and Sikhs and deists and animists and agnostics and atheists — and talk about politics and Christian stewardship without addressing this paradox.

The paradox was most recently raised in a letter I received on the Executive Order I issued banning discrimination against homosexuals in State government. The writer attacked what I had written. He took a stand on the Executive Order that most of us here today would disagree with. Yet the question he raises of religious belief and governmental action is a valid one. And, in one form or another, all of us who mix our faith and our politics — certainly those of us concerned about the

stewardship of power — must be ready to answer it. In part, the letter says the following: "Governor Cuomo, you call yourself a Christian, yet how can you claim to be a Christian when you go out of your way to proclaim the right of people to be what is an abomination in the sight of God?"

The answer, I think, drives to the very heart of the question of where private morality ends and public policy begins — how I involve myself in the political life of a world broad enough to include people who don't believe all the things I believe about God and conduct. Am I obliged to seek to legislate my particular morality — in all of its exquisite detail — and if I fail, am I then required to surrender stewardship rather than risk hypocrisy?

The answer, I think, is reflected in the one foundation on which all of us as citizens must try to balance our political and religious commitments — the Constitution. Those who founded this nation knew that you *could* form a government that embodied the particular beliefs and moral taboos of one religion. They knew that choice was available to them. Indeed, at that time there was hardly a government in the world that operated otherwise. Catholic countries reflected Catholic values and did their best to stamp out or contain Protestantism. Protestant countries upheld their own values. Their laws forbade the Mass, and in some places, like the Dutch settlement at Nieuw Amsterdam, the law said that any Catholic priest discovered within its walls was to be hanged, drawn and quartered. And everywhere, as they'd been for centuries, the Jews were persecuted and forced to work and live under whole sets of legal disabilities. That was the world our Constitution was written in.

To secure religious peace, the Constitution demanded toleration. It said no group, not even a majority, has the right to force its religious views on any part of the community. It said that where matters of private morality are involved — belief or actions that don't impinge on other people or deprive them of their rights — the state has no right to intervene.

This neutrality didn't forbid Christians or Jews or Moslems to be involved in politics. Just the opposite; by destroying the basis for religious tests, by destroying the basis for making people's beliefs and private lives a matter of government's concern, it *secured* that involvement, ensured it, encouraged it. Our Constitution

provides that there are areas the state has no business intruding in, freedoms that are basic and inalienable. In creating this common political ground, it created a place where we could all stand — Episcopalians, Catholics, Jews, atheists — a place where we could tolerate each other's differences and respect each other's freedom.

Yet our Constitution isn't simply an invitation to selfishness, for in it is also embodied a central truth of the Judeo-Christian tradition — that is, a sense of the common good. It says, as the Gospel says, that freedom isn't license; that liberty creates responsibility; that if we have been given freedom, it is to encourage us to pursue that common good.

And if the Constitution restricts the powers of the state in order to save us from the temptation to judge and to persecute others, it doesn't thereby deny the necessity of the shared commitments — to help one another — shared commitments that are the basis for justice and mercy and human dignity and therefore the basis, the most fundamental basis, of any religion that believes in a loving God.

There is, I think, a clear concept of stewardship in the Constitution. And the government it sets up is meant to embody that stewardship.

I think my religion encourages me to be involved in government because it is very much a part of the world God so loves. And I think that if I am given the burdens and the opportunities of stewardship, my principal obligation is to use government not to impose a universal oath of religious allegiance, or a form of ritual, or even a life style, but to move us toward the shared commitments that are basic to all forms of compassionate belief.

Until recently, most Americans accepted this proposition. It was accepted that government was created among us — by us — "to promote the general welfare," to protect our water and soil and air from contamination, to secure decent care for those who can't care for themselves — the sick, the indigent, the homeless, the people in wheelchairs — to help people find the dignity of work. Until recently, our history had been largely one of expanding that concept of stewardship, reaching out to include those once excluded — women, blacks and other minorities.

But this belief in benevolent stewardship — in the commitment of each to the welfare of all, especially to the least among us — is today increasingly attacked and ridiculed and denied. There is a powerful move toward a new ethic for government, one that says, "God helps those whom God has helped, and if God has left you out, who are we to presume on his will by trying to help you?"

In a country as religious as ours, where over 90 percent of the people express a belief in God and a majority profess attachment to a formal religious faith, it is hard to understand how this denial of the compassionate heart of all the world's great faiths could succeed.

Yet it is succeeding. More money for bombs, less for babies. More help for the rich, more poor than ever.

And the success of this Darwinian view presents us with a choice: either we swim with the tide and accept the notion that the best way to help the unfortunate is to help the fortunate and then hope that personal charity will induce them voluntarily to take care of the rest of us, or we resist. We resist by affirming as our moral and political foundation the idea that we *are* our brother's keeper, all of us, as a people, as a *government*; that our responsibility to our brothers and our sisters is greater than any one of us and that it doesn't end when they are out of the individual reach of our hand or our charity or our love.

This is not a comfortable disposition, believing that as we express ourselves through our government, we have an obligation to love. It can haunt us. It can nag at us in moments of happiness and personal success, disturbing our sleep and giving us that sense of guilt and unworthiness that the modern age is so eager to deny. and it can accuse us — from the faces of the starving and the dispossessed and the wounded, faces that stare back at us from the front page of our newspapers, images from across the world that blink momentarily on our television screens.

I was homeless, it says, and you gave me theories of supply and demand.

I was imprisoned and silenced for justice's sake, and you washed the hands of my torturers.

I asked for bread, and you built the world's most

sophisticated nuclear arsenal.

Yet, as people who claim Christ's name — who dare to call ourselves Christians — what choice do we really have but to hear that voice and to answer its challenge?

Teilhard de Chardin in just a few magnificent sentences captured everything I've tried to say here about this challenge of stewardship. Talking about our obligations to involve ourselves in the things of this world, he wrote:

We must try everything for Christ Jerusalem, lift up your head. Look at the immense crowds of those who build and those who seek. All over the world, men are toiling — in laboratories, in studios, in deserts, in factories — in the vast social crucible. The ferment that is taking place by their instrumentality in art and science and thought is happening for your sake. Open, then, your arms and your heart, like Christ your Lord, and welcome the waters, the flood and the sap of humanity. Accept it, this sap — for without its baptism, you will wither, without desire, like a flower out of water; and tend it, since, without your sun, it will disperse itself wildly in sterile shoots.

And Jesus, answering the question of a lawyer in language to be understood by all, said that the law and the prophets, their wisdom and vision and insight, their teaching about religious obligation and stewardship, were all contained in two commandments: "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. You shall love your neighbor as yourself."

That is the law, as simply as it can be expressed — for both the stewards and those in their charge, for both the governed and those who govern them, for all who look to Christ's mercy, wherever they might find themselves.

Thank you.

Governor Addresses the Community Forum**STATE OF NEW YORK—EXECUTIVE CHAMBER***November 29, 1983*

At this time last year, New York faced the largest potential budget gap in its history — \$1.8 billion. With the legislative support of both parties and the cooperation of Comptroller Regan, we closed that gap.

It took sacrifices. Although we didn't raise any of the State's three major taxes — income tax, sales, or business — we raised almost a billion dollars in new revenues. State government is operating with several thousand fewer employees than a year ago. Most agencies and departments went without the increases they asked for.

Yet the story of the past year wasn't just one of budgetary discipline and restraint. It was also one of a renewed commitment to compassion and of a reawakened sense of our economic potential. For the same year we tackled the State's fiscal crisis, we put new money — \$50 million over four years — into housing the homeless, new money into job retraining, new money into education. We expanded the State's hi-tech centers, invested more in economic development and, with the passage of the Rebuild New York Bond Issue, we began the largest infrastructure repair program of any state in the nation.

We didn't do this with smoke and mirrors. We didn't use fiscal gimmicks, or budgetary sleight-of-hand. We simply chose. We faced our limits, and within those limits, we considered our alternatives. We believed, for example, we should invest more in the areas of the State ravaged by the recession. But where would the money come from? And if we decided not to raise the major taxes because that would only discourage business and ultimately erode our tax base, then where would we take the money from? Who'd pay more? Who'd get less?

"To govern," it's been said many times, "is to choose." And as we prepare to put together a legislative program and to design a budget to pay for it, that's again the bottom line. Choice.

We expect a 1984-85 budget can be constructed that

will meet ongoing program responsibilities and the constitutional requirements of balance without a repetition of the measures we took last year. We also project that, barring a severe downturn in the economy, such balance can be maintained for several years.

After years of fiscal turmoil we have achieved a kind of recurring budget balance. It's no small accomplishment — but it's all that appears possible. We are talking budgetary balance, not bounty. There is no discretionary margin with which to begin new programs, no "slush fund" to enrich existing programs, or to embark upon another round of tax reductions.

Yet, as we go through the 1984-85 budget cycle, we'll be asked to do all of those things. We'll be asked, appropriately, to start new programs to meet emerging needs. We'll be asked, endlessly, to devote additional resources in critical program areas. And we'll be asked, rightly, to reduce taxes.

But it is important that those who ask for more spending, or who seek lower taxes, understand clearly the choices. For by asking us to invest more money in one program, they are requiring we take it from somewhere else. And by proposing to reduce taxes, they are asking for program and personnel cuts.

This process of choosing — of taking responsibility not only for offering proposals but for facing up to their consequences — is the essence of what we face as a State.

We begin, then, with the obligations we face — the expenditures we're already committed to making:

- We are already committed to spending more than \$350 million in additional local school aid.
- Human services programs will require an additional \$525 million in the coming year, part of that increase paying for the initial phase of the long-term Medicaid takeover.
- Despite the full-year savings from the workforce reduction we achieved in the current year, the costs of implementing the final year of the three-year collective bargaining agreement with State employees will rise by \$350 million.
- Higher pension costs, increases in Social Security taxes on employers and spiraling health insurance

costs will add nearly \$150 million in spending next year.

In total, we have already committed at least \$1.6 billion to fund programs already in place. And, while we can change certain of these commitments, we can only do so by disrupting ongoing State services or local government budgets that already are or soon will be in place.

How, then, are we to begin to deal with the new commitments that have already been asked of the State? What commitment will we surrender to fund a recommended Regent's education aid increase for the 1984-85 school-year of more than \$550 million? How many jobs would we have to eliminate to heed the call from local governments to restore formula-driven revenue sharing, at a cost of over \$650 million next year? Which local aid programs should we reduce in order to fund the \$125 million it would cost to restore just one-half of the job eliminations secured through the workforce reduction program? What programs will we eliminate in order to finance the Commission of Independent Colleges and Universities' request for a \$500 million increase in the Tuition Assistance Program?

How will we do all that must be done? That's the question which brings us here today. We want your help in deciding.

The choices will be often hard, sometimes painful. In criminal justice, education, economic development — in dozens of areas — there is enough to absorb all our attention and resources. To do it right — to choose correctly, intelligently, fairly — we need your thoughts, your priorities, your sense of what must be done. We need you to help us understand, and to help us choose.

Thank you.

**Governor's Remarks to the New York County
Lawyers Association (Excerpts), NYC**

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 30, 1983

If men and women like their lesser cousins in the

animal kingdom, have a natural habitat, this is mine: the company of other lawyers. I am a lawyer by both inclination and education, and although I've been out of the courtroom for almost a decade now, I still think of myself as a lawyer, and view the business of governing with a lawyer's eye.

Occasionally, this is mentioned in the press. It's said I have a "lawyer's approach" to problems. This isn't meant as a compliment. It's usually an accusation. It's meant to say my arguments are oversubtle, my reasoning overdrawn, my case overstated.

I welcome the criticism. It's a needed reassurance that the habits and traits that I took so long to develop — the lawyer's persistence in understanding all sides of an argument, of believing totally in his own case while struggling to understand the strengths of his opponent's, the ability to reason exactly, the respect for precedent and the insistence on truth — haven't left me entirely.

Tonight I want to take advantage of your graciousness in inviting me by reminding myself — and some of you — of some of the basic predicates and strengths of Our Lady of the Law that has made her so insistently attractive to me. If it sounds trite or predictable or obvious to you, I hope you won't think I'm patronizing you.

Please understand that my experience of the last few years makes me believe these basic propositions need reiteration from time to time. The tensions in our government and politics are everywhere, constant and severe. They present a continued temptation to forget the virtues of our underlying principles.

The business of governing is also the business of the law, and in a society such as ours, we can have neither order, nor justice, nor progress without a respect for law, a willingness never to abandon its protections, a clear realization of how central it is to all our values.

All of us, lay people as well as lawyers, at one time or another will be disappointed in the slowness of the law, in something it includes or leaves out.

The law doesn't perfectly embody what I might believe is moral and right. It permits people to do and believe things I don't believe and would never choose to

do. But in giving others this freedom, the law secures my freedom. In protecting conscience and belief and personal freedom — the freedom to act and believe in ways that don't harm others or deprive them of their rights — the law protects us all, equally, giving everyone the right to be what they are and to participate in our government.

For over 200 years our country has operated effectively on this principle. Not perfectly. There have been aberrations. On occasion the law has denied protection where it should have been extended. On occasion, the law has been used to condone slavery and institutionalize segregation, to exclude women, to intimidate unions, to overwhelm the poor.

But this same institution has shown the resilience and intelligence to right the wrongs it often tolerated and sometimes endorsed.

Overall, despite injustice and suffering, Our Lady of the Law has proved stronger than her acolytes, wiser, more just, more merciful, and her progress has been always upward, toward the light.

I don't want to sound overly idealistic about the law, or unrealistic about its reach and effectiveness. As men and women whose daily existence is tied in with the quotidian concerns of the law, you know better than anyone else that seldom in the modern history of this nation — perhaps at any period in our history — has there been less respect for the law than there is now.

You see the evidence of this everyday, in the sheer number of violent felonies that flood our courts. And this disrespect for the law isn't just a question of violent crime, and a hopelessly crowded court calendar. This disrespect is more pervasive.

Stand at a street corner late at night and see how many people disregard red lights — just drive through them as if they weren't there. Look at the numbers of people who despite all the warnings, and pleadings, and threats continue to drive while drunk and to kill others in the process.

Consider that in a time of deep recession, *security* remained one of the few growth industries, doing a booming business in providing locks, iron gates,

surveillance cameras and private guards. Just think how some communities have begun walling themselves off from the outside world, as the villages and towns of Western Europe did at the onset of the Dark Ages.

And this disrespect for the law goes deeper than acts of violence and self-destruction. It includes the so-called "white-collar crimes" — crimes committed with a pen or a computer — that cheat consumers, and bilk the government, and erode our sense of trust and common decency; the pervasive use of drugs among the middle class that helps support a multibillion dollar illicit drug industry; the illegal dumping of toxic wastes, which can kill people and deform their children.

In truth, we are a nation — rich and poor alike — that has in large measure lost touch with the profound respect for just laws and legitimate authority that is the necessary basis for an effective system of laws.

This breakdown of order presents society with perhaps the most dangerous temptation a democracy can face — a temptation born in our frustration and nurtured by our fear, a temptation echoed in the growing attacks on judges for following the law, for insisting "due process" isn't a slogan but a prerequisite for justice.

It is the voice of the angry, the victimized saying: "Why should the law protect those accused of crimes the same as it protects the innocent? Why should the law go out of its way to give rights to those accused of assaulting our basic values?" And it offers us an alternative — to begin hacking away at the law, removing rights, obliterating the obstacles to conviction, making it easier. To convict and punish . . . making it too easy to convict and to punish.

Lawyers are no more immune to this temptation than anyone else. Yet, if our emotions move us toward this position, our reason and experience should tell us the opposite. They should tell us that the law is all that stands between us and the rule of kill-or-be-killed, of revenge, ultimately between us and disintegration and tyranny.

That point has been made a number of ways but never better than in a play called *A Man for All Seasons*. The play was about Thomas More, a lawyer and the Lord

Chancellor of England, the man ultimately responsible for the everyday administration of justice in the king's courts and chanceries.

In the play, as in real life, Thomas More faced the temptation to put the law aside to do quick and surer justice. He was encouraged to step outside the law, to disregard the law's protections and distinctions, to reach out and punish the guilty — quickly, cleanly, even if it were technically illegal. But Thomas More refused the temptation.

He talked one day with his son-in-law, Roper. Roper described the law as a forest, each tree another technicality behind which the devil can hide. He suggested that he would burn down the whole forest of these technicalities to get the devil.

But in the play, More says, "When the last law was down — when all the trees were gone — and the devil turned round on you and came toward you where would you hide, the laws all having been burned flat?" More goes on: "Yes, this country's planted thick with laws from coast to coast — and if you cut them down, do you really think any of us could stand upright in the wind that would blow? Yes, I'd give the devil benefit of law not for the devil's sake but for my own safety's sake."

Thomas More's words are as relevant to us now as they were to the time and place in which he lived. His words may offer no magic, one-stroke solutions to our problems, no instant, total answer to the evil around us. They don't pretend that we can protect the liberty and rights of the innocent while we deny them to those we believe are guilty, that we can have justice for some and vengeance for others.

But they allow us to secure and maintain what few societies have ever managed to achieve. A system where order is balanced with justice, where all — black and white, poor, rich, middle class — all can enjoy a reasonable degree of freedom, where an individual's rights are safe against the whims of its rulers or the prejudice of its majority.

Yes, there is a great deal to do if we're going to have a criminal justice system that works, that is strong enough to put away those who are a threat to society, wise enough

to understand that prison isn't always the answer, brave enough to face the fact that stopping crime isn't a matter of whether every once in a while we can electrocute someone.

We need more police, better court facilities, more prison space, more alternatives to prison. We need all these things, and the State is working to help provide them, taking a more active role in law enforcement than it ever had before.

But, as lawyers, we have a special obligation — a duty confirmed by the oath we all took — to something greater than efficiency, no matter how important that is. We have a special obligation to upholding the truth of the law. All of it. Its procedures, and safeguards, and checks and balances; its insistence on fairness, on equal protection, on the rights of those accused or on trial.

It is lawyers who must uphold this, who must preach the law as well as practice it, struggling to explain and defend the basic body of legal truths on which all our freedoms hang.

You alone have the position, the skill, the understanding, the eloquence, the dedication. As lawyers, you are the leaders in our society. You sit on corporate boards, on university committees, on commissions. Your influence is everywhere.

In the past 75 years you've done much for this society. Now we need you to do more. We need you to speak for the system of which you are part. To teach. To cajole. To argue. To demand the right thing be done.

We need you to lead the public in insisting on more than buzz words, or slogans, or simplistics. To help us all, as a government, to defend the soul of our legal system while we reform and rebuild its body — its courts, prisons, institutions.

We need you, the lawyers of the New York County Lawyers to ensure that what is popular is also right . . . with liberty and justice for all. Nobody does it better!

Governor's Remarks to the Community Forum, Mineola

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 30, 1983

I'm glad to have this chance to talk with you about a complicated subject that needs all the discussion we can give it.

We have virtually completed the first year of my Administration and are now in the process of drafting the blueprint for next year and the years beyond. On January 4, I will deliver the *State of the State* message which will sum up where I think we are and where I believe we ought to be going. Then on January 17, I will give to the Legislature the Budget that contains our specific recommendations for programs and plans. This will involve many hard judgments.

Surely in the end not everyone will be pleased but even more surely everyone has the right to participate. We try hard to stay in touch with people to give them that chance. This is another one of those efforts.

Mostly I want to hear from you — what you think we ought to be doing. In order to make the opportunity more useful let me tell you something quickly about where we are fiscally.

Our budget year runs from April 1 to March 31. Unlike the Federal government — which now has a \$100 billion deficit, without breaking any law except perhaps the law of probabilities — the State is legally required to adopt a balanced budget. That means what we spend should equal what comes in for the year.

Last year at this time we were in poor shape. We were more than \$500 million behind in our 82-83 budget. That was the biggest deficit we've ever had. And because we have to pay our bills and can't tolerate a deficit, we had to borrow \$500 million to fill up the hole.

So the first thing I had to do in my budget for 83-84, my first budget — started April 1 of this year and will end March 31 of next, was to put in \$500 million which we couldn't use for schools or prisons or roads or mental hygiene, but just to pay back for what we had spent the year before in 82-83.

In addition to that, when we looked out at the prospects for what had to be spent and what money we had, it appeared we would have a gap of about \$1.3 billion between the two. That meant all together it looked like we were nearly \$2 billion in the hole. We had to fill that hole with new revenues or with reduced expenditures.

Thanks to the Legislature we did. And we did it I think in a balanced way, across the board, raising some revenues, tightening our belts in some places, doing without in some places. The one thing we didn't want to do was raise our income taxes or our sales tax or our corporate business tax because we thought those taxes were already too high. We did raise over \$900 million by increasing the amount we paid for cigarettes and tobacco, by taking a dime out of a dollar for capital on huge real estate gains, and doing some other things.

All together we got the budget balanced on time and were still able to do some good things. In fact, we gave more money to almost everything, believe it or not. Schools, mental hygiene, Office of Mental Rehabilitation and Developmental Disabilities (OMRDD), roads. Not as much as we wanted to . . . but more money than the year before.

In the same year we tackled the State's fiscal crisis, we put new money, \$12.5 million into housing the homeless, new money into job retraining, new money into education. We expanded the State's high-tech centers, invested more in economic development and, with the passage of the Rebuild New York Bond Issue, we began the process of rebuilding the State.

Another thing we did was reduce our public employees by more than 9,000. We had to get personnel costs down. A contract we had negotiated with the employees a couple of years ago gave them \$350 million in raises last year. No one wanted to undo that agreement so instead we came up with a voluntary retirement program and a freeze and some layoffs.

Now we are ready for next year. We don't start with a slush fund or a big surplus. New York City tells us they have \$500 million in surplus, so do some other local governments throughout the State. We don't. And there is no argument about that because we have done it differently this year. We started this year having the

Comptroller verify all our numbers so that you would know we weren't playing any games. Recently the Comptroller wrote a letter that frankly boasted of how candid and accurate this State has been in describing its fiscal situation.

So we start without a surplus, with a need to balance the budget again, and with some obligations that we undertook last year.

For example, we will definitely spend \$350 million more in local school aid — we agreed to do that last year. Last year we wanted to help take the pressure off the real property tax you pay so we adopted the so-called Medicaid takeover that requires us as a State to give money to the counties to help pay the Medicaid payments. That will cost us \$525 million. Built into the highway program, higher education and health is another \$100 million.

Notwithstanding we have more than 9,000 fewer employees, we still have to pay them \$350 million more than last year in raises. And then, of course, we have higher pension costs, increases in Social Security taxes, an increase in health insurance that the State has to pay as an employer — that will cost us nearly \$150 million more.

We start, believe it or not, already committed to \$1.6 billion in expenditures. This is a strong reaffirmation of our role as a government. After all, we're supposed to provide money for education and local governments, for the people who work on roads and build hospitals, and for disabled children. We think we will be able to pay for practically all of this without raising our three basic taxes.

These numbers get complicated, but I think the main point is clear: This government is not trying to fool anybody. We will have the Comptroller reviewing the numbers again this year just so you can be sure. He agreed to do that on Friday.

Keep in mind, we have to balance the budget. We don't have a machine that makes money like the Federal government. If we are to come up with a new program or spend more money on something — beyond the \$1.6 billion I've mentioned — we have to produce the money either by raising taxes or reducing someone else's expenditure.

A few years ago Governor Carey asked me to suggest some language for a budget presentation he was making. The language is still appropriate, "There is no free lunch, you have to give to get."

Now many of you will legitimately ask for new programs and you should. And in many cases we will agree that the programs are desirable ones, but for us in government the question will be more complicated. We will have to find the money to do it. Please remember that every time you ask us to spend another dollar, that has to come out of increasing revenues or withdrawing a dollar that was being spent somewhere else.

If you really want to be helpful — those of you who suggest new expenditures, beyond the more than \$1.5 billion already in the budget — you can tell us where you think the money should come from.

Overall I think things are looking good for New York. We have more jobs this year than last year, 195,000 more. We are working aggressively to create more opportunities — Rebuild New York Bond Issue will give us 36,000 more jobs. That means fewer unemployment checks to pay for, that means fewer welfare checks to pay for, that will mean more tax revenue that will come in eventually. We are working on our high tech; we will be working on exports. I believe we are growing bigger and stronger and as the private sector grows it will produce more revenue. So I see things getting better not worse.

But for the moment there is still work to do in terms of squeezing the waste out of our system and proving to the world we are capable of prudence and common sense even as we try to be compassionate.

Governor Testifies before the House Subcommittee on Health and the Environment

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 1, 1983

Mr. Chairman, let me begin by thanking you.

Acid rain is perhaps the most severe challenge facing New York's environment and it is one we can't solve

alone. The problem arises in large measure outside our borders, and although we are doing all in our power to correct the causes of acid rain and repair the damage already inflicted, a full and final resolution can only be achieved by the Federal government.

By holding these hearings, you are drawing attention to this fact, helping us to put the question of acid rain in a national — indeed, international — context and thereby promote a Federal response. The people of New York are grateful for this. For almost a decade now we've witnessed the mounting effects of acid rain on our forests, wilderness areas and parks. The greatest damage has been in the rugged and magnificent Adirondack Mountain region where over 200 lakes and ponds are too contaminated to support any fish and hundreds more are in danger of becoming so.

But the damage isn't confined to the Adirondacks. The Hudson Highlands and Catskill Mountains have also suffered. And across the entire Northeast, lakes, mountain ranges and forests — precious resources preserved across generations with great effort and at great expense — are being put in jeopardy.

In purely economic terms, estimates of the damage done by acid rain to our environment range as high as \$1.6 billion. And yet the damage inflicted by acid rain is potentially far greater than this. For besides threatening the integrity of our landscape or the future of our wildlife, acid rain threatens our health as well. In parts of upstate New York, it's affecting the drinking water. Residents of these areas have been admonished to flush their domestic water supply lines before drinking from them.

Because we are so directly and measurably touched by acid rain, New York hasn't been allowed the luxury of a long, leisurely debate over where acid rain comes from, and whether it can be diminished or controlled, and what measures should be taken to correct it. It is clear to us where the problem comes from, and as far as we contribute to it, we've moved forcefully to stop it.

Since 1968, New York has reduced sulfur-dioxide emissions by approximately 50 percent, or one million tons. During a period of growth in electric-power generation, we have applied and enforced some of the

strongest air pollution control regulations in the country. We have imposed very stringent environmental constraints on two separate coal conversion applications. In one, the State imposed the lowest sulfur-in-coal requirement ever established in the country; in the other, it required the installation of two separate scrubbers at two separate plants.

New York is now reviewing its entire sulfur-emissions policy, and over the next several months we'll develop an environmental impact statement on sulfur emissions in New York. The purpose of this is to evaluate and decide on a sulfur-emissions policy that includes the long-range transport of acid-causing pollutants. To our knowledge, it will be the first time a state has applied these criteria in its regulation of air pollutants.

On Monday, I will meet with the Coalition of Northeastern Governors to review the sulfur-emission policies of our respective states and to define a regional approach to acid rain.

Yet despite all we do as a state or as a region, the winds that sweep from west to east, from the interior to the coast, will continue to bring their pollution, to threaten our natural resources, to destroy our woodlands and foul our lakes and rivers. The Federal government alone has both the authority and the resources to end this threat.

For several years now, Senator Moynihan has worked tirelessly and effectively in the Senate to draw attention to the present danger of acid rain and ensure a Federal role in achieving a solution. As the pioneer on this issue, Senator Moynihan has succeeded in having the Committee on Environment and Public Works adopt the first Federal legislation to deal with acid rain. We are deeply grateful for the Senator's leadership, and we are also thankful, Mr. Chairman, for your work in the House, specifically for the legislation you have introduced. I support that legislation — HR 3400.

I believe it gives appropriate recognition to the scope and magnitude of the issue. It is the first legislation to recommend significant reductions in so-called "precursor gases" — sulfur dioxide and nitrogen oxide. It establishes a reasonable schedule for achieving reductions in emissions. Perhaps most important, it incorporates an idea

first espoused by our distinguished former Senator Jacob Javits — the idea that funding should be provided to lessen the "rate shock" on utility rate payers.

Adoption of this legislation will involve significant economic costs. That's unavoidable. But we have an obligation to minimize the human costs of this program. I fully support, then, the emphasis of HR 3400 on the use of technological controls for attaining a large percentage of the total emission reduction goal. The economic cost of requiring technological controls may be higher than for other strategies. But these controls avoid the large scale unemployment that might occur in coal regions if strategies such as fuel switching became the norm.

Overall we in New York are pleased with HR 3400, but there are specific areas where we believe it could be improved. For example, HR 3400 does not address the need to provide rate relief for low-income households. Estimates of the costs involved in putting in place the technology needed to control damaging emissions indicate that utility rates in some states might increase from 6 percent to 10 percent. Because of this, we suggest some exemption for low-income households along the lines of what was recently recommended by the New England Congressional Caucus.

HR 3400 presently requires that sulfur-dioxide emissions be reduced by ten million tons, the minimum acceptable level of any national emissions reductions program. It is our recommendation that this be increased to achieve a 12-million-ton reduction by 1995, thus reaching the goal that has been called for by the National Academy of Sciences.

HR 3400 imposes a one-mill-per-kilowatt-hour tax on nonnuclear electricity generation, which would be used to subsidize the costs of emission-reducing technology. New Yorkers are willing to contribute to these costs if such a provision is needed to ensure enactment by the Congress. But, from our viewpoint, there is a preferable alternative.

We favor the imposition of a tax on emissions of sulfur dioxide and nitrogen oxides as a fairer approach for spreading the costs of control. New Yorkers have already made significant reductions in acid-causing emissions: During the period from 1968 to 1980, we reduced total annual sulfur-dioxide emissions from 1.8

million to .9 million tons; utility annual sulfur-dioxide emissions from 840,000 to 480,000 tons. These reductions weren't achieved without cost. Largely due to the higher costs of low sulfur fuels, New Yorkers pay utility bills among the highest in the country.

As HR 3400 is presently written, it appears that the \$100 million annual contribution by New Yorkers to the Acid Deposition Control Fund would be spent entirely in other states, with no part of it used to meet the cost of further emissions reductions in New York.

An emission tax would be more equitable. Certainly, there are clear national precedents for requiring the polluter to pay. The great achievements made under the Federal Water Pollution Control Act were possible because the act places the financial burden on the waste generator. An emissions tax is a demonstrably workable incentive for industries and utilities to reduce their emissions.

Yet, while New York believes an emissions tax is a more preferable and equitable approach, our overriding objective is congressional enactment of a National Acid Rain Reduction Program. We are ready to work with you, Mr. Chairman, and other congressional leaders on alternative funding proposals — perhaps some combination of an emissions tax and a generating tax.

In the upcoming meeting with my fellow Northeast Governors we will discuss those alternatives. Under the bipartisan leadership of my colleagues, Governor Tom Kean of New Jersey and Governor Mike Dukakis of Massachusetts, we have already expended substantial time and resources on this effort. I am confident that we will soon reach agreement on a proposal to provide an adequate and equitable funding source that will allow us to proceed towards adoption of our common objective.

The exact details of an effective and workable National Acid Rain Program remain open to debate and perhaps improvement, and we will work with you to achieve a bill fair to all parties, one that protects the environment without unjustly apportioning the costs of that protection. But, Mr. Chairman, what is now beyond debate is the sheer urgency of the question, the necessity of taking action before the effects of acid rain become irreversible and precious preserves of water and woods are condemned to ecological death.

The Office of Science and Technology Policy, the National Precipitation Assessment Program and the National Academy of Sciences have all called for immediate action to reduce the emissions that cause acid rain. Science, and logic, and experience all tell us that the time to act is now, that by delaying we risk our future and the future we will leave to our children.

I believe we are too great a nation and too good a people to deny this problem, to let vast areas of our nation be destroyed, to let acid rain continue to fall on our towns, forests, lakes. I believe we are wise enough and intelligent enough to act before it's too late.

Thank you.

**Governor Introduces Senator Durenberger,
CONEG Conference**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 5, 1983

In recent years, at least in Washington, the tradition of bipartisanship has fallen into disfavor. The Democratic-Republican consensus on issues such as care for the elderly, and education, and nutrition has been disrupted, and our politics has become hardened by new ideological divisions and a bitter partisanship.

Dave Durenberger, the senior Senator from Minnesota, represents the older — I think better and wiser — tradition of bipartisanship. He holds Hubert Humphrey's Senate seat and, more important, many of Hubert Humphrey's principles.

On issues like Medicare, occupational safety, revenue sharing — and many others — he has worked to create a sense of common responsibility that goes beyond party labels. His positions on foreign policy have been characterized by the same qualities as those on domestic issues — compassion, realism, a refusal to settle for labels or slogans.

A recent evaluation of the U.S. Senate described him as "a quiet problem-solver" . . . "impressive" . . . "intelligent."

We're privileged to welcome him here today.

If acid rain is to take its rightful place on the national agenda, if it is to be treated as an environmental priority that can no longer be ignored or denied, it will be because of the leadership and effectiveness of Dave Durenberger, and the men and women in the Congress, whatever their party, who share his values.

Please welcome him.

**Governor Addresses the Infrastructure Conference,
New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 5, 1983

I don't know the exact route most of you took here this morning but those of you who came down the FDR Drive or across the Manhattan Bridge or on the subway have already received as eloquent an argument as there is for rebuilding our infrastructure.

Other routes would have been just as convincing. You could have taken the 59th Street Bridge from Queens or come down the Hutchinson River Parkway from Westchester. The point doesn't have to be belabored. It's clear that many of the familiar structures we have taken for granted for so many years can't be neglected much longer.

And what's true here in the City holds all over the State. Everywhere — in the North Country and the Southern Tier, on the Island, across the State in Albany, Syracuse, Rochester, Buffalo, in every county, town, and municipality — there is work that needs to be done.

The dimensions of the job are monumental but hardly more intimidating than the problems that faced those who first planned and built our roads and bridges and canals and water systems. People in government like Governor De Witt Clinton whose vision went beyond the next election, and others in the private sector like the Roeblings. Nothing could stop their bridge — neither seemingly insuperable engineering obstacles, nor personal tragedy nor crippling illness.

The Brooklyn Bridge was 13 years under construction. The Erie Canal — Clinton's Ditch — took eight years to complete. The second Croton Aquaduct System, the dam still standing at Kensico — also took 13 years. Today, the task of maintaining and, where necessary, rebuilding the infrastructure requires of us the same determination and long-range vision that it took to conceive and create these projects in the first place.

For many of us — especially those of us in government — learning to take the long view will mean a conversion. It will mean thinking and acting in a way that is, or has been, foreign to government. Since at least the 1930's almost every governor and legislative leader has recognized the need for long-range planning. Yet, we've remained a government that mostly deals with problems on an ad hoc basis, that reacts to crises rather than trying to anticipate and prevent them. Because of the failure to plan and because of the resulting inability to take preventive action, we find ourselves trying to catch up with our problems instead of controlling them, running, like the Red Queen in *Alice in Wonderland*, as fast as we can just to stay in the same place.

Fortunately, that situation is finally changing. This year we created the State Council on Economic and Fiscal Priorities. The Council brings together, for the first time, leaders from business, labor, and academics to help us develop a long-term planning horizon against which we can determine, in a more rational way, what will be needed and where and when.

The plain truth is that we cannot meet all the perceived needs indiscriminately, or simultaneously and immediately. Nor can we do it all alone. The Federal government has an unfulfilled obligation to assist states with this task. Yet failure at the Federal level to invest adequately in assisting states with infrastructure repair shouldn't be taken by us as an excuse for inaction or further delay.

In New York, it won't be. Last month, the voters showed their willingness to invest in New York's future when they approved the Rebuild New York Bond Issue. The Bond Issue will allow us to begin a program of rebuilding that is unmatched in any other state. It will allow us to end the pattern of "deferred maintenance" and continually postponed reconstruction responsible for the

slow undoing, over the years, of the very system of roads and rails and ports that has made New York the international center for so many industries and businesses.

New York has already begun the work of reconstruction with passage of the 1979 Transportation Bond Issue and the Five-Year Capital Improvement Program undertaken in 1981 by the Metropolitan Transportation Authority. Just this spring, we expanded the MTA program to a total of \$8.6 billion.

Recently, too, Governor Kean of New Jersey and I announced another program to preserve essential systems in the metropolitan area. Under this joint program, the Port Authority of New York and New Jersey will, in the next decade, finance more than a billion dollars in capital projects, including the redevelopment of waterfront areas on both sides of the Hudson.

Still another initiative is our proposal for creation of a Water Finance Authority to assist local governments in financing needed improvements. New York State has an abundant supply of water, but many of its water delivery and sewer systems are overburdened and deteriorating. In Buffalo and Poughkeepsie, for example, nearly half the water that flows through their antiquated systems is lost. And many rural water supply systems cannot even meet the basic need of fire protection. The economic as well as the physical health of our State is dependent upon an adequate, safe water supply — one of the most critical community resources industry considers in deciding to expand or relocate their operations.

These initiatives, together with better management practices in State agencies and more realistic assessments of maintenance needs are a beginning to the long-range preservation of the infrastructure already in place.

While maintenance and preservation remain our primary emphasis, there is another element. We will also need to develop new facilities to meet emerging needs of new industries and businesses. Here, too, development cannot be indiscriminate. We must plan carefully to anticipate future demands.

The Council of Fiscal and Economic Priorities has already identified some broad areas in which new investment will be critical. Air cargo capacity must be

expanded to accommodate the growth of service and manufacturing industries that specialize in high value, low density products. Our ports, both upstate and downstate, must be made more accessible and efficient. Modern telecommunications facilities are essential for retaining and attracting financial and service institutions.

State capital spending can also help foster new industrial growth in the area of joint industry-university research and development. It is now widely recognized that a partnership among industry, government and the universities is prerequisite for industrial innovation. New York has committed more than \$30 million to the development of a new Center for Industrial Innovation at Rensselaer Polytechnic Institute in Troy. Other centers for advanced technology are being developed at other universities across the State.

A final element of our capital development strategy must be the creation of new employment and new opportunity for those who need them most. It is clear that the recovery that is apparently beginning will not be the traditional postrecession expansion of the entire economy. This recovery, when it occurs, will leave many older industries in a state of collapse. It will leave a record number of workers without jobs, the victims of what is called "structural unemployment."

Temporary programs, one-shot expenditures, and short-range recovery policies aimed at increasing total GNP growth will not solve this problem. What is needed is a commitment to changing the structure of opportunity. To creating new business opportunities in minority and low-income communities; to providing transitional jobs — jobs that train people as well as employ them. The objective of these efforts shouldn't be "make work" but the integration into the mainstream economy of people left outside it, and the reintegration of those, like the steelworkers of Lackawanna, who suddenly find themselves shut out after years of hard work.

That, as briefly as I can put it, is our program — a long-range program of rebuilding New York's magnificent system of public works, of investment in areas of new growth, of investment especially in those areas and for those people most devastated by recession and a changing technological base.

It has been estimated that the final price tag for infrastructure repair in New York alone will be over \$35 billion, and despite all that's being undertaken, despite all New York is doing on its own, we simply don't have the resources to accomplish everything that must be done.

We need the long-term help and commitment of the Federal government. Not a handout. But a partnership, a joint effort where the Federal government acts as a catalyst for reconstruction much as it did in the 1930's and 40's when it set in motion the public works and public investments that led to the rise of the so-called "Sun Belt."

Some have suggested this help should take the form of a reconstruction finance corporation, along the lines of the institution that proved so successful in pulling America out of the Depression. There are other forms that Federal aid and assistance could take and all of us should be ready to consider them. Certainly, at least as an interim step, there should be a cohesive, unified national planning strategy for public works to replace the current hodgepodge of Federal programs. The adoption of a Federal capital budget system should be a priority.

The simple truth is that the work of construction and reconstruction will not wait.

The rebuilding of our infrastructure is a task that transcends ideology or political philosophies or social theories. It's an economic fact of life, a foundation that we all depend on equally, Democrat and Republican alike, upstate and downstate, rural and urban, an indispensable ingredient of our common future. It's time to get on with the job.

Thank you.

**Governor Addresses the Queens Chamber of
Commerce (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 6, 1983

In the past few years I've been privileged to travel the length and breadth of this State; to visit 100 different

towns and villages and hamlets — each unique, each special, each in its own way, beautiful; to meet with many different people — dairy farmers, native Americans, fishermen; to speak with them, and listen to them, and learn from them.

But it's always nice to come back to where I was raised, educated, married, made a living, raised a family of my own and entered politics. To my hometown. To Queens.

But my interest in Queens is more than just a case of hometown chauvinism. No one can look at this City or State and miss the fact of what Queens represents: The solid working-class and middle-class neighborhoods that are the backbone of this City; the hundreds of businesses and firms that are based here; the incredible meld of peoples — Greeks, Koreans, West Indians, Africans, Irish, Italians, Jews, Hispanics.

We can talk all we want about New York's future, about economic redevelopment and neighborhood stabilization, but Queens is the test case. In one form or another everything we want to do for this State — restore its economic dynamism, renew its educational systems, rebuild its streets and bridges and highways — must be done here in Queens.

But that job had to begin in Albany with the budget. This year we made a start, a very good start. Thanks to Stanley Fink and Warren Anderson and the legislative leadership we are able to close the largest potential budget gap in the State's history, \$1.8 billion.

How? We cut the State's workforce by 9,500. We asked most State agencies to go without the additional money they felt they needed. The price of beer and cigarettes went up. But even in the face of the worst fiscal situation in a generation, we didn't take the easy way out. We didn't raise any of the State's three major taxes. They stayed the same. They did so because we wanted to send a message to the entire business community of this State, a message that said New York is determined not to repeat the mistakes of the 1960's.

We know we can't build an economy on the public payroll. We tried that. It simply didn't work. It pushed us to the edge of bankruptcy.

The only way for us to get the money we need to help all those people in this State who can't care for themselves is for the private sector to create jobs, and income, and opportunity. To do this, of course, it isn't enough just to hold taxes down. No one believes that anymore, not even President Reagan.

We need a plan for economic development, one that joins together the resources of the public and private sectors, that creates the massive new investments which neither business nor government could achieve by themselves. And the real achievement of this year is that we've begun to put that plan into effect.

It's working upstate, in Elmira, where we've used government to help open a new state-of-the-art helicopter plant and create 200 new jobs; in Utica, where we've brought in a new bus factory that's making buses which will be used across the State; in Hornell, where we now have a plant for rebuilding subway cars; in Albany, at RPI, where New York has established one of the most advanced hi-tech centers in the nation.

It's working in Queens, too. After years of proposals and suggestions, Hunters Point is about to become the largest redevelopment project in the history of this Borough, a \$125 million investment by the Port Authority that will create 10,000 construction jobs, 4,000 permanent jobs and that will trigger \$1 billion of private investment.

Hunters Point is now a reality. And so is the State's \$7.4 billion plan for rebuilding our infrastructure, the centerpiece of which — the Rebuild New York Bond Issue — this Chamber and its President, Peg Swezey, did so much to pass.

The program, which is already being put into action, will mean \$130 million of repairs to the Van Wyck, the Clearview, the LIE, and the BQE, to the bridges and roads and viaducts that are the lifeblood of this economy. Along with the \$8.6 billion we're spending to repair and restore the City's subways, it will give this area the largest, most comprehensive plan for transportation construction in the nation.

But the State's investment in Queens doesn't end there. We recognize that government's role in economic development should be more than ensuring good roads or

dependable trains, as important as these are.

By the way it distributes its workforce and targets its investments, government can strengthen the private sector, support its growth, encourage its expansion.

That's why we are now moving State offices and their employees to Jamaica and Corona. This move will bring over 3,000 jobs to this Borough; and by their very presence here, these agencies will spur the momentum for further redevelopment.

That's why we determined that the MAC surplus be used in part for new economic programs here in Queens and why we're working with Ed Koch to see that it happens.

It's why we've used the State Mortgage Authority to make available over \$335 million for new mortgages — ones middle-class people can afford — a significant part of which will be used in Queens and places like it, places where home ownership is one of the foundations of the local economy.

It's why Queens now has one of the premier law schools in the nation, a school we opened this October and which is being called the national prototype for a new kind of legal education.

All in all, it's been a very good year, then . . . for Queens and for New York.

Much remains to be done, of course. Too many people in Queens and across the State are without jobs. Too many people are still mired in poverty, without hope or opportunity.

Yet we've shown that even in the face of recession and a Federal government unable to master its own problems and unwilling to help us with ours — still — we can make a better future for ourselves.

We can build an economy that works for this County and for all the counties. We can bring the public and private sectors together, and make the investments necessary to ensure New York remains the heart and head of the world's new information economy.

We can work together to give New York the country's finest schools, schools where our children can master the new languages of technology and computers and the traditional languages of literature, and the arts, and the world.

We can create new reservoirs of capital, mixing the resources of government and business to do together what we couldn't do as well — or at all — if we tried it alone.

We've shown we have the potential to do all these things and the wonder is how we ever came to doubt we could. How we, the descendents of those who built this Borough, who paved its streets, and dug its ditches, and raised its houses, the descendents of people who never stopped building and believing, people who came here with nothing and created the most dynamically successful society the world has ever seen — how we could have ever doubted that we had the strength or intelligence to renew what we've inherited.

In truth, there's nothing we've lacked, except perhaps the faith. And now, I believe, we have that too. Faith in our State, in our future, in ourselves. With that faith and the kind of strength that is born and raised in Queens, we will do great things in this State. I look forward to us doing them together.

Thank you.

**Governor's Remarks at the American Enterprise
Institute Debate**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 7, 1983

I'm honored to share this platform with my fellow alumnus from St. John's Law School, another first-term Governor, George Deukmejian.

Despite being born and raised in the same State and having undergone the same legal training, Governor Deukmejian and I have parted political company. But our political differences shouldn't be allowed to obscure perhaps the most remarkable fact of this debate. We are both the children of immigrants, both first-generation

Americans, the sons of yesterday's outsiders, the people who came with little except faith and hope and a determination to make a better life for their families.

It's an old story, one shared in some form by many in this room, yet it's more than a cliché. For the fact that the sons of Italian and Armenian immigrants could be elected the highest officials of the greatest states of the nation's western and eastern shores is, I think, an extraordinary tribute to the efficacy of the kind of democracy we had for the span of our lives — approximately 50 years.

And today it should be more than just a cause for nostalgia or even gratitude. It should — it seems to me — also create a sense of obligation: the willingness to see to it that this nation remains, no matter what party rules or seeks to rule, a place of refuge and opportunity.

Which brings me to the reason I've been invited here: to give my views on the 1984 election. It's always an intimidating proposition to make public predictions about how the electorate will act, and it's even more so when everyday you sit in the same office where Governor Tom Dewey wrote his victory speech for the 1948 presidential election.

But let me emphasize the obvious. I don't know who will win the next election.

Given the volatile nature of our politics and the great number of variables, I think it's too early even to guess which candidate will emerge the victor 11 months from now. I'm not even sure who the final two contestants will be. I'm not ready to accept the fact that President Reagan will run.

Yet, if I can't talk with certainty about personalities I can about the principles I want to succeed, the ideas I want to see as the basis for any winning campaign.

The first point to be made is that ideas are different from labels. The political labels currently in use don't clearly and reliably identify any particular body of beliefs. The Republican Party includes Jessie Helms and Lowell Weicker. Both Jessie Jackson and Reuben Askew are Democrats. The labels make it easier to have separate conventions but they don't by themselves communicate

any completely coherent philosophy.

Even if we admit that political labels don't convey a clear set of principles — even if we limit our discussion to how our ideas are articulated or implemented or both — the discussion will be complex.

While, then, a great deal is not yet clear, there are some things that are. Assuming President Reagan runs for reelection, we know the philosophy he propounded in 1980 and made law in 1981 is different from anything Democrats have offered or should offer.

Different and undesirable. The supply-side philosophy, as set out by candidate Reagan in 1980, was a radical departure from any course of action followed by Democratic or Republican presidents in recent memory. That was probably part of its attraction. It offered a simple, painless, uncomplicated solution for solving the host of problems besetting our economy.

Incentive alone will do it, was the claim. And you didn't have to believe in it to admire its utter simplicity: cut taxes dramatically for the rich, then they'll invest this money and create new industries, new wealth, new jobs. The economy would expand so fast that the poor wouldn't feel the cuts in the social programs many of them depend on to survive. And, we were promised, we could have the largest proposed increase in military spending in our history — over \$1 trillion — and still balance the budget within three years.

No one can honestly argue that this plan — the original plan succeeded. No one can say that the immediate results of the supply-side plan — 10 percent unemployment, 50,000 bankruptcies, a dramatic fall in productivity — were a part of the original strategy.

Yet though these weren't the promised results of the supply-side experiment, they turned out to be the reality. And if we are now — three years later — experiencing a recovery it is not the recovery that was originally envisioned. This is a recovery from the depression that followed passage of the President's own economic plan. It is a recovery from an economic slump as deep and severe as any since the 1930's.

Were it not for the President's extraordinary charm,

affability and geniality — his personal charisma which eclipses his record — Republicans would be looking for another candidate.

Of course, inflation has been tamed, at least temporarily. That's thanks in part to the continued OPEC price decline and commodity price declines, but not totally. The supply-side recession — the bankruptcies and unemployment, and decline of people's purchasing power — also helped tame inflation.

And the failure of supply-side economics — the "\$200 or \$300 billion deficits as far as the eye can see" that David Stockman has predicted — now threatens to revive inflation.

By any standards, the plan put into effect in 1981 failed. It failed badly.

The Administration's promise to shrink government and reduce its influence hasn't fared much better. Only some have been given less government — the homeless, the ill-nourished, people in wheelchairs, in ghettos, the millions upon millions struggling for some small share of America, people who can't speak the language, whose jobs are gone . . . the people who need help.

In other areas there's more government than ever. For fiscal year 1985, Secretary Weinberger is asking for a \$63 billion *increase* over this year's military appropriations. This will put the military budget at \$321.4 billion, and in one stroke it will break by \$31.4 billion the budget ceiling set last June.

There is less government when it comes to the nation's civil rights laws, to enforcing the regulations against public support for schools that discriminate against children and employers that discriminate against their workers; but aggressive, almost audacious, government when it comes to questions of private morality. To matters that touch the most intimate moments of people's lives.

In fact, there seems no consistent standard or philosophy of how a government should behave other than a belief that could be summarized this way: "God helps those whom God has helped, and if he's left you out, who are we to presume on his will? But, on the other hand, if

we think God has failed to teach you his morality, we'll not only interpret it for you. We'll force it on you."

Rejecting this philosophy as unfair, and unbalanced and — ultimately — unworkable is easy. And I do. But then so does President Reagan . . . at least in part. He no longer believes tax cuts are enough. Just look at his second record, the one that's followed supply side.

The same President who in 1981 said recovery would immediately follow his tax cuts went on to approve a \$98 billion tax increase; the Job Training Partnership Act, creating 500,000 new publicly-financed jobs; a five-cent levy on gasoline to begin the massive work of infrastructure repair; a \$615 million program to build or rehabilitate 40,000 apartments.

As someone who opposed the President's original economic plan — who believed it distorted the parts of supply-side theory such as reasonable cuts in public spending and targeted tax cuts that could have benefited the economy — I'm gratified to see this movement on the President's part.

But in the retreat from the supply side, I think it would be a shame if we retreat from the test that candidate Reagan put before the voters in 1980.

That is, are we better off now than we were four years ago? Are there more jobs and fewer unemployed? Is there more investment in plant and equipments? Are there more savings and more capital and more industrial production? Are there more exports and fewer imports? Across the board the answer is "no."

One can go on. Are there new opportunities for blue-collar workers? Are the minority communities finally being drawn into the economic mainstream? Is this country respected today in the international community as it should be? Ask Chancellor Schmidt.

The answers define and delineate a legacy of failure. Failure that can't be corrected by the halting, half-hearted efforts to raise enough revenue or generate enough economic activity so the staggering deficits that disturb and perplex Chairman Feldstein can be reduced to less frightening proportions.

These deficits reveal the disingenuousness, as well as the ineffectuality of the plan adopted in 1981, and they challenge the Democrats to do two things.

First, to reaffirm the principles that are the soul of our Party, to remember that 50 years of economic progress, of an America in which opportunities exceeded expectations, an America where millions got the chance to go to college, to own a home, to live in the suburbs, to imagine a better life for their children — to remember that none of this was simply a happy accident of history. Social Security; unemployment insurance; food for the poor; help for farmers; TVA; FHA; bank regulation — to remember all of this was government — good government.

That it was achieved; that government helped achieve it; that government secured people's savings, built hundreds of new schools and campuses and dormitories, loaned people the money to own their homes, to educate their children, to start their businesses.

Obviously, we don't want to be guilty of hyperbole and overextension. Of course, Democrats must insist on only the government we need. But we must also insist on all the government we need.

The candidates the Democrats eventually nominate will spell out what this means in far greater detail than I can do here today, but from the perspective of my State it is already clear what some of these specifics must be.

Democrats must be honest about the deficit. It's out of control and we must reduce it. To begin that process, the military budget must be cut. It's simply ridiculous to believe we're serving the cause of defense by indiscriminately purchasing every military weapon science can conceive of — destabilizing the peace rather than deterring aggressors — and undermining our economic strength in the process.

But all the savings we need to make can't come from the military alone. We must seek a reasonable modification of social programs — modification, not emasculation.

Tip O'Neill, Pat Moynihan, Lane Kirkland and Democrats in Congress who worked to modify the Social Security system in order to save it, showed this can be

done wisely and humanely.

Sacrifice? Of course: but shared sacrifices, sacrifices that take into consideration what is being asked of whom, that acknowledge a factory worker can't be asked to contribute more to the country's well-being than the corporation that employs him.

Cuts in entitlement programs? Of course, they should not be ruled out of 37 percent of the budget. But not across-the-board cuts that substitute a spurious fairness for real equity, that treat the person barely getting by on a small pension the same as a person of independent wealth.

The criterion of real fairness should be need. Instead of the proposed "New Federalism," Democrats must promote a fair federalism that distributes the burdens and benefits according to strengths and weaknesses.

And although we favor continued deregulation of private industry, we can't close our eyes to America's declining position in world trade. Confronted with fierce economic competition, other governments have learned how to support growth through partnerships of the public and private sectors, through subsidies, through a national industrial policy that supports research and development as well as capital formation. Isn't it right — and wise — for us to do the same? People like Phil Cauldwell think so. So do I.

And because we are Democrats, we will recognize that behind phrases like "equal opportunity" and "human resources" there are real people, men and women the government can help, people on the margins of society, people government alone can reach, people who can be given the chance to learn, to work, to hope.

Finally, since I have been asked here today to talk from my vantage point as Governor, I will finish by telling you that what I've said here today isn't just the wishful thinking of a party loyalist.

The things I say to you today I said as a candidate for nine months last year, arm-in-arm with labor unions, with women, with blacks and browns and orientals, with people in wheelchairs, with people who work for a living because they have to, and the people begging to work.

It worked well enough last year to give us two victories against better financed campaigns with more likely candidates.

And more important, it has worked after the election. In the face of the most massive budget deficit in our State's history — a deficit made so extreme by the national economic slump — we were able to balance the budget without abandoning our weak, to cut expenditures without destroying services, to reject increases in the State's broad-based taxes and yet begin a multibillion dollar infrastructure repair program that will create thousands of jobs.

We had to ask for sacrifice. We had to ask people to look beyond the political moment, to put aside the pure self-interest of region or faction or class, to consider the debt we owe to the generations to come.

Some were surprised to see that New Yorkers did not fight that idea, or scoff at it, or reject it out of hand as sentimental or silly. Some were surprised by the way they listened, and then responded.

Their reaction made it apparent to me that some of us in politics had become so sophisticated and so skillful — so sure we can measure public opinion and so certain we can manipulate it — that we'd lost sight of a single fundamental. A fundamental of our history, of our Party's past, of its success in representing our people's hopes. The principle of family — mutuality — the sharing of benefits or burdens for the good of all. The recognition that at the heart of the matter we are bound inextricably to one another; that the layoff of a steelworker in Buffalo is *our* problem; the pain and struggle of a handicapped mother in Houston, *our* struggle; the fight of a retired school teacher in Chicago to live in dignity, *our* fight. I don't think we've seen it quite that way the last few years.

We need to feel the certainty that amid all that holds us apart we can rediscover the purpose and belief that brought this nation into existence, sustained it, made it as good as it was great.

The entire country has profited from 50 years of the progressive Democratic principles I've spoken of today. They are more than campaign rhetoric. They have helped

lift a generation up to the middle class . . . and higher. Given us the chance to work, prosper, raise a family. To reach heights our own parents would not have dared dream of.

Governor Deukmejian and I are not the only ones. A whole nation — Democrats and Republicans alike — are better off today because of government's refusal to believe that only the rich, the already strong, the well born — the fittest — should survive.

But only some appear to remember. To remember what we were . . . what we are . . . and what we can be.

Thank you.

**Governor's Remarks at the Resnick Residence Hall
Dedication, South Fallsburg**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 8, 1983

This is holy time of the year for both Christians and Jews, and in the spirit this season celebrates and instills it's not unusual for Jews to give Chanukah gifts to Christians, or Christians to give Christmas gifts to Jews. Unfortunately, I don't have anything with me today to give to you in return for the gift of this magnificent mezuzah.

The thought of coming up here empty-handed bothered me, and when I mentioned this to Rabbi Mowshowitz, he told me a story. I'm sure those of you who've known Rabbi Mowshowitz as long as I have aren't surprised by this. The Rabbi is a walking Talmud, and in our nearly 20 years of friendship, he's had a story for every occasion: When I first thought about running for office he had a story to console me; when I lost, one to console me; when I won, he had one to teach me.

But this time the Rabbi surprised even me: This time he had a story about how an Italian should accept the gift of a mezuzah.

It goes like this: The Talmud relates that the Roman Emperor Anthony once sent Rabbi Judah, the Prince, a

very expensive gift. The Rabbi, in turn, sent Anthony a mezuzah.

Anthony was displeased: "I sent you an expensive gift," he told Rabbi Judah; "Yet you, who are one of the richest men of our time, sent me a mezuzah, which is not expensive at all."

Rabbi Judah replied: "My gift is more valuable than yours. Your gift will have to be guarded for fear lest someone steal it, while the mezuzah that I gave you is a reminder of God's presence and God's protection over you. It will guard you."

Like all of the Rabbi's stories, this one is a wise story, and in thanking you for this gift, I'll make you a promise. I'm going to hang this mezuzah on the door of my office that is right next to the picture of my patron saint — St. Thomas More. Together, I think, More and the mezuzah and Rabbi Mowshowitz will ensure I'll keep in mind the Lord's presence and his commands.

Of course, the sense of that presence is always strong here at this Yeshiva, especially so today, the last day of Chanukah and the occasion of this dedication, itself the result of so much faith and love and sacrifice.

It's a feast day in my religion too — the Feast of the Immaculate Conception — a feast that, for all the differences, celebrates the same truth as Chanukah and this dedication. They all celebrate hope; the miracles faith can work in us and in the world; the candles love can light, the generosity it can inspire, the lives it can transform.

At few times in the history of the world have we been in more desperate need of relearning these truths. Here at the beginning of winter, in the midst of a madly escalating arms race, in the face of terrorism and war and rumors of war, with growing numbers of the hungry and the homeless in our streets, we need to remind ourselves that our human race is more than an accident of evolution, doomed by instinct and brute inclination to tear itself to pieces.

As individuals and as a society, we need to remember that we are created by the Lord, precious in his sight, each of us important, all of us called on to worship him

through the service of each other.

That, I believe, is the truth embodied in the concrete and glass of this residence hall, the truth contained in the extraordinary generosity of Louis and Mildred Resnick. The Resnick's chose to be involved, to live their faith in the world, to translate belief into action. Because of them and the others who worked to make this day possible, this building is more than an educational facility. Much more.

It's a sign of faith and what faith can create. A reaffirmation of the sign the Maccabees saw in the miracle of the menorah that burned for eight days. The sign that went before the Jewish people in the desert, leading them away from slavery and despair, through the night and its terrors — a pillar of fire.

Thank you.

**Governor Addresses the Ulster-Sullivan-Orange
Counties Democratic Dinner, Ellenville**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 8, 1983

In a decade of political life, I've attended ground-breakings and graduations and political meetings and dinners in every part of the State, and through those years, one fact has impressed me above all others. Our diversity. Today's been no exception. Earlier this evening I was at the dedication of a rabbinical college in Sullivan County. Think of it. A Governor of Italian descent, on a Catholic feast day, at a Jewish ceremony, in a county with an Irish name.

And then of course there's the irony of Sullivan County bordered by two counties with — of all things — British names, Orange and Ulster, names they received 300 years ago when they became two of the original twelve counties in New York, then a British colony ruled by a Scottish King and an Irish Governor.

Time has only enriched that diversity, changing contradictions into strengths and making this State unique, a place unmatched anywhere in the world for its variety of people and languages and cultures and customs.

It's that diversity that constantly revitalizes the Democratic Party. We represent everyone from the abject poor and the working poor of Orange County to the struggling middle class of Kingston and Newburgh and Monticello. We speak for the people who work for a living because they have to and the people who want to work but can't . . . because they're too old or frail or simply can't find a job.

Our Party is composed of farmers, small businessmen, teachers, blue-collar ethnics, blacks, Hispanics. People of every educational background and from every economic condition. People who live in great cities and small agricultural villages and sprawling suburbs. Nor do we exclude the enlightened affluent.

In some parts of the State, like some parts of the nation, being a Democrat comes naturally — and easily. In other parts, we're a minority, and it requires real persistence — and tenacity — to keep the faith. That's what's made Tri-County Democrats so strong and so vital. Strong and vital enough to put Democrats back in control in the City of Middletown for the first time in more than 40 years.

You know what you are and what you believe. You know it because you've had to live by your principles in the face of an entrenched opposition that has often been able to monopolize the power and privileges of incumbency. And you've held to those principles, not because it was easy to do so, or popular, but because they're right. Because with those principles you know you can bring hope to the unemployed. Because you know that people out of work aren't just numbers in an economic equation, and that no nation, no matter how powerful or rich, can afford to write off ten million people at the price of economic recovery.

You're strong because you remember what a difference our Party made to the immigrants, to organized labor, to the elderly, to all the people who shared the work of building this country but were so often denied any share of its wealth.

You're strong because you realize that we can still make a difference to all those people aching for some part of the American dream — people in wheelchairs, people who can't speak the language, people who've lost a job or

can't find one, people who can't feed their children, people without even a roof over their heads.

You're strong because you know that what we believe as Democrats is better than what our opponents believe. And what we've done is better than what they've done. And what we still hope to do is the only hope that millions of our people have.

That's what makes us Democrats. That's what keeps us loyal to this Party whether it's in power or not, whether it's in the majority or the minority, whether it's popular or unpopular.

Of course, we have our differences. No party as diverse as ours could be without them. We had them in 1982. We had a primary, and we weren't together in it. That doesn't embarrass any of us. The primary was the crucible out of which we produced consensus. We recognized that our differences within the family were utterly insignificant when we had to oppose our Republican adversaries.

We came together, and worked together, and despite being outspent three-and-a-half to one, despite an unprecedented media blitz, despite President Reagan's popularity, we won. So here we are in one room, united by things that are much more important than the things that divide us.

We believe we are closer to the truth than they are. Indeed, seldom has it been so clear to us as in the past couple of years, thanks to President Reagan. By carrying out his attack on compassionate government — by attempting to repeal 50 years of social legislation that lifted an entire generation into the middle class — the President has reminded us of what our place must be on the political spectrum.

For nine months last year we offered the people of this State an alternative. We spoke of family and mutuality and shared sacrifice. Some were surprised to see that New Yorkers did not fight those ideas, or scoff at them, or reject them out of hand as sentimental or silly. We weren't surprised. We knew those ideas, those principles were a fundamental part of our history, of our Party's past, of its success in representing our people's hopes.

And this past year, building on last year's victory, we've shown what Democrats can do. We've proven that our Party can be progressive and still pragmatic, idealistic and still practical. Committed without being confused.

We've balanced the budget without punishing the weak — balanced it and at the same time given more money to education, more money to the disabled, the unemployed, the homeless; more assistance to local governments, to our courts, to our prisons.

There are 244,000 more people at work in this State today than there were a year ago. Everyone predicts new strength. *INC.* magazine, in one year, has moved us from twelfth place among the states to fourth in terms of the favorableness of our environment for small business.

With your help, we got the Rebuild New York Bond Issue passed last month and have begun the largest infrastructure repair program in the nation, a \$7 billion effort that will produce thousands of new jobs throughout New York.

It will give us the money to resurface roads, replace bridges, and eliminate grade crossings in the tri-counties and across the State. It will bring \$6 million to the construction of a maintenance facility at Stewart Airport. It will do something else, I believe. It will convince people that we're not at the end of this State's greatness. But at the beginning.

I believe we're standing on the verge of an entire new era of progress. An era in which we rebuild our system of education, rebuild our economic base, rebuild our beliefs and our hopes.

I know we can do all these things. I know it because I know what kind of people comprise our Party — people like yourselves. People who remember where they come from, and what they believe, and what makes them Democrats. People willing to work and fight and sacrifice. People determined to make a difference.

Thank you.

**Governor Addresses the National Association of Latino
Elected and Appointed Officials, New York City**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 10, 1983

It's a great pleasure to welcome you here this evening.

And let me offer a special word of welcome to my fellow Governor, Toney Anaya, from New Mexico. After less than a year in office, he's emerged as an articulate, eloquent, reasoned voice for the principles of progressive and compassionate government that still — even after the attacks and ridicule of those principles over the past few years — still represent the best part of this nation's soul.

At the same time he's become a national spokesman for the Hispanic community across this country, for its struggle against prejudice and economic injustice, for the goals that unite Hispanics wherever they may come from — equal opportunity, compassion, community, fairness, a chance for everyone to share fully in the privileges this country proclaims itself founded on. It's an honor to have Governor Anaya in New York.

New York is a place that prides itself on two things above all others: its diversity and its political sophistication. The evidence of our diversity is everywhere. In walking distance of this hotel are restaurants that serve practically every cuisine in the world. Tonight there are plays being performed here in Korean, Chinese, Gaelic, Spanish, Italian, Yiddish. On Sunday, there'll be church services in over 40 languages.

And political sophistication? This is the home of "Fishhooks" McCarthy, the district leader who grew up with Al Smith on the Lower East Side and began every day with a prayer that he made famous in this State. "Lord," Fishhooks would say, "give us the strength to meet the challenges of this day. We'll steal the rest."

And up in Albany we have Charles Torche — Charlie the Torche — a political genius who coined a phrase that's become part of our politics. "Honesty and integrity are essential," it goes. "But they're no substitute for experience."

But for all our diversity and hard-bitten political savvy, New Yorkers recognize in NALEO an important development for the entire country. The name of your organization says it all: The National Association of Latino Elected and Appointed Officials. It says that 20 million Hispanics are organizing, and campaigning, and taking their rightful place in government at every level. It says that Hispanics refuse to accept the idea that they have to stop being what they are in order to become Americans.

In one way or another, it's what every immigrant group in America has insisted on, has stood up for and defended. When the Irish came here they were told they'd never be accepted until they abandoned their religion and turned their backs on their past. Italians were warned that if they wanted to succeed, they should forget their language, disavow their customs, anglicize their names. The same for the Jews: They couldn't stay Jews and still be Americans, it was said.

It was the same refrain over and over again, the same refrain of "you can't become an American unless you become something other than what you are." And there was always the same response.

The immigrants worked for this country. Their sweat and sacrifice built the most powerful nation the world has ever seen. They fought for this country — and died for it — and became Americans in every sense of the word. Yet they never forgot. And their children never forgot. They never denied what they were. They never gave up their language, their faith, their soul. They knew that better than a melting pot was a mosaic.

We're stronger because of the diversity the immigrants insisted on. And the work NALEO is doing in bringing Hispanics into the political mainstream will make us even stronger.

As Governor Anaya has pointed out, everyone in this country is coming to recognize the growing importance and influence of Hispanics. The disagreement is over whether government should be a passive witness to the struggle of Hispanics and other minorities to realize their economic and political rights, or an active force for real change.

Essentially, the argument is this: Can government do for this generation what, beginning with Franklin Roosevelt, it did for other Americans: giving them work and education and opportunity, helping them realize their dreams as well as their rights?

In New York, we believe the answer is clearly yes. Yes, government can help. And if all our ideals and principles are to be more than rhetoric, government must help.

First, government must ensure that, as far as possible, its agencies and departments and authorities practice what they preach. That they are representatives of the society they serve and the people they represent.

In New York, this has meant an aggressive policy of affirmative action. Last winter we spelled that out in an Executive Order that makes affirmative action a working principle of government.

But we didn't stop there. With the help of Angelo Del Toro and the Black and Puerto Rican Legislative Caucus, we also formed a Governor's Advisory Committee for Hispanic Affairs. The Committee — chaired by Herman Badillo and directed by Nestor Llamas — is supervising all our efforts to give Hispanics the opportunities that are their right, ensuring that Hispanic businesses get their fair share of State contracts, creating support for effective bilingual education and vocational training programs.

And working with Tonio Burgos, my Appointments Secretary, we drew a record number of Hispanics into leadership positions within the Administration. These include Cesar Perales, the Commissioner of Social Services, who has become a national spokesperson for the compassionate kind of government that the Administration in Washington has tried to repeal. Herman Badillo, Chairman of the State Mortgage Agency, who heads the multibillion organization in charge of spurring home construction in this State, and Sally Fernandez, Counsel to the Agency. Julio Martinez, the Director of the Division of Substance Abuse, and Irma Santaella, Chairperson of the Human Rights Appeal Board, both of whom have served in government before and developed reputations that go far beyond this State.

The list goes on. It includes leaders from the private sector, like Manuel Bustello, who serves on the council that will set New York's capital budget. And it extends to deputy commissioners, and assistant directors, and executive assistants, through all the top ranks of this government.

We recognize our responsibility for ensuring fair employment and equal opportunity begins within government, but we know it doesn't end there.

For example, New York has now put in place a \$7 billion program for repairing our roads and bridges, and rebuilding the magnificent but decaying infrastructure that supports our economy. This program means construction jobs — thousands of them.

Yet we didn't simply leave it to chance or the supposedly "neutral" forces of the market place to see to it Hispanics received a fair proportion of those jobs and contracts. Chance and the market place have too often been the disguise for active discrimination. We insisted that affirmative action be an integral part of the program. In fact, we created an Office of Contract Compliance within the Executive Chamber to make sure every piece of State business is undertaken on this basis.

And important as these measures are, we recognize they can't really begin to solve the problems of the Hispanic community throughout the State. This involves more than affirmative action.

It involves the entire economic future of this State, the attempt to rebuild our industrial base, to regain our competitive edge, to form a partnership of business, labor and government capable of both planning for New York's future and breathing life into those plans.

The first step in this was to balance government's ledgers. And we did. We did so despite the \$1.8 billion deficit that faced us when we took office.

But we didn't do it on the backs of the poor, the disabled, the homeless, people in wheelchairs, in community centers, in job retraining programs. We found new money for the people who need help the most. New money for our community colleges. New money for economic projects in the South Bronx and Harlem. New

money for our hard-pressed cities.

Everywhere, we proceeded on the basis of a simple principle. The principle of family. La familia.

This is an audience that doesn't need that principle explained. Porque?

Porque la familia no es solo un concepto para los Hispanos una parte de vuestra cultura perdida e ignorada, familia es union — es compartiar alegrías y penas — es el nucleo de la cultura hispana — el alma — la base de todos los logros que ustedes han obtenido en este pais, la fuerza que les ha permitido tolerar discriminacion y pobreza luchar — perseverar y, finalmente vencer.

A medida que la comunidad Hispana crece y se afianza, creo que sera el instrumento que infundira el concepto de lo que es la familia en un pais que algunas veces parece estar en peligro de perder este valor.

Creo firmemente que en las generaciones venideras, seremos un pais mejor debido a las contribuciones que ustedes los Hispanos hacen — seremos un pais mas justo, mas libre y mas afianzado.

Un pais donde "liberty and justice for all" sera un ideal y una realidad.

Muchas gracias.

Governor Receives the United Cerebral Palsy Humanitarian Award

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 14, 1983

United Cerebral Palsy embodies all the values we've spent the last year talking about, all the qualities that New York must possess if we are to be what more people are beginning to understand it is possible for us to be — a society that is both intelligently competitive and compassionate, that is able to redevelop and expand its economy without ignoring all those who through no fault of their own are not able to participate fully in that economy.

These values, these qualities come by different names — voluntarism, involvement, partnership, family. But their essence is the same: a sense of shared responsibility; the refusal to be a bystander; the recognition that no one alone — no government, no community, no individual — can hope to do all that must be done. The recognition that we must do more than just take care of ourselves alone.

The truth is an ancient one. It's at the heart of the Old Testament and the New; at the heart of the Koran and the Vedas. It's acted out in the life of every family and it is written into our Constitution.

We are not islands. Our achievements, our hopes our destinies are intertwined, inseparable.

United Cerebral Palsy lives out this sense of sharing, of mutuality. It proceeds on the belief that the disabled are motivated by the very same ambitions that drive the rest of us: the desire to be a contributing member of the community, to realize their potential, to work, to learn, to grow, to participate, to choose.

But sometimes in this society, because a person is in a wheelchair — or is black, or old, or a woman — those ambitions are frustrated. There are barriers put in the way, not just physical barriers but ones harder to remove — barriers of prejudice, of condescension, even of fear.

Because of this, it's often hard for minorities like the disabled to be as independent as they can be within the greater community, to attain autonomy, and respect and opportunity. Not impossible but hard. Harder, certainly, than is fair. Harder than it should be in a nation whose most basic percept is equality.

Government tries to compensate for these inequities and in some cases so do families. But even these efforts aren't enough. We need more. We need the efforts of the rest of the community beyond the immediate family, beyond government — voluntarily — out of love. We need organizations to fill in the enormous gaps that exist, to help those for whom the "pursuit of happiness" has been a pursuit they haven't been allowed to join.

United Cerebral Palsy is one of those organizations — one of the most extensive, one of the most effective, one of the very best.

We're proud to work with you. And we believe the \$10 million the State invested this year in your work in this City is money used very wisely and effectively, money that because of you will have a real and tangible impact on people's lives.

The truth is, there is a greater need for your organization now than there's ever been. This nation is being tempted to turn its back on its commitments to equality and compassion, commitments made and lived by through half a century.

The hungry, we're now told, are a figment of the liberal imagination. "God helps those whom God has helped," government tells us "and if God hasn't helped you who are we to interfere?" The jobless are "structurally unemployed" — history has thrown them out of work. It can't be helped. There's nothing we can do. It's too expensive to give the disabled the rights that are theirs, it's said. They'll have to settle for something less expensive, like pity.

You reject this invitation to a barren and destructive selfishness. You defend the truth that the disabled and the unemployed and the poor don't want our pity or our sympathy.

They want simply what the rest of us so often take for granted. A chance. A chance to stand on their own.

That's what United Cerebral Palsy offers. And in offering opportunity, in supporting the work of this organization, you assume a responsibility that belongs to us all.

That's why I'm so honored by this award.

I know that there are others — my wife among them — who've given more of themselves to your work than I can ever hope to, and that in presenting me with this award, you are doing more than honoring an individual. You are asking this State government administration to reaffirm its commitment to the goals and principles you live by. I'm proud to do that.

And I'll add a promise to the ones Matilda made before. That is, the test of this Administration's success or failure will be how well it measures up to that

commitment, to your goals, to the programs which incorporate it and to the policies which support it. I'll tell you this . . . we're going to do it so well that no one will ever ask why we call ourselves the Empire State.

Remarks by the Governor, Quebec

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 16, 1983

It's been a special privilege for me to be here today, Mr. Prime Minister. Both I and the State I represent are deeply honored by your invitation and hospitality.

In the past, my wife, Matilda, and I have visited Quebec several times with our children. We wanted them to experience the culture of Quebec and see this beautiful City, so uniquely reminiscent of its European origins.

It is always a pleasure for me to come to Quebec, but especially today. This first official visit of a New York Governor to Quebec allows me to reaffirm the enduring ties between us that go back to the very beginnings of our presence on this Continent.

Explorers from New France were among the first Europeans in what is now New York State. Men and women from Quebec have helped through the centuries to settle and develop our State. In Auriesville, there is a shrine to those who came down from Quebec and died for their faith in what was then only wilderness.

In fact, today there are almost a million New Yorkers who trace their ancestry here to Quebec.

Sometimes, relations between us have been stormy. In 1775, Richard Montgomery, a resident of New York City came here with a part of the American army and attempted to add Quebec to the 13 colonies, then fighting their War of Independence.

Montgomery failed. Had he succeeded, Quebec and New York might have found themselves combined into one great state — a northern version of Texas — and today Prime Minister Levesque would be worrying about the subways in Manhattan as well as Montreal.

Prime Minister, you should be very happy Montgomery failed.

Like Quebec, then, New York can say, "I remember." New Yorkers remember where we came from. We remember our ancestors' struggle to possess a new world without destroying their ties to the old. Ours is an immigrant history, one shared in some measure by all the peoples of Europe, and Asia, and Africa, who have come to this continent and built its cities and nations.

For some this is a history several centuries old, but still vital and infused with meaning. For others, like myself, it is a more immediate event — it is the truth learned from our parent's generation, immigrants in search of work and hope.

For us all it has meant that this continent of North America has become a mosaic of peoples and races, a rich combination of cultures that have largely managed to live in peace with each other.

None of us should be frightened by this diversity, by our differences of language, and custom, and history, for besides enriching our continent with contrasts they can never obscure a central fact.

That fact surrounds us. It is an ineluctable part of our lives, a spiritual presence as well as a physical one, an inseparable part of the soul of the people who have lived here, both the native Americans and those who have followed. It comprises the water and earth and sky that feed and sustain us, the common resources that support us, the rivers that run between us, the lakes we share, the forests and mountains blind to the borders we have set upon them.

These things unite us and tie us each to the other. They eclipse our differences. They create opportunities we can only realize together; responsibilities we can only meet together; obligations we can only fulfill together. The people of New York want to join with you to do all these things.

Today Prime Minister Levesque and myself and members of our staffs discussed issues such as hydropower acid rain, issues that are of immediate and critical importance. But these issues, as important as they are, are only a beginning.

The greater work remains. We need to strengthen the economic cooperation between us, to foster a growing trade that takes advantage of our positions as two of the leading markets of North America, to encourage the development of our transportation systems, our energy resources and industries. We need to find new ways to protect our precious and magnificent environment from being slowly poisoned and destroyed.

We need to look beyond our common borders, to understand that the quiet and peaceful frontier which separates us doesn't also isolate us; that geography and experience have joined us; that the time has come to move beyond a friendly peace to a new partnership. My people, it's the duty of all of us to develop a new friendship.

We are peoples with a great past. Quebec and New York were the seat of empires. We are both proud of those histories, of the sacrifices our ancestors made to subdue this continent, of their magnificent achievements.

Now we have the opportunity to create a history of our own, equally great, perhaps greater. Together, as partners, we can build a better future — freer, more prosperous, more secure — one that the next generation and those to come will remember us for, and thank us for, one that will make them as proud of their past as we are of ours.

New Yorkers welcome that effort. We know that working with you, with the people of Quebec, we can do great things. My friends, let us get on with it.

XI

**GOVERNMENTAL
PROGRAMS**

XI GOVERNMENTAL PROGRAMS

Introduction

Documents are grouped by subject-matter and, within each classification, are arranged chronologically.

AGRICULTURE

Governor Proposes Increased Minimum Farm Wage

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 28, 1983

Governor Mario M. Cuomo today announced he is proposing legislation to raise the minimum wage for some 25,000 farm workers covered by State law from \$2 to \$3.35 an hour.

Under the proposal, the State minimum wage for farm workers, which has not been increased since 1976, would equal the minimum wage for federally covered agricultural workers in effect since January 1, 1981.

The legislation also proposes to raise the payroll threshold for farms covered by the State Labor Law from \$1,200 to \$3,000 to reflect the impact of inflation since the threshold was last raised in 1969.

Governor Cuomo said the existing wage order, which provides for allowances from the minimum for meals and lodging and for a youth rate, will remain in effect. However, this may be modified by the State Labor Commissioner after considering recommendations by the Advisory Council of Minimum Wage Standards for Farm Workers.

Governor Proposes Assessment Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 22, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to establish the valuation methodology to be used by the State Board of Equalization and Assessment when determining the agricultural value per acre of orchards and vineyards. The bill would also clarify the eligibility of immature orchards and vineyards to receive a reduced agricultural value assessment.

In announcing the legislation, Governor Cuomo noted that:

the cumulative effect of these changes will strengthen the State's fruit industry by encouraging its participation in the agricultural value assessment program and by creating an incentive to plant or replant orchards and vineyards.

The bill, which amends the Agriculture and Markets Law, would clarify an ambiguity in the 1980 amendments to the law regarding the method by which the State Board determines the agricultural value of orchards and vineyards. This ambiguity arose from the application to orchards and vineyards of the income capitalization valuation method set forth in the 1980 amendments.

This bill would confirm that income capitalization is the primary valuation methodology to be used to determine the agricultural value of orchards and vineyards. In addition, a horticultural land classification system, if developed by [the Department of] Agriculture and Markets, may be used in conjunction with the application of the income capitalization methodology. Orchards and vineyards which are not fully productive would be valued at lesser amounts in accordance with a statutory formula.

A five-year transition period would be established during which separate agricultural values would be determined for orchards and vineyards established prior

to January 1, 1983 to phase in any changes in agricultural values.

**Governor Approves Increased Farm Wage
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 14, 1983

Governor Mario M. Cuomo today announced his approval of a measure raising the minimum wage for some 25,000 farm workers covered by State law from \$2 to \$3.35 an hour The increase will be in one-step, effective July 1, 1984.

"It is essential that workers in one of the State's most important areas, the agricultural industry, receive compensation at levels which will increase their quality of life and permit them to live with independence and dignity," Governor Cuomo said in signing the bill.

The bill, which was part of the Governor's 1983 legislative program, was supported both by the New York State Farm Bureau and the Rural New York Farm Worker Opportunities, Inc,

Another provision raises the payroll threshold for farms covered by the State Labor Law from \$1,200 to \$3,000.

Editor's Note: See Approval Message Number 89 (Chapter 972).

**Governor Approves an Agricultural
Producers Security Fund**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 14, 1983

Governor Mario M. Cuomo announced approval today of legislation that would provide greater protection to farmers when a food dealer defaults on payments.

"Everyone benefits under this legislation — the farmer, the food dealer and the consumer," Governor

Cuomo said. "It helps assure stability in the marketplace."

In marketing his crops, a farmer may be asked to extend credit over a prolonged period of time to the dealer, broker, commission merchant or processor. If the buyer defaults, the farmer suffers major losses.

The bill would establish the "Agricultural Producers Security Fund" to be financed by a fee initially paid by licensed buyers and dealers, based on the dollar amount of purchases. This fund would supplement the security presently required for each licensed commission merchant, dealer, broker and processor.

The fund would be cheaper for the dealer, broker, commission merchant or processor than additional bonding, yet would afford additional protection for the farmer, Governor Cuomo said. If the buyer and dealer default in payment, the farmer could make a claim against the fund as well as the bond. This fund is patterned after the Milk Producers Security Fund which has successfully protected dairy farmers from catastrophic losses.

The legislation is effective June 1, 1984.

Editor's Note: See Chapter 824 of the Laws of 1983.

CONSUMER AFFAIRS

Governor Supports Kosher Labeling Laws

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 23, 1983

With the approach of Passover, Governor Mario M. Cuomo today announced his intention to enforce strictly food labeling laws for kosher food.

"More than one million consumers shop for kosher food products in New York," said Governor Cuomo:

Because kosher products must be prepared in accordance with strict religious requirements, they usually command a premium price. We must

ensure that the consumer who purchases food labeled as kosher receives kosher food.

Governor Cuomo added:

I have said many times that our State is a family. We must make sure that the wishes of these members of the family who keep kosher are fulfilled. New York has the strongest protective measures of any state to protect the kosher consumer and I intend to enforce them vigorously.

The State's labeling laws for kosher food require:

— Any food commodity in package form which is marked "Kosher for Passover" cannot be offered for sale unless the producer registers the name of the Rabbi, or certifying organization that authenticates the product as kosher, with the Department 30 days prior to the marketing of the product. The registry is available for inspection at the New York State Kosher Law Enforcement Division of the Department of Agriculture and Markets, Room 5086, Two World Trade Center, New York City.

— Only the manufacturer or packager of a Kosher for Passover product may affix a "Kosher for Passover" label on the product. The label must be securely affixed to the product. Storekeepers may not affix these labels.

— Loose Kosher for Passover labels in possession of anyone other than the original manufacturer is a violation.

— Restaurants that display a matzoh or have a "Passover Menu," must prepare their Passover food in accordance with Orthodox Hebrew religious requirements for Passover.

— Any hotel or restaurant located in or out of the State that advertises in New York State with the words "Under Rabbinical Supervision" must identify the name of the rabbi or certifying organization with the Kosher Law Enforcement Division.

The Kosher Labeling Laws are enforced by the State's Kosher Law Enforcement Division under the directorship of Rabbi Schulem Rubin, Chief Supervisor. Penalties for violations are fines of up to \$200 for each misrepresented item. The Kosher Law Enforcement Division is concerned with misrepresentation of products and does not certify

the Kashruth of any product.

Governor Cuomo Proposes a Citizens Utility Board

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 27, 1983

Governor Mario M. Cuomo today announced he has submitted legislation creating a not-for-profit Citizens Utility Board (CUB) to represent and promote the interests of residential ratepayers.

CUB, which would be supported exclusively by ratepayers through a \$3 annual membership fee, would have authority to initiate actions before any Federal, State or local regulatory agency, in judicial proceedings and before any legislative body.

In addition to its representational duties, CUB also would have a research and public informational role, with authority to communicate with ratepayers through insertion of enclosures in utility billings four times a year.

"The organization and representation of consumer interests on public utility issues has been frustrated by the difficulties encountered in marshalling the support and participation of consumers in a large organization," Governor Cuomo said:

In particular, such organizations have experienced difficulties in contacting their natural constituents and in formulating inexpensive procedures by which consumers can aggregate modest contributions to promote their interests.

This bill meets these concerns. In numbers, there is power. By binding together through the Citizens Utility Board, individual citizens will have a stronger voice in our utility practices.

Under terms of the legislation, CUB will be managed by a Board of Directors, elected by CUB members, one from each of 17 utility districts across the State. A utility district will be composed of two contiguous congressional districts. The directors, who will hold three-year terms,

will serve without salary but will be reimbursed for actual and necessary expenses.

Until the election is held, an interim 11-member board will be formed to organize the corporation and to call a general election when membership of the corporation reaches 25,000 persons, with at least 100 members from each utility district. Members of the elected board and the interim board cannot be employees or have a direct financial interest in a utility or the Power Authority of the State of New York or be employed by the Public Service Commission.

Ratepayers who wish to join CUB can forward membership fees directly to the corporation or include the fee in their utility bill. In turn, the utility must deposit the fees into a separate account and forward the fees to the corporation.

Governor Cuomo noted that the provisions of the bill authorizing CUB to contact potential members through utilities' customer billings have been designed to work no financial hardship on the utilities. CUB's enclosures may not exceed one-half ounce in weight. The corporation will be liable for its proportionate share of the postage cost if the enclosure increases the weight of the bill to more than one ounce. CUB also must reimburse the utility for reasonable handling and enclosure costs.

Governor Approves Six Consumer Bills

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 14, 1983

Governor Mario M. Cuomo today announced the signing of eight bills dealing with consumer issues, identification for nondrivers, and apportioning of funds for the Yonkers Armory.

In signing the legislation, Governor Cuomo said:

There are times when as consumers we feel besieged, surrounded by a world that seems to care more for special interests than it does for the commonweal; a system that caters more to power or influence than it does to compassion or

simple equity; indeed, a society in which a strong or active minority is far more capable of suasion than a vast, though often quiet, majority.

It is in situations such as these that government finds its proper role. In its most basic sense, government exists to help people. These bills which I am signing today do just that, assuring the consumer of at least a basic level of fairness and reasonableness in his or her everyday dealings and transactions.

The six bills dealing with consumer issues would:

— empower the Banking Board to issue regulations to establish a reasonable period of time within which a bank must permit a retail banking customer to draw on an item which has been received for deposit in the customer's account. The bill would also require a bank to notify its customers of the time period after which the proceeds of checks deposited by the customer would be made available to the customer;¹

— authorize a variable rate of interest on personal, higher education, and home improvement loans. In addition, the bill prohibits the Rule of 78's method of determining interest rebates in the event of a prepayment of outstanding principal balances for various types of loans and requires that in the event of prepayment or "refinancing," the lender will refund the unearned portion of the interest due the borrower according to the actuarial method;

— provide consumers with a right to recover attorney's fees and expenses in action arising out of consumer contracts. Specifically, whenever a consumer contract provides that the seller may recover attorney's fees and expenses incurred as a result of a breach of any contractual obligation by the buyer, it would be implied that the seller should pay attorney's fees and expenses of the buyer resulting from a breach by the seller or in the successful defense of an action by the seller;

— require creditors to provide cosigners with information regarding the nature of their potential liability and the underlying debt. The bill provides substantial new protection to cosigners in consumer transactions who often are unaware of the nature and extent of their liability. By requiring creditors to provide cosigners with such concise information, creditors will be able to make reasonable judgments as to whether to accept their role;

— prohibit the enforcement of provisions in a contract which provide for the waiver of the right to impose any counterclaim or offset arising out of a breach of that contract; and

— require the seller of goods purchased under a retail installment contract to bill the buyer on the date of the shipment of goods rather than on the date of sale.

The two additional bills signed by the Governor would:

— apportion \$4.2 million in funds already appropriated in the 1983-84 budget for the demolition of an existing armory and construction of a new armory in the City of Yonkers. [The sum of] \$2.5 million would be apportioned from a \$5.5 million Capital Projects Fund, with the remaining \$1.7 million coming from a \$7.1 million Federal Grants for Capital Projects Fund; and

— authorize the Commissioner of Motor Vehicles to issue identification cards to nondrivers who are 18 years of age or older. This bill will enable persons who do not drive to obtain a means of identification similar to a driver's license. The use of these identification cards will permit many disabled and elderly people to participate more fully in the activities of daily life.²

¹ Editor's Note: See Approval Number 10 (Chapter 234).

² Editor's Note: See Approval Number 12 (Chapter 295).

Governor Approves Boxing Safety Regulations

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 25, 1983

Governor Mario M. Cuomo has signed into law a bill tightening safety regulations governing boxers in the State.

The bills suspends the licenses of all fighters who receive head injuries or are knocked unconscious in bouts. It further requires the boxers in question to refrain from engaging in bouts for periods of up to three months and then only after they have passed physical and neurological examinations.

The measure also mandates use of thumbless gloves in all bouts except — if the State Athletic Commission concurs — during championship fights. The thumbless requirement, now being administratively enforced in four-, six- and some eight-round bouts, will go into effect October 1, 1984; that is one year after the law's other provisions become effective. As of that date, thirteen-and-a-half months hence, New York will be the only state with legislation requiring thumbless gloves, which are designed to prevent eye damage.

Finally, the bill authorizes appropriation of \$15,000 for a study of headgear to develop a prototype that improves safety without impairing the sport. The cost of the additional physical and neurological exams will be defrayed through an increase of from 5 to 5.5 percent in the State tax on boxing gross receipts.

Governor Cuomo said the bill "puts New York in the forefront of the effort to preserve boxing as an acceptable spectator sport."

The measure's key sponsors were Senators John R. Dunne and John J. Marchi and Assemblyman Richard L. Brodsky.

Editor's Note: See Chapter 928 of the Laws of 1983.

PSC Will Consider Citizens Utility Board Proposal

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 13, 1983

Governor Mario M. Cuomo announced today that in response to his request to Public Service Commission Chairman Paul L. Gioia, the PSC will consider administrative action to facilitate creation of a Citizens Utility Board (CUB) for utility ratepayers in New York State.

"I am pleased by Chairman Gioia's decision, which brings creation of a Citizens Utility Board a step closer to fruition. I urge the Commission to act expeditiously, and I am confident that after full and deliberate review the Commission will adopt a final rule which provides ratepayer groups, such as CUB, access to utility billings," [the Governor said].

Earlier this year, Governor Cuomo proposed a Program Bill to establish legislatively, a statewide Citizens Utility Board and to provide CUB access to utility companies' regular periodic mailings. The Governor's proposal, in an amended form, was overwhelmingly adopted by the Assembly. No action was taken by the Senate.

"I am committed to strengthening consumer representation in utility regulatory proceedings," said the Governor. "In numbers, there is power. By joining together in an organization like CUB, individual ratepayers will have a stronger voice in our utility practices."

The Citizens Utility Board would be a not-for-profit voluntary organization which would represent consumer interests in utility regulatory proceedings. Central to its operation is access to the utilities' periodic billings in order to communicate with ratepayers and to solicit membership.

The Governor said that at its September 21 meeting, Chairman Gioia will present the Commission with the Public Service Department's proposed guidelines to enable ratepayer groups access to utility bill mailings so that CUB could solicit funds to establish a ratepayers advocacy organization.

These proposed guidelines endorse the concept that ratepayers are entitled to use space in utility bill mailings for the purpose of establishing a ratepayer advocacy organization. The guidelines suggest criteria which a proposed organization must meet to gain access to space in a utility bill.

In commenting on today's announcement, PSC Chairman Gioia stated:

The Public Service Commission is committed to fully protecting the interests of residential and small business consumers in all Commission proceedings. A New York CUB may be an effective way to further this important objective.

Upon adoption by the Commission of these proposed guidelines, which were developed by its Consumer Services Division, a public comment period and public

hearings must follow. It is anticipated that this rulemaking process will take approximately six months. This schedule would enable the Commission to act upon a final regulation at a March [1984] session.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 9, 1983

Dear Chairman Gioia:

I am sure that you and the other members of the Public Service Commission share my commitment to effective consumer representation in utility regulatory proceedings.

Earlier this year, I proposed legislation to create a statewide, not-for-profit corporation, the Citizens Utility Board, which would be empowered to represent the interests of residential utility customers in regulatory and legislative proceedings. This legislation described how CUB would be created, how it would be organized, and what powers it could exercise. Its intent was to provide a mechanism for residential consumers to join together in an organization and thereby have a stronger voice in utility practices and regulatory proceedings.

An essential element of my proposal was to permit CUB access to a utility's periodic mailings in order to enclose materials for soliciting membership and funds. Different states have addressed this issue in different ways. For example, Wisconsin enacted legislation creating a CUB and permitting CUB access to utility periodic mailings. By contrast, access was attained in California through administrative rulemaking by the State Public Utilities Commission.

After the Legislature recessed without taking final action upon the CUB proposal, I requested my staff to examine the legality of implementing some aspects of the proposal administratively. Based upon this investigation, I am advised that the Public Service Commission has the authority, through its rulemaking powers, to adopt a regulation which provides ratepayer advocacy organizations with access to utility periodic mailings.

Accordingly, I am requesting that the Public Service Commission initiate an administrative proceeding to consider the adoption of a regulation which would permit residential ratepayers access to periodic utility mailing for the purpose of soliciting membership and funds for a ratepayers advocacy organization.

Sincerely,

(Signed) **MARIO M. CUOMO**

Governor Announces Insurance Repayment Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 20, 1983

Governor Mario M. Cuomo today announced that the more than 1,400 New Yorkers who might have been illegally sold \$30 million in "single premium deferred annuity policies" by two unlicensed and financially troubled out-of-state insurance companies will be able to recover their total investments.

The two companies, University Life Insurance Company in Indiana and National Investors Life Insurance Company in Arkansas, are both owned by Baldwin United, the large financial services holding company now experiencing severe financial difficulties. Their assets have been frozen, and both are in rehabilitation in their respective domiciliary states.

The affected New Yorkers are among hundreds of thousands of people nationally who purchased the policies through six companies owned or controlled by Baldwin United.

A single premium deferred annuity is an insurance policy in which the insured pays to the company a lump sum premium, usually \$10,000 or more, and is later repaid in monthly installments. Governor Cuomo noted that policy is typically used to provide a pension-like income for retirees, so many purchasers invest their life savings.

"Because of the companies' financial instability, New Yorkers and other purchasers stood to lose much, or at

least wait for years without the expected annual return," Governor Cuomo said:

However, Insurance Superintendent James Corcoran has been investigating the matter of apparent improper sale and solicitation of the policies since July. And he has arranged for New Yorkers who purchased the policies to be reimbursed almost immediately by the seven New York securities brokerage firms which represented the out-of-state companies' policies.

Especially since these policies were major investments for many of these people, the prospect of their waiting up to three and one-half years while rehabilitators work out a reimbursement plan was unacceptable. I am delighted that the Superintendent and seven New York brokerage firms have agreed to a plan by which affected New Yorkers will be able to get their money back almost immediately.

Superintendent Corcoran said the brokerage firms will offer any person who was solicited or sold the product of an unlicensed company in New York return of the entire premium plus interest by the firm which sold the policy.

The purchaser of the policy will in turn assign interest in the policy to the brokerage firm and it, rather than the individual purchaser, will take its chances in the out-of-state rehabilitation of the financially troubled companies.

The seven brokerage firms with which Superintendent Corcoran has met include: Smith Barney Harris Upham & Co.; Shearson/American Express; Merrill Lynch; Kidder, Peabody & Co.; E.F. Hutton; Prudential Bache; and Paine Webber.

Governor Cuomo said the State's ability to intercede and arrange the repayment to the policyholders:

is a demonstration of the benefits and effectiveness of the State's regulation of the insurance industry, and the protection it provides for New Yorkers as consumers and for the companies which do business here in New York State.

Superintendent Corcoran noted that:

the brokerage firms have acknowledged statutory violations, perhaps inadvertent, in selling products here of firms not licensed in New York. However corrective measures are being taken to prevent recurrences and we continue to investigate the circumstance of the policy transactions. However, the ready willingness of the companies to assume the policyholders risk themselves and provide immediate reimbursement is an eloquent statement of their good faith in this matter.

Mr. Corcoran said the more than 1,400 New York residents who purchased the policies will be notified by the company which sold the policy in the next few days.

CRIMINAL JUSTICE

Governor Announces Crime Prevention Conference (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 28, 1983

New York's Director of Criminal Justice Lawrence T. Kurlander will represent the Governor at the First Governor's Conference on Crime Prevention, Governor Mario M. Cuomo announced today.

The Conference, according to Governor Cuomo:

will bring together crime stoppers and crime prevention experts from across the nation to New York, so that we as a State and each community of our State can benefit from their expertise.

The Conference participants include two Maryland police officials who use radio and television spots to get tips on drug pushers and unsolved crimes, an ex-convict who helps a nationwide convenience store stop larcenies and stick-ups, and Kenneth Fletcher, Chief U.S. Postal Inspector, who will discuss mail fraud. Also present will be Carl Loeb, President of the National Crime Prevention Council and creator of the McGruff "Take a Bite out of Crime" program.

At a series of conference-wide lectures and small-group sessions, the experts will address topics including marketing crime prevention through the media, stopping business larceny, preventing juvenile crime, and keeping the elderly from falling victim to muggers, con artists, or their own fears.

The Conference, which will be held January 31 through February 2 at the Albany Hilton, is cosponsored by the Governor's Office, the Office of Crime Prevention of the Division of Criminal Justice Services, and AMF Paragon, a manufacturer of security devices.

Governor Submits Criminal Justice Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 16, 1983

The Governor today submitted to the Legislature for introduction the bills necessary to implement his criminal justice program.

The bills:

- restructure the jury selection process to provide that the trial judge rather than the parties shall be responsible for questioning prospective jurors;
- increase the maximum terms of imprisonment for violent offenders who commit multiple crimes;
- provide a constitutional amendment to merge the statewide trial courts to maximize judicial resources;
- provide for the establishment of community-based parole transition facilities for nonviolent parole offenders; and
- provide for the establishment of a Crime Victims Fund to provide increased benefits to the victims of crime.

The bills submitted today are in addition to the appropriations contained in the Executive Budget which:

- establish a Target Crime Initiative Program to reallocate and enhance statewide anticrime funds based upon statewide patterns of violent crime including youth and gang crime;

- provide a \$4.5 million appropriation to fund programs which present an alternative to incarceration for nonviolent offenders; and
- provide \$1 million for community crime prevention projects.

Governor Cuomo, commenting on the early submission of the bills to the Legislature, stated that:

It was imperative that the bills be submitted to the Legislature as soon as practicable because of their importance in enhancing and maximizing our criminal justice resources and ensuring the existence of adequate penalties for violent offenders.

In addition to the bills currently submitted, the Governor intends, in the near future, to submit proposals to restructure the sentencing system; to establish an Anti-Corruption Act to provide for the forfeiture of the fruits and instrumentalities of crime; to authorize the Urban Development Corporation to finance prison construction projects; and to provide for life imprisonment without parole for persons convicted of murder in certain circumstances.

Governor Proposes Life Imprisonment for Murder

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 10, 1983

Governor Mario M. Cuomo today submitted legislation to toughen significantly the State's punishment of murder by authorizing the imposition of life imprisonment without parole for persons convicted of first degree murder. The bill would also expand the definition of first degree murder.

In introducing the bill, Governor Cuomo stated:

life imprisonment without parole is the surest punishment we can impose to deter a criminal. It is a sentence which insures that those found guilty of first degree murder will never again stalk our streets or be given the opportunity to harm our society. Not only does it punish

severely, but more than any other sentence, it deters.

The bill provides for the imposition of the sentence of life imprisonment without parole for persons convicted of murder in the first degree. The legislation expressly provides that a person serving a sentence of life imprisonment without parole shall not be or become eligible for parole or conditional release.

The proposed legislation also expands the definition of first degree murder to include crimes such as:

- murder committed during the commission or attempted commission or immediate flight from robbery, burglary, kidnapping, arson, rape, sexual abuse or sodomy in the first degree, or escape in the first or second degree;
- murder to prevent the intended victim from giving testimony in a criminal proceeding;
- murder in the course of which the defendant created a substantial risk of death to many persons;
- murder pursuant to an agreement with a third party for pecuniary reward;
- murder committed with intent to cause intense suffering by the victim; and
- murder committed by a defendant who was previously convicted of murder in this State or any other jurisdiction.

The bill provides for a separate sentencing hearing following a conviction of murder in the first degree to determine whether the sentence of life without parole should be imposed. Such a determination could be made by unanimous agreement of the jury or by decision of a judge sitting without a jury.

Governor Proposes UDC Prison Financing

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 24, 1983

Governor Mario M. Cuomo today submitted legislation authorizing the Urban Development Corporation to issue up to \$150 million in bonds to finance construction of

immediately needed prison space.

"Today, the State prison population stands at 29,409, or 113.3 percent of capacity. Next year at this time, it is projected to reach 30,100 and increase by 1,000 each year through 1986. Unless overcrowding is relieved, this State will see repeats of incidents as happened at Ossining in January. And next time, the consequences may be more severe," Governor Cuomo said.

To compensate for the lack of space, the Department of Correctional Services has been forced to convert program and recreational space for use as housing, fill space temporarily vacated by inmates who are in court or detention or hospital units with new inmates and develop modular units and annexes which rely on main facilities for utilities and support services, the Governor said.

Governor Cuomo said UDC financing of prison development and construction would avoid further strains on the State's current serious financial position while permitting timely expansion of prison capacity.

Governor Cuomo identified the following sites for prison construction using the financing mechanism contained in the proposed legislation.

<u>Site</u>	<u>Capacity</u>	<u>Year</u>
Altona	300	1983-84
Coxsackie Annex	500	1983-84
Watertown Expansion	290	1983-84
Ogdensburg Expansion	270	1983-84
Lockport	350	1984-85
Hancock	500	1984-85
Stuart Park	860	1984-85

Under terms of the legislation, the UDC bonds would be secured by rental payments under a lease agreement with the State Office of General Services in an amount equal to the annual debt service on the bonds. The Department of Correctional Services, in turn, would sublease the facilities and be responsible for maintenance and operations.

When the Department of Correctional Services no longer requires the added space, OGS could adapt the

space for other public or private use, with the approval of the State Budget Director. The sublease rental payments would offset the debt service payments to UDC.

The Governor said the UDC financing mechanism will assure legislative oversight of prison development since all prison construction bonds would require unanimous approval of the three-member Public Authorities Control Board composed of the chairmen of the Assembly Ways and Means Committee and the Senate Finance Committee and the State Budget Director.

State Purchases Erie Correctional Facility

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 24, 1983

Governor Mario M. Cuomo today announced that New York State and Erie County have reached agreement for the purchase by the State of the Erie County Correctional Facility in Alden for \$48 million.

The State's purchase and operation of the facility is expected to provide New York State with an additional 700 to 800 prison cells and to produce 500 permanent full-time jobs with an annual payroll of over \$10 million for the Buffalo area. Annual operating costs for other than personnel services at the State facility are expected to total \$3.5 million, with nearly \$2 million of this being spent in the Erie County area.

State renovations as well as the construction of an additional facility for Erie County are expected to produce about 760 temporary construction jobs as well as requiring approximately \$14 million worth of purchasing from local suppliers. Sewage and water improvements will also produce added jobs and will enable the development of a new industrial park in the Town of Alden. In addition, the Erie County Industrial Development Agency estimates that the ripple effect of the increased spending will produce another 1,800 jobs.

In announcing the agreement, Governor Cuomo said:

I have stated that our priorities are jobs and justice. This agreement helps us to provide both.

With regard to justice, the agreement enables us to expand our prison capacity, thereby reducing some of the overcrowding in our entire prison system. With additional cells we will increase our credibility in deterring criminals with the threat of prison sentences.

In addition, by purchasing the facility, we will be able to provide 500 additional jobs to Erie County, which suffers from an unemployment rate of 13.1 percent, 3.3 percentage points above the statewide average.

I am also pleased that the State and Erie County were able to work in such partnership for our mutual benefit. As a family, we must recognize each other's needs while sharing resources. This agreement permits us badly needed prison space while providing the County with \$48 million and additional jobs.

Under the agreement reached by the State and Erie County, the State purchase will be made in three installments. The first installment of \$20 million will be made this summer, at which time 200 beds in the facility will be made available to the State. The State will pay an additional \$10 million during its 1984-85 fiscal year. The final installment of \$18 million will be paid upon completion of Erie's own jail construction and delivery of the entire facility to the State in 1985-86.

The facility, which was built in 1926, is located on approximately 700 acres of land and presently contains 799 cells. It currently houses between 550 and 600 prisoners, 150 to 200 of which are from New York counties other than Erie and are boarded on a rental basis. Approximately 250 of the Erie County inmates are sentenced; an additional 150 to 200 are awaiting trial.

Erie County has not yet decided whether to replace the facility with a 650-cell facility on adjacent land in Alden or to expand its existing holding center in downtown Buffalo and build a 450-cell facility for sentenced prisoners in Alden.

Legislation will be submitted to incorporate the \$48 million purchase into the schedule for Urban Development Corporation bonds for prison construction approved by the Legislature. Bonds for the purchase are expected to be sold this fall. The scheduling of the additional \$48

million would leave approximately \$16 million of the total \$150 million approved by the Legislature unscheduled. Expenditures that have been scheduled by the Legislature as part of the \$150 million bond issue include money for facilities at Watertown (\$11 million), Ogdensburg (\$11 million), Woodbourne, (\$6 million), Coxsackie, (\$26 million) and Altona (\$12 million). In addition, \$20 million has been scheduled for the required debt service reserve and UDC costs.

Governor Advocates Determinate Sentencing

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 24, 1983

Governor Mario M. Cuomo today submitted legislation which would establish the mechanism by which the State can take the first major step toward the adoption of determinate sentencing.

The legislation, which was prepared in consultation with the staffs of the Codes Committees in both Houses, would establish a 14-member State Sentencing Guidelines Commission comprised of appointees of the Governor, Legislature and Judiciary.

The Commission would be responsible for developing sentencing guidelines based upon the nature of the offense and criminal history of the offender. Upon adoption of the guidelines into the law, judges statewide would be required to select a sentence from a narrow range provided in the guidelines for a particular offender who commits a specific offense.

Governor Cuomo thanked Melvin Miller, Chairman of the Assembly Codes Committee, and Ronald Stafford, Chairman of the Senate Codes Committee, for their significant contributions in assisting in the development of the legislation.

In submitting the legislation, Governor Cuomo said:

The Executive Advisory Commission on Sentencing and the Executive Advisory Commission on the Administration of Justice each concluded that inconsistency and unjustified

disparity in sentencing undermines the credibility and effectiveness of the criminal justice system. The concept of fairness in sentencing depends, in large measure, upon the imposition of similar penalties upon similar offenders who commit similar crimes.

To remedy the problem of disparate sentences the Advisory Commission recommended the adoption of a system of determine sentencing. Such a system would be based upon the concept that a court rather than the Board of Parole should set the actual period of confinement. It would ensure that both the defendant and the public will know at the time of sentencing the nature and length of the sentence.

Pursuant to the guidelines established by the Commission, judges would be authorized to enhance or reduce the sentence stipulated by the guidelines only if specified aggravating or mitigating factors are present in a specific case.

In addition to formulating mandatory sentencing guidelines, the Commission would be responsible for:

- recommending all necessary and appropriate amendments of the law for implementing the guidelines;
- establishing a mechanism for time allowances for good behavior for incarcerated inmates; and
- determining the impact of the guidelines on judicial, prosecution and defense resources, prison population, jail population, probation and parole services.

The bill directs the Sentencing Guidelines Commission to transmit the guidelines and recommend statutory amendments to the Governor and the Legislature on January 15, 1985.

Two of the members of the Commission would be appointed by the Chief Judge of the Courts of Appeals, with the Governor appointing six members and the State Senate and Assembly each appointing three. The majority in each House of the Legislature would appoint two members and the minority would appoint the third.

Governor Approves Increased Felony Sentences

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 1, 1983

Governor Mario M. Cuomo announced today he has signed legislation substantially increasing the maximum prison sentence for those convicted of multiple violent felony offenses.

The bill, which implements part of Governor Cuomo's criminal justice package, increases the aggregate maximum term of consecutive sentences for two violent felony offenses, one of which is a Class B violent felony such as rape or robbery, from 30 to 40 years. The maximum term for three or more violent felony offenses is increased from 30 to 50 years.

"The existing ceiling on the aggregate sentence is unduly low. The limitation seriously undermines the efforts of the sentencing court to provide appropriate incarceration for violent felony offenders," Governor Cuomo said. This bill "will ensure that such an offender will be incarcerated for a period of time which is commensurate with the gravity of the offender's criminal conduct," he said.

The Governor also signed two bills expanding coverage under the Crime Victims Board.

One bill permits elderly crime victims who are not injured to be reimbursed up to \$250 for the loss of eyeglasses, hearing aids, canes and other essential personal property and for reasonable transportation expenses for necessary court appearances.

The second bill permits the Board to compensate members of the immediate family of a murder victim for the cost of counseling services. Existing law permits reimbursement for psychological counseling only for victims of violent crime.

Editor's Note: See Approval Message Number 7 (Chapter 199).

Governor Announces Purchase of Correctional Facilities

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 8, 1983

Governor Mario M. Cuomo announced today he had submitted legislation adding the Erie County Penitentiary and the Police Recreation Center in the Town of Hunter, Greene County, to the list of facilities to be purchased for conversion into correctional facilities.

The State Urban Development Corporation would buy the two facilities for \$63 million.

**Governor Announces Construction Program
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 24, 1983

Governor Mario M. Cuomo today announced plans to build five prisons to provide the State with an additional 1,000 maximum-security, 1,500 medium-security and 150 minimum-security beds.

Construction of the maximum-security facility in the Bronx, medium-security prisons at Albion, Attica, Comstock, and a minimum-security facility at Lyon Mountain is expected to generate 1,100 construction jobs as well as 2,050 permanent jobs. In addition, the ripple effect of the prison construction should generate between 3,000 and 3,500 jobs in the surrounding communities.

The facilities, which will be designed to accommodate viable secondary residential and/or economic development uses in the future when prison populations are expected to decline, will be paid for under a proposed \$230 million increase in UDC bonding authority.

In making the announcement, Governor Cuomo stated:

Everyone in the State is aware of the urgent need for additional prison beds for our system which is 16 percent over capacity. The sites we are announcing today provide us with badly

needed space throughout the State. The Bronx site not only adds to our total capacity but provides us with the ability to house 1,000 prisoners closer to their homes in the metropolitan area and to continue our policy of spreading the burdens and the benefits of prison construction evenly across the State.

Governor Cuomo has agreed to NYC Mayor Ed Koch's request to reserve a portion of the site for possible use by the City for a future City detention facility. Governor Cuomo said:

This project could not have moved forward without the backing of Mayor Koch, who supported our efforts to locate a major State prison in New York City. The Mayor's cooperation in meeting the need for a prison in the metropolitan area was a key in finding this site.

I am pleased that construction of the Bronx prison site will provide 300 construction jobs, 700 permanent jobs, and 1,190 other jobs in the surrounding community.

A 20-acre tract in the area of the Harlem River Yard in the Bronx has been selected as the site for the new 1,000-bed maximum-security State prison.

Selection of this site was the result of an intensive review of properties in New York City. The effort required close cooperation between the Governor and his staff and Mayor Edward Koch and his staff.

The search for the New York City site was conducted by the Governor's Director of Criminal Justice Lawrence Kurlander and Correctional Service Commissioner Thomas A. Coughlin III.

Plans call for the construction of two 500-bed housing units to be supported by program and service buildings that will also be erected on the site.

The proposed prison would be on land that is now part of an extensive railroad yard located at 132nd Street and the Harlem River, east of the Triborough Bridge.

The estimated cost of the project is \$100 million with

occupancy scheduled to begin in 1986.

Lands adjacent to the Attica, Albion and Great Meadow correctional facilities have been selected as sites for new 500-bed free-standing medium-security prisons. These new facilities, costing about \$30 million each, would operate independently of the existing facilities.

In addition, the prison expansion plan also calls for the purchase and renovation of the Lyon Mountain Central School in Clinton County for conversion to a 150-bed minimum-security prison. This project would cost an estimated \$10 million.

Plans have already been approved for the development of 2,300 additional beds during 1983-84 using UDC bonds and current appropriations. Of the additional \$230 million of UDC bonding authority to be requested, \$30 million will be used for necessary debt service reserve and UDC costs.

Since January 1, 1983, New York State's prison population has increased from 28,466 inmates to the current 30,324 inmates.

Governor Approves Criminal Justice Measures

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 28, 1983

Governor Mario M. Cuomo today signed legislation establishing a State Sentencing Guidelines Committee as the first step in developing a system of determinate sentencing.¹

He also signed legislation to:

— Expand membership on the State Board of Parole from 12 to 15 members and strengthen qualification requirements.

— Increase the bonding authority of the Urban Development Corporation by \$230 million to build a 1,000-bed maximum-security correctional facility near the Harlem River Rail Yard in the Bronx and three 500-bed medium-security facilities on the grounds of Albion, Attica and Great Meadow correctional facilities, and to

buy and develop a 150-bed minimum-security facility at the Lyon Mountain School in Clinton County.²

— Appropriate \$48 million for State purchase of the Erie County Penitentiary to provide between 700-800 maximum-security cells.³

In signing the Sentencing Guidelines Committee legislation, Governor Cuomo said, "Diligent police work and hard-nosed prosecuting mean little if they result in an ineffective sentence."

"Disparate and uncertain sentences are sentences that don't work. The concept of fairness in sentencing depends, in large measure, upon the imposition of similar penalties upon similar offenders who commit similar crimes," he said.

"This legislation is a beginning in the development of a system to replace open-ended and inconsistent sentences with firm guidelines that will be applied uniformly throughout the State," Governor Cuomo said.

He said:

The adoption of a determinate sentencing system will be based on the concept that a court rather than the Board of Parole should set the actual period of confinement. It would ensure that both the defendant and the public will know at the time of sentence the nature and length of the sentence.

Under terms of the bill, the Sentencing Guidelines Committee is required to transmit mandatory sentencing guidelines and recommend statutory amendments to the Governor and the Legislature on January 15, 1985.

In addition, the Committee would be required to establish a mechanism for time allowances for good behavior for inmates and determine the impact of the guidelines on judicial, prosecution and defense resources, prison population, jail population and probation and parole services.

Upon enactment of the guidelines, sentencing judges would be authorized to increase or reduce the guideline sentence if specified aggravating or mitigating factors exist.

The Committee would consist of 14 members — six appointed by the Governor, six by legislative leaders and two by the Chief Judge of the Court of Appeals.

Governor Cuomo noted that the Executive Advisory Commission on Sentencing and the Executive Advisory Commission on the Administration of Justice each recommended the adoption of a system of determinate sentencing. Those bodies concluded that unjustified disparity and the lack of certainty in sentencing undermines the credibility and effectiveness of the criminal justice system.

"The twin goals of certainty and consistency are the benchmarks of rational, fair and effective sentencing policy. This bill represents a commitment by my Administration and the Legislature to achieve these objectives," he said.

Governor Cuomo said the expansion of the Board of Parole is necessary because of a "tremendous increase in the State's prison population." The Board of Parole membership has remained constant at 12 since 1964, when the inmate population was approximately 19,000. Today, it stands at 30,524. Since that time, the Board's jurisdiction has expanded to include juvenile offenders housed in Division for Youth facilities. The number of Department of Correctional Services facilities also has increased, increasing travel time for Parole Board members.

The bill also requires newly appointed Parole Board members to meet certain degree and criminal justice experience requirements.

With the signing of the two prison expansion and construction financing bills, the Governor has taken action to accommodate the prison population pressure with the addition of more than 5,000 prison spaces over the next several years.

The prison population currently is at 117.1 percent of capacity.

¹ Editor's Note: See Approval Message Number 62 (Chapter 711).

² Editor's Note: See Approval Message Number 64 (Chapter 713).

³ Editor's Note: See Approval Message Number 63 (Chapter 712).

Governor Approves Aid to Crime Victims Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 4, 1983

Governor Mario M. Cuomo announced today he has signed three bills to aid greater numbers of deserving crime victims and their families.

One of the bills eases the eligibility standards for crime victims to qualify for reimbursement by changing the current showing of serious financial hardship to a showing of financial difficulty.

The showing of serious financial hardship as a result of a crime, combined with a requirement that the Crime Victims Board must consider all of the financial resources of a claimant in making an eligibility determination, is "overly stringent and has operated to exclude many deserving claimants from compensation," he said.

Under the new "financial difficulty standard," the Board must exempt from consideration a claimant's home up to \$100,000 or five years of rent, household furniture, appliances and other personal effects, automobile, tools necessary for the claimant's trade or business and life insurance except in death claims. It also has discretion to exempt up to \$100,000 for a portion of the claimant's annual income required to meet reasonable living expenses and the value of inventory necessary for a claimant's business and occupation.

The Board also must consider all factors relevant to a claimant's financial status, including the number of dependents, special health, rehabilitative or educational needs of the victim and the victim's dependents, the victim's employment situation and earning potential, indebtedness and financial resources.

Governor Cuomo also signed legislation permitting victims of serious violent crimes committed by a member of the victim's family to be eligible for awards. The current exclusion has created hardship for women who suffer serious injury or death at the hands of their former or estranged husbands and the children in these families.

A third bill signed by the Governor permits reimbursement for burial expenses of crime victims to a person other than a member of the victim's family if the person experiences serious financial hardship as a result of incurring the expense.

Existing law permits reimbursement for funeral expenses only to family members.

Governor Approves Alcohol-Related Driving Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 22, 1983

Governor Mario M. Cuomo announced today that he has signed two bills concerned with alcohol-related driving offenses.

The first bill, sponsored by Senator William Smith provides that, upon sentencing for an alcohol-related driving conviction for which mandatory suspension or revocation is required by statute, the magistrate or judge shall issue an order revoking or suspending the license and the license holder shall surrender the license to the court.¹

"The surrender of a driver's license upon sentencing provides the courts with a swift method of dealing with drunk driving," said Governor Cuomo. "Senator Smith is to be applauded for this legislation and the great effort he has made in the area of drunk driving."

The bill permits the judge who issues a suspension or revocation order to delay the effective date of the order for 20 days after sentencing unless the defendant has a prior alcohol-related driving conviction within the preceding five years or the defendant had been charged with a violation of assault or related offense or homicide or related offenses arising out of the same incident.

The second bill proposed by Senator Norman Levy, provides for information to motorists concerning legal and financial consequences of driving while intoxicated or impaired.² The bill requires insurance companies, when issuing or renewing private passenger insurance policies, to provide the insured with information on the

consequences of convictions for driving while intoxicated or impaired by alcohol or drugs.

The bill takes effect September 1, but applies only to policies issued 180 days after the Insurance Department has supplied the companies with the informational statement.

¹ Editor's Note: See Chapter 892 of the Laws of 1983.

² Editor's Note: See Chapter 896 of the Laws of 1983.

Governor Cuomo Approves Increased Traffic Fines

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 22, 1983

Governor Mario M. Cuomo today announced his approval of a measure raising fines for running a red light. The legislation, which has been urged by New York City in connection with a campaign to crack down on red light violators, calls for fines of up to \$350 for a third red light conviction within 18 months.

The New York City Police Department initiated the campaign November 1 last year to reduce accidents involving pedestrians and to discourage flagrant disregard for traffic laws. Through August 8 this year, the Police Department issued 65,973 summons for red light violations.

Under current Vehicle and Traffic Law, a first offense can draw a maximum fine of \$50, a second offense within 18 months a fine of \$100 and a third offense, \$250. Under the new legislation, which takes effect September 1, the previous maximums become minimum fines and the new maximums are \$100 for a first conviction, \$250 for conviction of a second violation within 18 months and \$350 for a third conviction within 18 months.

Editor's Note: See Chapters 926 and 927 of the Laws of 1983.

Governor Forms Sentencing Guidelines Committee

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 16, 1983

Governor Mario M. Cuomo announced today his six appointments to the 14-member Sentencing Guidelines Committee created to examine reform of New York State's sentencing laws.

"The Sentencing Guidelines Committee represents our best hope for addressing the uncertainties and inequities which have plagued the administration of criminal justice and contributed to disrespect of the law and crises in our overburdened prisons," Governor Cuomo said.

The Committee will be chaired by Joseph W. Bellacosa, Clerk of the Court of Appeals since February 1975. He is resigning that position next month to become Professor of Law and Director of the Governmental Law Center at Albany Law School.

Also appointed by Governor Cuomo were:

- Arthur L. Liman, a partner in the New York City law firm of Paul Weiss, Rifkind, Wharton and Garrison, and a recognized authority on sentencing policy;
- Austin Gerald Lopez, a leading criminal defense attorney and former President of the Puerto Rican Bar Association;
- Robert M. Morgenthau, Manhattan District Attorney, and former Chairman of the Executive Advisory Committee on Sentencing;
- Vincent O'Leary, President of the State University of New York at Albany, and a nationally known expert in probation and other aspects of criminal justice; and
- Lynn Walker, Program Officer of the Ford Foundation's Human Rights and Governance Program and a former attorney for the U.S. Department of Justice and the NAACP Legal Defense and Educational Fund, Inc.

The Sentencing Guidelines Committee, established by law this year, is the first step in the development of a system of determinate sentencing, replacing open ended

and inconsistent sentences with firm guidelines that will be applied uniformly throughout the State, Governor Cuomo said.

Under terms of the legislation, the Committee is required to transmit mandatory sentencing guidelines and recommend statutory amendments to the Governor and the Legislature on January 15, 1985.

Lawrence T. Kurlander, State Director of Criminal Justice, hailed the appointees as "outstanding experts in the field of criminal justice."

The Committee also will include two members appointed by the Chief Judge of the Court of Appeals and six persons named by the legislative leaders. Last month, Chief Judge Lawrence H. Cooke appointed Justice Betty Weinberg Ellerin of the State Supreme Court and Judge Milton L. Williams of the New York City Criminal Court. Senate Minority Leader Manfred Ohrenstein named Michael E. Smith, Executive Director of the Vera Institute of Justice, to the panel. The remaining appointments are expected soon, and will enable the Committee and its staff to begin operations.

Mr. Bellacosa is a graduate of St. John's University Law School, where he also served as Professor of Law and Assistant Dean for Academics and Administration. He and his wife, the former Mary T. Nirrengarten, reside in Guilderland. They have three children: Michael, 21, Peter, 20, and Barbara, 18.

After graduating first in his class from Yale Law School, Mr. Liman served as an Assistant United States Attorney, Chief Counsel to the New York State Special Commission on Attica, Chairman of the Executive Advisory Committee on the Administration of Justice, and as a member of the New York State Executive Advisory Committee on Sentencing. He is active in several civic and professional organizations, and is President-elect of the Legal Aid Society of New York.

Mr. Lopez is a decorated combat veteran of the U.S. Marine Corps, who went on to graduate from Columbia University and New York Law School. As Associate Director of Community Law Offices in New York City, he supervised over 60 attorneys from established Wall Street firms who were engaged in pro-bono representation

of indigent clients. Mr. Lopez is active in several Hispanic organizations and the American Legion.

District Attorney Morgenthau is a graduate of Amherst College and Yale Law School and holds several honorary degrees from leading colleges and universities. After serving as a naval officer in World War II, he worked both in the private practice of law and as U.S. Attorney for the Southern District of New York before becoming District Attorney of New York County in 1975. He is married to Lucinda Franks, the writer, and has five children.

After serving as Chief Probation and Parole Officer for the State of Washington and Director of Parole in Texas, Mr. O'Leary began a distinguished academic career that saw him rise from professor to Dean of the School of Criminal Justice to President of the State University at Albany. He has published widely in many areas of criminal justice and is nationally known for his work in the corrections field. He is married to Yu Lihua, a novelist, and has two daughters, Catherine and Elizabeth.

Ms. Walker was educated at Fisk University, Barnard College, and Columbia University School of Law. After working as a law clerk to Federal Judge Constance Baker Motley, she was a staff attorney for the NAACP Legal Defense and Educational Fund and General Counsel to the New York City Commission on Human Rights. Before joining the Ford Foundation in 1982, she spent five years in the U.S. Department of Justice, leaving as Acting Deputy Assistant Attorney General.

DISASTER ASSISTANCE

Governor Requests a Presidential Disaster Declaration

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 19, 1983

Governor Mario M. Cuomo announced today he has asked President Reagan to declare a "major disaster" for Broome, Chautauqua, Chemung, Oneida and Tioga Counties because of heavy damage and personal hardship from the May 2-3 tornados and severe storms.

The Governor said he is seeking the presidential declaration because State and local government resources are "insufficient to provide for rapid recovery."

Preliminary reports from the State Office of Disaster Preparedness show "at least three dead, several dozen injured, hundreds of homes destroyed or damaged, and a combined monetary loss to private residential, business, agricultural and public property of almost \$25 million," the Governor said in his letter:

"The consequences required me to declare a State Disaster Emergency which permitted the implementation of the New York State Disaster Preparedness Plan and required all State agencies to provide all possible assistance to the affected communities in order to protect the public's health and safety," the Governor said.

"Despite our best efforts, the combined available State and local government resources are insufficient to provide for rapid recovery and the mitigation of the effects. This catastrophe is of such severity and magnitude as to require Federal assistance to satisfy the needs of the people and of those communities adversely affected by it," Governor Cuomo said.

"Losses are particularly devastating when one considers that the affected communities are largely rural and agricultural in nature and can be categorized as economically depressed areas. The financial loss alone is essentially nonrecoverable and impacts severely on the quality of life of the people," the Governor said.

A presidential declaration would make available, under the Disaster Relief Act of 1974, a number of programs to aid individuals and municipalities for uninsured losses. Among them are temporary housing, individual family grants, disaster unemployment coverage and grants to repair water systems, highways and public buildings.

Editor's Note: See also Executive Orders Nos. 13 and 14, and accompanying press releases for additional information.

Governor Requests SBA Disaster Loan Assistance

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 15, 1983

Governor Mario M. Cuomo sent the following telegram today to Peter Neglia, Regional Director of the Small Business Administration requesting disaster loan assistance be made available to eligible property owners and businesses in the Garment District:

Dear Mr. Neglia:

On August 10, 1983 a severe fire occurred in the Garment District of the Midtown Manhattan area in New York City.

A preliminary survey indicates that extensive damage and economic disruption has occurred throughout this area. In addition, the effects of this event have severely impacted associated garment subcontractors in the Chinatown District. At this time, 77 properties and businesses have been damaged or impaired with losses in excess of \$510,000. The average uninsured loss of these establishments is in excess of 40 percent of their fair market replacement value.

Given the severity of this situation and the impact upon the economy of New York, I hereby request that Small Business Administration Disaster Loan Assistance be made available to eligible property owners and businesses in the affected area.

Should any further information be required, please contact Mr. Donald A. DeVito, Director, State Office of Disaster Preparedness in Albany, New York.

Sincerely,

(Signed) **MARIO M. CUOMO**

Attached is a copy of Mayor Koch's letter to the Governor.

* * *

August 15, 1983

Dear Governor Cuomo:

At 1:50 A.M. on Wednesday August 10, 1983, a 12-inch water main burst beneath 38th Street and Seventh Avenue in New York City. The break on August 10th caused a Consolidated Edison substation to flood. The flood short-circuited electric equipment in the substation, starting an intense fire underground. The fire was fueled by 50,000 gallons of transformer oil. The fire raged for 14 hours, completely demolishing the Con Edison substation. The substation served an area comprising a major portion of the City's garment center. This area was totally blacked out from early Wednesday morning August 10, 1983 through early Saturday morning August 13, 1983.

The blackout came in the midst of Market Week, when buyers from throughout the country are in New York to make their purchases for next year's holiday and resort seasons. Ordinarily \$100 million worth of goods would be purchased daily during this week. Business activity in the Garment District during the blackout was severely curtailed.

The impacted area contains not only garment industry firms but also many small businesses which serve the Garment District. It is estimated that 4,000 businesses and 75,000 workers were affected by the blackout. Losses to retail businesses and food establishments are estimated to range from \$2.25 to \$2.75 million per day. Losses are twofold: both physical loss, especially of perishable items; and direct economic losses.

In addition to the area directly impacted, many garment industry subcontractors elsewhere in New York City have been harmed. For example, in New York's Chinatown approximately 20,000 persons are employed in garment industry related firms.

Therefore, the City of New York hereby requests, in accordance with the requirements of the Small Business Act, Public Law 85-536, Section 7(b), as amended, a petition for a Small Business Administration Disaster Declaration for the physical and economic damage which occurred as a direct result of the power failure on August 10, 1983. The area is bounded by the west side of Sixth Avenue to the east side of Seventh Avenue and the north

side of 30th Street to the south side of 42nd Street and also the building at 500-512 Seventh Avenue.

In order to meet the criteria of a minimum of 25 firms suffering damage, the City of New York has conducted a preliminary survey of 77 commercial establishments suffering physical damage. The survey indicates the following:

Fair Replacement Value of Damaged Items: \$509,110.00

Insurance Coverage: None (some unknown)

A complete list of establishments and backup material will be kept on file in the New York State Office of Disaster Preparedness.

The City also will be requesting a Disaster Declaration for Economic Injury suffered by other commercial establishments not included in the above boundaries, such as those garment industry subcontractors located in the Chinatown area.

Thank you for your cooperation.

Sincerely,

(Signed) **EDWARD I. KOCH**
MAYOR

**Governor Announces Disaster Loan Assistance
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 18, 1983

Governor Mario M. Cuomo announced today that the Small Business Administration has approved disaster loan assistance for eligible businesses in the New York City Garment District as a result of the August 10 fire and blackout.

Governor Cuomo said he was informed of the approval by the Federal Emergency Management Agency. The Governor said, "I applaud and thank the Federal

government for its prompt and meaningful response. New York businesses can now begin to recover from this disaster."

Governor Cuomo Comments on Bellport Explosion

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 1, 1983

Governor Mario M. Cuomo issued the following statement regarding disaster relief following the Grucci Fireworks Co. explosion in Bellport, Long Island:

Since Saturday afternoon, November 26, the day of this terrible explosion, staff of the State Office of Disaster Preparedness have been working closely with the affected residents of the neighboring community and with the appropriate Federal, Suffolk County and town authorities. Our goal has been clear: To provide every possible financial assistance and nonfinancial support to the victims of this tragedy.

Thanks to the extraordinary cooperation of personnel from the Federal Emergency Management Agency and the U.S. Small Business Administration, as well as insurance adjusters representing the various properties affected by the blast, it has been determined that the combined homeowner insurance coverage of the individual property owners and the liability insurance carried by the Grucci family appears sufficient to cover the costs of necessary rehabilitation.

Since Federal Small Business Administration loans for rebuilding are available only to the extent that insurance coverage is not adequate to meet this financial liability, it does not appear at this time that the situation meets the Federal requirements for disaster relief.

However, I have directed Dr. David Axelrod, Chairman of the State Disaster Preparedness Commission, to identify available sources of State and private funds to insure that no family will be prevented from rehabilitating its home for lack of adequate resources.

I have also asked the State Department of Social

Services and other agencies involved in crisis intervention to work with their local counterpart agencies to insure that all appropriate counseling services and other needs of the affected families are provided as rapidly as possible.

Governor Comments on Buffalo Disaster

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 28, 1983

Last night, at 8:30 P.M., the City of Buffalo was rocked by an explosion. New York State officials, under the direction of the Chairman of the Disaster Preparedness Commission, State Health Commissioner David Axelrod, M.D., were immediately on the scene to work with local officials and to determine what was needed to prevent further loss of life and damage to property. Invaluable assistance was also rendered by units of the New York State Police.

First, I would like to express my sorrow over this great tragedy during the Christmas season. So far, six individuals are known to have lost their lives, many more are severely injured or missing. Seven homes have been destroyed, and 30 homes are not currently habitable as a result of structural damage caused by the explosion. I wish to express particular regret over the five firemen who have lost their lives and those who have been severely injured in the attempt to contain the fires that resulted from the explosion. In addition, three fire vehicles have been destroyed at an estimated cost of \$500,000.

This morning I immediately convened an emergency meeting of my senior staff to discuss what can be done to help the City of Buffalo. We will pursue every possible source of State aid that is presently available. Every relevant agency in the State will be called on to provide whatever assistance is necessary. In particular, the State Police and Departments of State, Transportation, Housing and Community Renewal, Social Services and Health have already taken steps to assist in this crisis.

I have spoken personally with Mayor Griffin and

County Executive Rutkowski. They will formally request that a State declaration of disaster be declared. I have issued such an Executive Order.

I have sent a letter to the President informing him of what has happened in Buffalo and asking him to do whatever he can to expedite all future requests for Federal assistance. I also expect that the Federal Emergency Management Agency and the Small Business Administration will continue its close working relationship with New York State and render whatever assistance is necessary in assessing the damage.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 28, 1983

Dear Mr. President:

On the night of December 27, 1983, an explosion occurred in the City of Buffalo resulting in many deaths and injuries causing extensive damage to private and commercial buildings in the area. At this time, State and local officials are still attempting to ascertain the full scope of this disaster.

In order to expedite any possible relief, I hereby request Federal assistance in assessing the extent of this catastrophe and in determining those programs which may bring some relief to this stricken area. Your support and that of the Federal Emergency Management Agency and Small Business Administration has been of great assistance to the State in recent local disasters, and I will appreciate whatever you can personally do to help the people of Buffalo cope with this tragedy.

Sincerely,

(Signed) **MARIO M. CUOMO**

Editor's Note: See Executive Order Number 30.

ECONOMIC DEVELOPMENT**GENERAL****Governor Submits Federal Aid Agenda**

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 21, 1983

On January 7, 1983 Governor Cuomo wrote President Reagan pledging to submit a detailed agenda of the Federal aid needs of Western New York following the Bethlehem Steel Corporation's announcement to lay off 7,300 workers in 1983.

Today, Governor Cuomo has submitted that agenda to the White House and renewed his invitation to the President to visit Lackawanna, New York.

A copy of the letter follows.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 21, 1983

Dear Mr. President:

In my letter of January 7th, I informed you that I had directed my Emergency Task Force to submit to me a detailed agenda of the Federal aid needs of Western New York in the wake of the Bethlehem Steel Corporation's announcement to lay off 7,300 workers from its Lackawanna, New York, plant in 1983.

That Task Force, in consultation with Senators Moynihan and D'Amato and Congressmen Nowak and Kemp, has recommended several immediate steps that the Federal government can take to cushion slightly the harsh impact of the proposed layoffs. They are:

- Securing final approval from the Department of Labor's Office of Trade Adjustment Assistance for petitions of certification under the Trade Act of 1974 filed seven months ago by workers at Lackawanna, Bethlehem Steel and Buffalo

Republic Steel, numbers TA-W13644 and TA-W13609. Such approval would permit approximately 9,000 displaced steel workers to obtain up to \$32 million of increased support, at a time when it is absolutely essential.

- Allocating \$10 million from the Secretary of Labor's discretionary funds under the Comprehensive Employee Training Act (CETA) program. This will provide training and placement services for those affected by Bethlehem's closing, as well as others, in Western New York who are similarly situated.
- Prompt release of New York's share of the \$25 million dislocated workers program recently authorized by Congress for 1982-83. We expect that New York's share of these funds would total at least \$2 million.
- Providing up to \$1 million to the Erie County Industrial Development Agency from the Economic Development Agency to study possible alternative uses of the Bethlehem plant.
- Allocating \$5 million from EDA to the Erie County Industrial Development Agency for the latter's revolving loan program.

There are additional steps that the Federal government could take in the months ahead that would contribute further to stabilizing the economy of Western New York. There are, for example, numerous industrial development projects that have been identified by the Erie County Industrial Development Agency that would qualify for assistance from EDA. Activation of the EDA loan guarantee program authorized by Congress could provide up to \$10 million for the Niagara Frontier. Also, I urge the Administration to make special efforts to identify opportunities for Western New York companies to participate in the procurement programs of the Department of Defense and other agencies.

I request you direct the White House liaison to Western New York, John Dressendorfer, to review this initial agenda and take all steps necessary to secure prompt action from the agencies involved. We look forward to a continuing partnership to improve the

human and economic conditions of the people of Western New York.

I again renew my invitation to join me in a visit to the Bethlehem Steel Corporation plant in Lackawanna, New York.

Thank you for your consideration.

Respectfully,

(Signed) **MARIO M. CUOMO**

Editor's Note: See additional material pertaining to Western New York in the Local Government subsection.

**Governor Establishes Regional
Development Councils**

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 17, 1983

Governor Mario M. Cuomo today announced he will establish nine Regional Economic Development Councils throughout the State.

"As I said in my *State of the State* message," the Governor noted:

New York needs a comprehensive regional development effort. These task forces will formulate their own regional strategies as well as identifying ways in which State government can help local communities and industries adjust to economic change and attract new industries.

These task forces are patterned on the Western New York Economic Development Task Force that I initiated as Lieutenant-Governor.

I have asked Lieutenant-Governor Al DelBello to work with Commerce Commissioner William Donohue in establishing these councils. Among their members will be representatives from local government, business and labor associations,

principal population centers, and academia.

Lieutenant-Governor DelBello and Commissioner Donohue are now engaged in the process of meeting informally in all the regions of the State with leaders of government, business, and labor to solicit recommendations for council membership.

"Importantly, these councils will not cost the State money. The Department of Commerce district office staff and other local economic development professionals will provide the necessary staff. Technical assistance will be supplied by the Department of Commerce, the Job Development Authority and the Science and Technology Foundation as well as other State agencies where needed," Governor Cuomo added.

The objectives of the councils will be:

1. To establish regional partnerships of government, business, labor and academia.
2. To coordinate capital investment to achieve optimal economic growth and the greatest possible impact for each investment.
3. To develop regional and countywide economic development strategic plans.
4. To identify high priority projects for the State's Infrastructure Renewal Program.

The nine regional councils and the counties they will comprise are listed on the attached sheet.

* * *

NYS ECONOMIC DEVELOPMENT REGIONS

REGIONAL AREA	COUNTIES WITHIN
Long Island	Nassau, Suffolk
New York City	Kings, Queens, Bronx, Richmond, New York
Hudson Valley	Westchester, Rockland, Putnam Orange, Sullivan, Ulster, Dutchess
Capital District	Greene, Columbia, Schoharie,

REGIONAL AREA	COUNTIES WITHIN
	Albany, Rensselaer, Schenectady, Saratoga, Montgomery, Fulton, Washington, Warren
Adirondack Region	Hamilton, Lewis, Jefferson, St. Lawrence, Franklin, Clinton, Essex
Central New York	Oneida, Herkimer, Oswego, Cayuga, Onondaga, Madison, Cortland, Tompkins
Southern Tier	Delaware, Otsego, Chenango, Broome, Tioga, Chemung, Schuyler, Steuben
Finger Lakes	Seneca, Yates, Wayne, Ontario Livingston, Monroe, Orleans, Geneseo, Wyoming
Western New York	Allegany, Cattaraugus, Chautauqua, Erie, Niagara

**Governor Announces Small Business Innovation
Research Programs**

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 22, 1983

Governor Mario M. Cuomo announced today the start of a statewide effort to help New York State firms benefit from Small Business Innovation Research (SBIR) Programs now being established in ten Federal agencies.

"To advise quickly our small business community of this important Federal initiative and to assist them in preparing and submitting effective SBIR contract proposals, I have directed the State Department of Commerce, the New York State Science and Technology Foundation, New York's small business leadership and our public and private colleges and universities to join in an effort to bring home the benefits of this new Federal R & D program to New Yorkers," Governor Cuomo stated.

The Governor also thanked Congressman John

LaFalce, the original sponsor of the SBIR legislation, and added that "this is the first of what will be numerous attempts to attract a greater share of the Federal government's \$150 billion annual procurement budget to New York State."

These programs will direct Federal research and development contracts to qualified small businesses nationwide in three distinct phases. The first phase will grant firms up to \$50,000 for research projects of interest to Federal agencies. The second phase will provide funds to those projects found most promising up to \$50,000. Phase III pursues commercial applications for government R & D conducted in Phases I and II.

The Governor said that \$45 million will be available under this program this year and that by 1987 the amount of funds committed to SBIR should exceed \$450 million.

He pointed out that ten separate Federal agencies will establish SBIR programs, and that most of these programs will be fully operational within the next several weeks. The Defense Department, for example, began solicitations for its SBIR program on Monday, March 15, and will channel a large share of available SBIR funds, Governor Cuomo said.

Commerce Commissioner William J. Donohue said that workshop sessions to help small firms understand how to compete for an SBIR contract will be held in Albany on March 30th; Buffalo on April 13th; and Long Island on May 5th. A fourth workshop to be held in New York City at a later date is currently being organized.

Governor Orders Convention Center Cost Review

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 31, 1983

Governor Mario M. Cuomo ordered a review within the next 20 days of the projected costs and construction schedule of the New York Convention Center. The request was made of Richard Ravitch, Chairman of the Triborough Bridge and Tunnel Authority and William Stern, Chairman of the Urban Development Corporation. The Convention Center is being constructed by the

Convention Center Development Corporation, a joint venture of UDC and TBTA. Stern, newly confirmed Chairman of UDC becomes a member of the CCDC board effective April 14.

Governor Cuomo asked specifically from Chairman Ravitch and George Schoepfer, President of the Convention Center Development Corporation, for a review of all cost containment audits performed by independent auditors for the New York State Comptroller. The most recent audit, released yesterday, concluded that without the use of at least \$10 million in interest earnings from bonds issued to finance the structure, the Center could not be built within its statutory limit of \$375 million. Additionally, the Governor requested that the review consider all other cost analyses that have been undertaken, including a recent internal UDC report which concluded that the cost overruns may total between \$25 million and \$50 million. The review, to be completed within 20 days, is to include an analysis of projected costs, and, if necessary, recommendations for financing options; design, construction and operating changes; and possible statutory changes.

"The construction of the New York Convention Center is a massive and complex undertaking. While I remain committed to the development of a world-class facility, I am disturbed that both its ultimate cost and its completion date are still unclear. I am therefore asking Dick Ravitch and Bill Stern to analyze all the available information and report back to me on what measures can be taken to both contain costs and complete the facility as expeditiously as possible," said Governor Cuomo.

Governor Supports New York Homeport (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 20, 1983

Governor Mario M. Cuomo in Washington today released a letter to President Reagan dealing with a proposal to homeport a Navy Surface Action Group in the Port of New York and New Jersey.

* * *

April 19, 1983

Dear Mr. President:

On March 30, Governor Kean and I, in conjunction with the Mayors of New York City and Bayonne, New Jersey, submitted a proposal to the Department of the Navy to homeport a Navy Surface Action Group in the Port of New York and New Jersey. The proposal, submitted in response to a request by the Navy, is widely endorsed by governmental, business, labor and civic leaders in New York and New Jersey demonstrating the importance to the metropolitan region of homeporting a Surface Action Group in our harbor. The \$68 million annual military and \$75 million annual civilian payroll generated by the Action Group would make a tremendous contribution to the revitalization of the metropolitan area economy.

I strongly urge your support of our proposal.

Homeporting the Surface Action Group in the Port of New York and New Jersey would represent the most significant decision regarding military expenditures in the metropolitan area in decades, and would reverse a 30-year trend of declining defense expenditures in the region. While the number of Department of Defense employees in the United States increased by 76 percent over the past 32 years, the number of Defense employees in New York State has remained basically unchanged and actually declined in New Jersey over the same period of time. In 1983, the national average per capita defense expenditure was \$539 million, but only \$159 million in New York and \$336 million in New Jersey. The homeporting decision, therefore, provides your Administration with a unique opportunity to address the current regional imbalance of defense expenditures.

The proposal provides strong documentation that each of these sites in our port would meet the technical requirements set forth by the Department of Navy. There are many other compelling reasons for one of the sites to be selected. The area in and around the Port of New York is becoming a center of emerging technologies in ship design and the home of engineering firms of national importance. Recently there has been a resurgence of naval repair activity. The region offers unparalleled recreational and cultural opportunities, as well as fine

education and transportation systems. Finally, to further demonstrate our commitment to bringing the Surface Action Group to the New York/New Jersey harbor, the Port Authority has offered to finance the construction cost of on-site facilities.

Mr. President, I applaud Secretary Lehman's plan for strategic dispersal and strongly believe that the New York/New Jersey proposal provides the most effective means of implementing his plan.

I join with Governor Kean, Mayors Koch and Collins, the entire New York and New Jersey Congressional Delegations, the business, labor, community and civic leaders in the region in extending our welcome to the Department of the Navy.

I personally pledge to provide any assistance your Administration may require in evaluating the New York/New Jersey proposal.

Sincerely,

(Signed) **MARIO M. CUOMO**

Governor Announces Chemung County Grant

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 21, 1983

Governor Mario M. Cuomo announced today that the State is providing a Chemung County group with \$57,500 to develop a preliminary business plan for reopening the former A&P food processing plant in Horseheads.

The Governor said a business plan study will be carried out by an association of former plant employees, the Job Preservation Company, Inc. (JPC), which will receive the funding from the New York State Urban Development Corporation.

"The plant played a major role in maintaining the economic well-being of Chemung County," the Governor said. "Participation by UDC in efforts to restore the plant as an active business enterprise reflects the agency's

expanded mission to aid in the development of rural as well as urban New York State."

Built in 1965 and capable of producing 600 million pounds of processed food annually, the 1.5 million square-foot plant was originally designed to serve over 5,000 A&P supermarkets. At its operational peak, in 1967, the plant employed 2,800 persons. However, due to declining markets and the consequent closing of many A&P outlets, employment gradually decreased, and the plant was closed in May of 1982. During the final years of operation, 1,400 employees were discharged.

With no prospective buyer willing to reopen the plant in the offing, former managerial and production line employees formed JPC. The group developed a proposal to buy and operate the plant, and in October, 1982, approached UDC requesting technical assistance with the proposed plant reactivation. UDC commissioned a preliminary study which found sufficient merit in JPC's proposal to justify further planning and detailed analysis.

The new study will determine whether reopening the plant is economically feasible. It will include detailed sales projections and requirements for the product line, personnel, and preliminary start-up costs. The study is also expected to identify financing from major potential sources such as Urban Development Action Grants.

The business plan is scheduled for completion in 90 days to 120 days, with UDC periodically evaluating the work.

Governor Proposes Insurance Law Reform

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 6, 1983

Governor Cuomo announced today he has submitted legislation reforming the New York State Insurance Law to liberalize limitations on investments and activities of insurance companies in the State and at the same time make boards of directors of insurance companies more accountable to the public.

The Governor's bill simplifies the law governing

insurance companies' investments. It would liberalize many of the restrictions that have been amended — piecemeal — over the years, and allow insurers the flexibility to meet changing needs and conditions.

The amendments regarding life insurance company investments include:

- establishment of the types of investments which may be made, subject to a standard of care that directors and officers of life insurance companies must follow in making investments; and
- specifying a limit of 40 percent of a company's admitted assets for equity-type investments to assure solvency. In addition, the bill provides incentives for an insurance company to invest in businesses in the State of New York. It would permit the Superintendent to allow an additional 5 percent of a company's admitted assets to be invested in equity-type investments located in the State, such as new business enterprises, technologically-oriented businesses, businesses located in areas in the State that have experienced a high rate of chronic unemployment, minority-owned businesses, and investments for the development of low income housing. If the 5 percent allowance is fully authorized, then the overall maximum limitation would be increased further to 50 percent.

The amendments regarding subsidiaries of life insurance companies would:

- permit such subsidiaries to engage in any activity that is lawful in the jurisdiction in which the subsidiary is organized, except that banking activities would not be permitted for such subsidiaries; and
- provide an overall limitation of investment in such subsidiaries to 10 percent of the insurer's admitted assets, provided that any excess over 5 percent must be invested in subsidiaries having their principal operations in New York.

The current law attempts to ensure financial solidity through minutely detailed specifications of permitted investments. The qualitative and quantitative limitations severely disadvantage the insurance companies and their

policyholders by not permitting insurers to invest in certain new types of sound investments, and thereby limit investment opportunities and growth.

"After many years of piecemeal amendments to the investment sections of the Insurance Law with respect to domestic life insurers, the time has come to provide a more unfettered structure within which prudent management may be able to meet changing needs and conditions as they occur. In addition, this proposal will provide incentives for the industry to invest in and create new jobs in the State," Governor Cuomo stated.

"The overall effect of this legislation will be to free the insurance industry in New York State from unnecessary restrictions in their ability to generate a greater return on investments. The ultimate beneficiaries will be the economy of the State and the policyholders. In order to assure the intended results, this legislation requires that the Superintendent of Insurance report to the Governor and the Legislature within two years regarding the operations of the investment provisions to assure that the intended results are being met. A healthier insurance industry will keep jobs in New York State, and provide better coverages and lower premiums for policyholders," Governor Cuomo said.

In addition, the proposal by the Governor would require that at least one-third of the board of stock insurance companies, and one-third of each committee of the board of any domestic insurance company, be non-management directors. The amendment would result, Cuomo said, in bringing further accountability and objectivity to the insurance companies' boards and increase the boards' ability to monitor management. The election of nonmanagement directors is consistent with the current corporate practices of publicly-held companies, the Governor noted.

In addition, the proposal would require every licensed insurer (except certain small companies) to file with the Superintendent of Insurance an annual audited financial statement together with an opinion thereon of an independent certified public accountant. The bill requires the accountant to notify the Superintendent if the insurer's financial condition has been materially misstated or that it does not meet the minimum capital and surplus requirements, and that the accountant furnish the

Department with an evaluation of the insurer's internal controls.

The boards must include one or more committees composed entirely of nonmanagement directors. Such committees would have the functions of reviewing the company's financial condition, recommending the selection of independent certified public accountants, recommending candidates for election as directors by the shareholders or policyholders, evaluating the performance of principal officers, and recommending to the board the selection and compensation of principal officers.

"The increased supervision by the boards of directors will make the officers more fully aware of their responsibilities, and provide the Insurance Department with a better system to monitor the activities of the companies," Governor Cuomo said.

In addition, the legislation appoints a Temporary State Commission on Banking, Insurance and Financial Services to study the legislative and regulatory questions raised by the present phenomenon of integration of financial services. The Temporary Commission will be required to report by December 1, 1983.

Governor Supports Domestic Steel Industry

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 16, 1983

Governor Mario M. Cuomo today announced that he has signed legislation removing the June 30, 1983 sunset provision from Section 146 of the State Finance Law. That law, first passed in 1981, establishes a preference in State procurement contracts for structural, reinforcing, and other major steel items produced in whole or substantial part within the United States.

In signing the legislation, Governor Cuomo stated:

With the American steel industry struggling to recover, with the ranks of the unemployed in this State swelling, this modest measure places the State of New York on record in support of our steel industry and its workers.

The entire family of New York realizes all too well the suffering and burdens being borne by the unemployed steelworkers of New York, most numerous in Western New York. It is important that the workers in our State know that the government cares about their future.

As a general rule, I believe that the long-term benefits of consistently applied policies favoring free trade relations argue against protectionism. But until fairer trade policies are adopted by the international community, this bill represents a moderate and reasonable statement of the State's commitment to the promotion of domestic industry.

Governor Cuomo also thanked the leadership of the Legislature as well as the bill's main sponsors, Senator Dale Volker and Assemblyman Vince Graber, for their help in removing the sunset provision.

The original legislation, which will now remain in effect after June 30, stimulated that State agencies on purchases of \$100,000 or more should use domestic steel unless the agency head determines that the preference is not in the public interest, would result in unreasonable costs, or the steel could not be produced domestically in sufficient and readily available quantities in the quality necessary. Since enactment of the bill, only one such exemption has been granted.

Governor Urges President To Consider Service Industries

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 26, 1983

Governor Mario M. Cuomo today sent the following letter to President Reagan in anticipation of the Williamsburg Summit:

Dear Mr. President:

New York has a long history as an international business center, and trade is playing an ever expanding role in the economic well-being of the region. It is, therefore, not surprising that New York works tirelessly to promote and stimulate the export of its products and

its services. Because of the importance of the service industry to New York, I am particularly interested in assuring that the service industries of our country are allowed to compete fairly and effectively abroad.

This letter is written to urge your continued leadership to assure that international trade issues affecting service industries are effectively dealt with in the General Agreement on Tariffs and Trade (GATT).

It is remarkable that during the past 40 years as the United States has grown to be the world's largest service economy, we have neglected our service industries so today overseas barriers to these activities may diminish our service exports. The 1982 reduction in our services trade surplus from \$39 to \$36 billion, after six successive years of growing services surpluses, gives cause for alarm. If this continues, we cannot count on services to continue to offset our growing merchandise trade deficit.

This is an issue of great importance to New York where services is one of our major industries and by far the dominant industry in New York City. Naturally, therefore, we were disappointed at the resistance Ambassador Brock met at the meeting of GATT Trade Ministers last November as he pursued the relatively modest goal of having GATT examine service trade problems with the long-run goal of launching a trade negotiation to establish international rules to govern trade in services.

We can no longer afford a trading system where restrictions on services trade are not a violation of international commitments. Thus I recommend that this issue be raised as a priority item during the Williamsburg Summit. If the United States does not take the leadership in convincing our trading partners of the importance of freer trade in services, in the long-run we will all suffer.

I wish you well at the Williamsburg Summit and offer my fullest cooperation on this and other matters.

Sincerely,

(Signed) MARIO M. CUOMO

**Governor Announces PA Infrastructure Renewal Program
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 21, 1983

Governor Mario M. Cuomo of New York and Governor Thomas H. Kean of New Jersey today announced that they have signed a joint letter in which they agreed to a series of administrative actions and proposed legislation that would authorize the Port Authority of New York and New Jersey to undertake a multiyear program of infrastructure renewal and economic development valued at approximately \$1.1 billion. Announcement of the agreement was made simultaneously in Albany and in Trenton.

The program includes creation of a new Bank for Regional Development financed from surplus Port Authority revenues, rehabilitation of the PATH system, and redevelopment of waterfront areas on both sides of the Hudson. To help finance the program, the Governors announced that they had also agreed to increases in PATH fares and in tolls for some users of the Authority's tunnels and bridges.

The Governors also agreed to submit legislation to enable the Authority to establish an export trading company, which would help companies in both states market their goods and services abroad.

The Governors' recommendations respond to the December 1982 report by the Blue Ribbon Panel on the Port Authority, which had been appointed by the Governors of the two states.

Both Governor Cuomo and Governor Kean noted in their letter to the Port Authority that:

Taken together, these actions constitute a major capital program through which the energy, management skills, and financial resources of the Port Authority can be harnessed to address the need in our region for public investment in rail, highway, and other infrastructure renewal.

In announcing the agreement Governor Cuomo stated:

I am pleased that Governor Kean and I have been able to agree on recommendations which will bring such far-reaching benefits. As a region, we will both gain from the Port Authority's increased stress on infrastructure renewal and economic development.

"This is the most significant change in the direction of the Port Authority in its over 60-year history. In fact, my recent meeting with the Port Authority was the first such meeting of a New York Governor with the Authority in over a decade," Governor Cuomo added.

In agreement with the Panel's recommendations to establish a Regional Development Bank, the Governors suggested the passage of bistate legislation to:

make the financing of capital infrastructure projects in the region authorized Port Authority projects. The legislation will also authorize the appropriation of funds for capital infrastructure renewal as part of the Port Authority budget process.

Under the proposed legislation, surplus Port Authority revenues would be appropriated to the new Regional Development Bank, which could use the funds to finance a variety of capital projects that the Port Authority itself might not otherwise undertake. These could include improvements in rail freight and rail passenger transit facilities, improvements in major arterial highways serving the port area, airport access improvements, water resources, and storm and sewage management projects.

Governor Cuomo noted that the two states have already taken a first step toward full implementation of this concept with the creation by agreement of the two states and the Port Authority of a "Fund for Regional Development." The fund, which does not require legislation, allows the two states to capture the increased revenues flowing from the rental of space in the World Trade Center vacated by New York State. These funds will be used by the two states to finance infrastructure renewal projects.

The Governor noted that the legislation proposed by him and Governor Kean is needed to permit appropriation of additional Port Authority funds to the Bank, and to

widen the range of projects the Bank can finance.

The PATH fare would, according to the Governors' recommendation, be increased from 30 cents to 50 cents in 1983, and 75 cents in 1984.

Proceeds from the increased bridge and tunnel tolls would be used "for improvements to the existing bridges and tunnels, in particular to achieve the upgrading of the Holland Tunnel," and to fund the Regional Development Bank. There would be no increase in tolls for commuter buses and commuter books. The agreement also provides for construction of a new office building in Newark, connected by fiber optic cable to the Authority's new Staten Island teleport.

The Governors also agreed that New York State will during the next six years vacate its office space in the World Trade Center, with the proceeds from increased rents charged to new tenants being made available to the Regional Development Bank. Governor Cuomo noted that in addition to the economic benefits that would be derived from increased infrastructure funding, the relocation of State operations would make prime Manhattan office space available to companies that might otherwise locate outside the City. Relocation would also help to stimulate revitalization of areas, such as Jamaica and downtown Brooklyn, to which State offices would be moved. The State would receive approximately \$95 million to cover moving expenses and higher rents at new locations during the next six years.

The Governors also agreed on a process for evaluating possibilities for disposition of the World Trade Center. The sale of the World Trade Center was recommended by both a special panel appointed by Governor Carey in 1981 and by the bistate panel in its December 1982 report. "Today we are agreeing to develop the process for determining the feasibility of sale," said Governor Cuomo. "We will move forward with careful analysis and review to protect this valuable asset." The Governors noted that the additional revenues generated by increased rents in the World Trade Center could be used to help fund the Regional Development Bank, whatever the ultimate decision on sale or retention of the facility.

In addition, the Governors agreed to strengthen and coordinate involvement of their offices in the Port

Authority's annual budget cycle, "so that the programs and choices the Port Authority budget represents for the region are subject to careful and thoughtful review . . . and reflect the priorities we have established." They said specific staff resources will be made available to accomplish the oversight.

Both Governors recommended that their program recommendations be adopted by resolution of the Port Authority Board and said they would immediately submit legislation in their states to accomplish "this far-reaching program."

Governor Approves Racing Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 4, 1983

Governor Mario M. Cuomo today announced that he has signed three bills dealing with racing in New York State.

One bill extends the current 5 percent surcharge on off-track betting pools through July 1, 1985. A second bill continues the existing tax rates for Yonkers and Roosevelt Raceways harness tracks. The third bill extends the existing experiment in simulcasting of horse races at certain off-track betting parlors.

Governor Extends Steel Preference Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 14, 1983

Governor Mario M. Cuomo announced today he has signed legislation establishing a preference in public authority purchase and construction contracts for steel components, structural and reinforcing steel and other major steel items produced in whole or substantial part in the United States.

In signing the legislation, the Governor said:

In many parts of the State, public authorities

are responsible for major construction projects using tens of thousands of tons of steel each year. Enactment of this legislation will emphasize the State's efforts to assist the domestic steel industry.

The Governor in May signed legislation removing the June 30, 1983, sunset provision of a law, first passed in 1981, establishing a preference for steel in State agency construction contracts. That action, in effect, made the preference permanent for State agency construction contracts.

"Together, these two laws represent a moderate and reasonable statement of the State's commitment to the promotion of the domestic steel industry. But, more, they put the State on record as a caring member of the family of New York for the plight of the struggling steel industry and the swelling ranks of unemployed steelworkers, especially in Western New York," the Governor said.

Both bills stipulate that State agencies and public authorities, on construction contracts with a value of \$100,000 or more, should use domestic steel unless the agency or authority head determines that the preference is not in the public interest, would result in unreasonable costs, or the steel could not be produced domestically in sufficient and readily available quantities in the quality necessary.

The public authorities domestic steel preference bill also stipulates that preference should be given in contracts with a value in excess of \$50,000 or more for the purchase of items with steel components.

Editor's Note: See Approval Memorandum Number 31, Chapter 441 of the Laws of 1983.

Governor Praises South Street Seaport Development

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 28, 1983

Governor Mario M. Cuomo today praised the

cooperation between the public and private sectors which produced the development and rehabilitation of the South Street Seaport.

The entire Seaport complex is expected to generate 1,700 construction jobs and 4,700 permanent jobs in the area.

Speaking at the opening ceremonies of the Seaport, Governor Cuomo said:

The South Street Seaport is at once a part of our past and of our future. It is a monument to the marriage of genius and drive that made this the world's premier harbor, in the most dynamic State in the nation.

But it is much more than that, much more than the relic of a former glory. The Seaport is now a symbol of our ability to keep and to renew the achievements of those whose dreams and sweat created the ports, roads, bridges, streets and buildings that lifted us to greatness.

It refutes in the eloquent language of brick, and stone, and glass those who say that we cannot work through our government to rebuild our cities, that government is incapable of forming the partnerships necessary to restore and extend the magnificent legacy of those who preceded us.

The South Street Seaport shows us what can be done — by government, by labor, by the business community. It shows what we can do when we all work together in partnership.

The Seaport, which opens today, is the product of a successful public/private collaboration involving the State, New York City, the South Street Seaport Museum, and the Rouse Corporation.

The project involves the rehabilitation of two historic blocks for museum and retail use as well as the construction of a new building which is to house restaurants, shops, and the Fulton Fish Market.

The opening represents phase one of the Seaport, later phases will include a larger restaurant/retail structure on a pier now under construction, further upgrading of the Fulton Fish Market, and additional conversions of historic brownstone buildings to

professional and commercial use.

The State, acting through the Urban Development Corporation and the Office of Parks, Recreation, and Historic Preservation, contributed to the project through the rehabilitation of one of the historic blocks — Schermerhorn Row. The buildings will house numerous merchants, many of whom are in the marine trades and have a long history in the Seaport area.

Governor Approves Expanded Pension Fund Investments

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 9, 1983

Governor Mario M. Cuomo today signed legislation expanding the range of economic development-oriented investments that can be made by the State's public employee pension funds under the 1982 "basket bill." The legislation requires the trustees of the various funds to take into account in their investment decisions the economic interests of New York State, consistent with their fiduciary responsibilities.

The bill, which was part of the Governor's 1983 legislative program, modifies legislation enacted last year permitting the funds to invest up to 5 percent of their assets outside the range of detailed restrictions that normally apply to public pension fund investments. However, last year's legislation, commonly referred to as the "basket provision," prohibited the pension funds from holding more than 3 percent of the outstanding common stock of any one company. This limitation effectively prevented the pension funds from making a variety of investments that are important to future economic growth.

By eliminating the 3 percent limitation, the bill approved by the Governor permits the funds to undertake several new types of development-oriented investments. These include:

- Venture capital — equity or near-equity financing of young companies with outstanding growth potential.
- Participation in "leveraged buyouts" and other

- arrangements for enhancing job opportunities in existing companies.
- Capitalization of small business investment companies.
 - Equity investment in real estate.
 - Financing of major private-sector development projects.

The funds covered by the bill include the State's Common Retirement Fund, which covers State and many local employees, the Teachers' Retirement System, and four funds in which New York City employees participate.

"During the last few years, economists have become increasingly aware of the critical role that pension funds play in our capital markets," Governor Cuomo said in approving the bill:

This legislation assures that, without infringing in any way on the rights and interests of the hundreds of thousands of people who participate in our retirement systems, the pension funds can invest the assets entrusted to them in a way that both assures a high rate of return, and generates jobs. It will make more than \$2 billion available for investments that produce jobs and economic growth.

The Governor noted that the legislation fully protects the rights of current and future beneficiaries of the pension systems. The new legislation covering investment of funds in the "5 percent basket" for the first time explicitly in statute requires the trustees of the pension systems to observe prudent investor standards in their investment decisions and that all investments be for the "exclusive benefit" of the beneficiaries. The law authorizes the trustees of the pension funds to take into account the effect of their investments on the economic health of the State, but only to the extent that this is consistent with their responsibility to protect the interests of participants in the retirement systems.

"I would like to thank all those who have worked hard to make sure our pension funds can be invested in ways that serve both public employees and the people of the State. I am particularly grateful to Comptroller Edward Regan, Assemblymen Arthur Kremer and Joseph

Lentol, and Senators Richard Schermerhorn and Owen Johnson for their leadership in this area," the Governor said.

The Governor said that his staff had already begun working with the Comptroller and with several outside advisors on how to structure venture capital and other investments for the pension systems.

Editor's Note: See Approval Memorandum Number 41, Chapter 569 of the Laws of 1983.

Governor Approves Racing Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 13, 1983

Governor Mario M. Cuomo, attending the 114th running of the Travers Stakes at Saratoga Racetrack, announced a series of actions designed to maintain New York's position as the premier thoroughbred racing state in the nation.

The Governor signed two bills, one to increase purses at New York Racing Association (NYRA) tracks and the other to allocate 1 percent of purses to fund a horsemen's organization for research and benevolent purposes.

Governor Cuomo also announced that final agreement has been reached with Speaker Fink, Majority Leader Anderson and NYRA on a chapter amendment to correct technical deficiencies in the recently passed NYRA franchise extension and capital improvements bill. It is expected that the bill and the chapter amendment will be sent to the Governor for signature when the Legislature reconvenes.

In signing the bills, Governor Cuomo said:

The thoroughbred industry is extremely important to the economy of New York State. Our \$2 billion racing economy employs 40,000 individuals and contributes \$175 million in direct revenues annually to State and local governments.

These three measures will ensure the continuation of New York's position as the premier thoroughbred racing state in the nation.

The new law to increase purses at NYRA tracks reduces the State tax rate on multiple bids from 5 to 4 percent and allocates the 1 percent to purses. As a result, an additional \$5 million annually will be provided for increased purses, beginning April 1, 1984.

The second bill signed by the Governor requires NYRA to withhold 1 percent of all purses and pay such amounts to a horsemen's organization representing at least 51 percent of the owners and trainers utilizing the Association's facilities, to be used for benevolent and research purposes.

Approximately \$200,000 in additional revenues will be provided to the Horsemen's Benevolent and Protective Association (HBPA) to support various services to owners, trainers and backstretch employees. By mandating all owners to contribute, as is already the case in most other states, the burden of providing these services will be spread more fairly.

The agreed upon NYRA franchise and capital improvements bills extends the NYRA franchise from 1985 to 2000 and shortens NYRA's charter from 2005 to 2000 with a competitive process to award future franchises to private associations for ten-year periods thereafter.

The bill also establishes a capital improvement fund to refurbish the three NYRA tracks — Saratoga, Belmont and Aqueduct. Over the next five years, it is anticipated that \$45 million will be spent on essential capital improvements.

The Governor praised Speaker Fink, Majority Leader Anderson, NYRA Chairman Tom Bancroft and HBPA President Bill McMillen for their extraordinary efforts in securing the enactment of this landmark legislative package.

Editor's Note: Chapters 918 and 981 of the Laws of 1983. See also Approval Memorandum Numbers 101-102 for additional legislation.

Governor Comments on Times Square Project

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 15, 1983

The Times Square project is an unusually significant one that will be extraordinarily good for the people of this City and State.

While it is possible for either the City or the Times Square Redevelopment Corporation to proceed with the project separately, as a practical matter it is better for them to proceed in tandem.

With that in mind, I have proposed the following arrangement, that has been agreed to by both Mayor Koch and the Chairman of the Times Square Redevelopment Corporation, Mr. William Stern.

In order to achieve the benefit of a nationally experienced and highly reputed merchandise mart developer and operator, and to achieve the benefit of the diversity insisted upon by Mr. Stern and the UDC designees to the Times Square Board, Mr. Stern is to negotiate a new proposal with the two groups who have already bid.

The new proposal is to include Trammel Crow as the merchandise mart operator and to exclude George Klein and any corporation in which he has an interest, since they are already committed to building more than 56 percent of the project.

Both the Mayor and Mr. Stern have expressed their satisfaction with this proposal and are committed to pursuing it immediately and vigorously.

The Mayor and I have also agreed that after this matter of a developer has been resolved, we will work to produce a new arrangement that assures mutuality between the City and the UDC designees to the redevelopment corporation in the making of decisions.

Governor Expresses Concern Over Telephone Strike

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 17, 1983

The following telegram was sent today by Governor Mario M. Cuomo to:

Charles L. Brown — Chairman and Chief Executive Officer, AT&T;
Glen E. Watts — President, Communications Workers of America;
Charles H. Pillard — President, International Brotherhood of Electrical Workers; and
John W. Shaughnessy, Jr. — President, Telecommunications International Union.

Each day that passes in the current nationwide strike of the American Telephone and Telegraph Corporation adds to the growing concern as to the negative impact upon the economy of the State and nation.

In New York State, as in others, thousands of CWA, TIU, and IBEW workers and their families are already directly affected. As their personal fortunes wane, the rippling effect on our business, industrial and governmental entities will most certainly follow.

I am equally concerned for those dependent upon the telephone as their only communications lifeline — our aged, our ill and others in medical and law enforcement environments who similarly rely upon the world's greatest communications network.

We in New York State are beneficiaries of this great system which touches every individual, nearly every movement of commerce and government. We are economically and socially dependent upon the continuity of uninterrupted telecommunications service.

Yours is a difficult, delicate and important responsibility. You must bring together all the disparate interests to the bargaining table where a fair and equitable determination can be made.

I impress upon you the urgency needed in meeting your responsibilities. None will gain from a lengthy

strike. The public interest will be served and the international leadership of the industry preserved by your action in bringing this strike to a quick conclusion.

Governor Approves Regulatory Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 18, 1983

Governor Mario M. Cuomo today announced his approval of legislation requiring all State agencies to weigh the effects of any proposed new regulations on small businesses in New York.

The bill signed by the Governor amends the State Administrative Procedure Act. It requires State agencies to issue a "regulatory flexibility analysis," describing the types and numbers of small businesses that will be affected by a proposed new rule, any reporting or recordkeeping involved, the likely cost of compliance and any steps taken by the agency to minimize the adverse affects of the rule on small business.

"It has long been recognized that the burden of government regulation falls much more heavily on small businesses and organizations than on large ones. Requirements that are at worst a minor aggravation for large companies can be a serious problem for small ones. This bill will require State agencies to consider such effects carefully before adopting new rules," the Governor said.

The bill also requires State agencies to assure that small businesses are given an opportunity to participate in the rulemaking process.

The regulatory flexibility bill is modeled on a similar law enacted at the Federal level several years ago. The Governor noted that the bill complements and reinforces several other initiatives aimed at reducing or eliminating excessive or unnecessary regulatory requirements. Earlier this year, the Governor approved legislation requiring agencies to issue an analysis of the costs and benefits of all proposed new regulations and directing them to eliminate State regulatory requirements that unnecessarily conflict with or duplicate those of the Federal government.

The Governor noted that Assembly Speaker Stanley Fink has long advocated concerted efforts to reduce the burden that State regulation imposes on small business. "Small business is the most dynamic sector of our economy, and Speaker Fink deserves credit for focusing our attention on the need to provide a more favorable environment for small business growth. I would like to thank him, as well as Senator Walter Floss and other members of the Legislature, for their work on this bill, and for all their efforts to aid New York's small businesses," the Governor said.

Editor's Note: See Chapter 910 of the Laws of 1983.

Governor Encourages Insurance Investments in NYS (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 18, 1983

Governor Mario M. Cuomo announced today he signed into law a bill designed to encourage the insurance industry to invest its assets in the State.

The measure eases outdated restrictions on domestic life insurance company investments and replaces them with increased reliance on prudent management under the supervision of the board of directors. It allows companies that receive the Insurance Superintendent's approval to put as much as 50 percent of their assets into equity investments.

Current law imposes individual limitations on a variety of investment mechanisms. The new law, effective 60 days after enactment, specifies a limit of 40 percent of a company's admitted assets for equity-type investments to assure solvency. In addition, the law provides incentives for insurance companies to invest in businesses in the State. It permits the Superintendent to allow an additional 5 percent of a company's admitted assets to be invested in equity-type investments located in the State. These investments would include new business enterprises, technologically-oriented businesses, businesses located in areas in the State that have experienced a high rate of chronic unemployment, minority-owned businesses,

and investments for the development of low income housing. If the 5 percent allowance is fully authorized, then the overall maximum limitation would be increased further to 50 percent.

While relaxing investment regulations, the new law simultaneously protects solvency of the companies and consumer interests by increasing the accountability of domestic insurance companies. It also establishes a Temporary State Commission on Banking, Insurance and Financial Services, which is required to report to the Governor and the Legislature by February 15, 1984.

The Governor added that the Temporary State Commission created under the bill would monitor the "rapid change" in the financial services industry "in which the traditional barriers between banks, insurance companies and other . . . institutions are disappearing."

He said the Commission would "assure that such changes occur with appropriate regulation to protect the solvency of the institutions and the interests of the consumer."

Editor's Note: See Approval Memorandum Number 40, Chapter 567 of the Laws of 1983.

Governor Widens Small and Minority Business Opportunities

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 25, 1983

Governor Mario M. Cuomo announced today during a visit to Harlem his approval of legislation naming the Harlem State Office Building in honor of Adam Clayton Powell, Jr.

"The designation of the Harlem State Office Building as the Adam Clayton Powell, Jr. State Office Building is a fitting tribute to the life, work and times of this memorable public figure and to the Harlem community whose cause he embraced as their elected City Councilman and Congressman," the Governor said. The State office building is located at 163 West 125th Street.

Governor Cuomo also announced the signing of another measure insuring that small and minority businesses have the opportunity to participate on contracts for the renovation of Medgar Evers College in Brooklyn, which is part of the City University of New York.

Under terms of the measure, the Chairman of the State Dormitory Authority could set aside at least 25 percent of the small business contracts for bid by small minority business enterprises.

"It is important that small and minority businesses receive appropriate assistance to enable them to perform on public contracts, especially those involving projects in their communities," the Governor said.

Editor's Note: See Approval Memorandum Number 58, Chapter 670 of the Laws of 1983.

Governor Announces TSC on Banking, Insurance and Financial Services (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 18, 1983

Governor Mario M. Cuomo today announced the distinguished membership of the Temporary State Commission on Banking, Insurance and Financial Services which will study the dynamics and rapid changes in the financial services industry, as barriers between banks, insurance companies and other financial institutions ease.

The Temporary Commission was created by legislation which Governor Cuomo proposed in his *State of the State* message, to reform statutes governing insurance industry investment and to encourage the industry to invest its assets in New York.

Signing the legislation last month, Governor Cuomo said:

This legislation is a major step toward building a new partnership for economic growth, a partnership in which business, labor and government work together to create investment

opportunities and jobs in New York.

Governor Cuomo said the Commission will:

assure that such changes in financial services industries and their investments occur with appropriate regulation to protect the solvency of the institutions and the interests of the consumer. I am grateful to the 17 distinguished people who will contribute their time and effort to the work of the Commission. They all occupy premier positions in their fields, and they will offer what is certain to be the most informed guidance in this important industry reform.

The Commission will be chaired by Adrian W. DeWind, a partner in the New York City law firm of Paul, Weiss, Rifkind, Wharton and Garrison.

Governor Cuomo also noted that John Heimann, who has served as New York State's Banking Superintendent and the Federal Comptroller of the Currency, has agreed to serve as a special advisor to the Commission. Mr. Heimann is Deputy Chairman and Chairman of the Policy Committee of A.G. Becker, Paribas, Inc. "In these posts and as the Chairman of the State's 1982 Commission on Insurance Regulatory Reform, John Heimann has demonstrated a broad and in-depth understanding of the financial services industry and the type of regulatory reform it requires," Governor Cuomo said. "We appreciate his willingness to assist the Commission."

Staff Director to the Temporary State Commission will be Mitchell S. Fishman, a partner with the Paul, Weiss, Rifkind, Wharton and Garrison firm in New York City. He will serve without compensation.

Editor's Note: Other members of the Commission include: Robert M. Best, Leon H. Charney, John J. Creedon, Maurice R. Greenberg, Elinor C. Guggenheimer, Alfred S. Howes, Ludwig Jaffe, Louis J. Lefkowitz, Arthur Levitt, Jr., John J. Phelan, Jr., Marianne C. Spraggins, William A. Schreyer, John R. Torell III, Raymond Van Houtte, Malcolm Wilson, and Adele D. Noble.

Governor Comments on MTA Domestic Steel Policy

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 23, 1983

I am pleased that the Board of the Metropolitan Transportation Authority has voted to amend its contract for reconstruction of the Throgs Neck Bridge to permit its contractor to use domestic steel. Its decision is clearly in accord with the spirit of the State's "Buy American" statute, especially since it will result in hiring 175 workers by New York steel companies.

I am also pleased that the Board has adopted a clear, specific standard for determining when the added cost involved in using domestic steel is reasonable. The MTA's standards will permit both contractors and steel suppliers to understand what is expected of them under the law, and should help avoid further controversy in this area.

As I have stated in discussing the "Buy American" law with officials of the MTA, I believe it is important for State agencies to apply consistent standards in determining when preference should be given to domestic steel. I, therefore, by Executive Order, will be directing all State agencies to adopt the 6 percent standard used by the MTA Board and the General Services Administration of the Federal government, and I will also be recommending that all the State's independent authorities that are subject to the "Buy American" law adopt these guidelines as well.

I recognize this issue is complex. I, therefore, commend the Board members for arriving at a reasonable solution in balancing overall job and economic benefits to the potentially marginal added costs of domestic steel.

Governor Approves Racing Industry Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 7, 1983

Governor Mario M. Cuomo today announced he has signed into law two bills which will guarantee the continuation of the premier quality thoroughbred horse

racing industry in New York State into the next century.

The two bills, generally referred to as the NYRA Franchise Extension and Capital Improvements Program, extend the franchise of the New York Racing Association from 1985 to 2000 and establish a capital improvements fund to refurbish the three NYRA tracks — Saratoga, Belmont and Aqueduct.

It is expected that more than \$50 million in improvements will be provided over the next five years.

Governor Cuomo said:

NYRA — our horsemen — are the cornerstone of the State's \$2.5 billion racing industry, which employs more than 40,000 New Yorkers and provides more than \$175 million in annual tax revenues to State and local governments. Since its inception in 1955, NYRA has provided some \$2.6 billion in State revenues.

This law is the culmination of three years of work by Assembly Speaker Fink, Senator Warren M. Anderson, NYRA Chairman Tom Bancroft, previous NYRA Chairman Dinny Phipps, and this year, my Administration. I am proud to have played a part in the process.

Funds for the program will be provided from NYRA's profits and from all future revenues realized through off-track simulcasting. Current projections indicate that at least \$4 million will be available in the first year and that the \$50 million needed for improvements can be funded over the next five years.

The Governor also indicated that there remain a number of priorities in the racing industry which he hopes to achieve, including a simulcast statute, the reform of the State's off-track betting system and a reformulation of the manner in which racing is taxed.

Editor's Note: See Approval Memoranda Numbers 101-102, Chapters 1006-1007 of the Laws of 1983.

Governor Announces Stewart Airport Plan

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 10, 1983

Governor Mario M. Cuomo today announced the formation of a Development Team to oversee and expedite the commercial development of the State-owned, 9,600 acre Stewart Airport property in Orange County. The Team will consist of key State officials, including Commerce Commissioner William J. Donohue and Transportation Commissioner James Larocca, the Lockheed Corporation, which manages Stewart Airport under contract with the State, and Lieutenant-Governor Alfred DelBello who will head the Team.

Governor Cuomo said:

Stewart Airport's development potential is unique in the nation. In area, it is the second largest airport property in the United States, behind Dallas/Fort Worth. A massive 12,000 foot runway and a free trade zone offer major aviation advantages. Proximity to major highway and water avenues offer significant added economic development potential.

Stewart's development will require a major and innovative approach. If so, it competes for location of the world's foremost corporations and becomes one of the greatest corporate and commercial centers in the East.

Lieutenant-Governor DelBello, who has additionally been assigned by the Governor to develop the State's Regional Economic Development Program, said that he has had a long-standing interest in the development of Stewart, and that the Team would begin work immediately. He said the Team would work closely with a local development committee currently composed of community, local government, and State legislative representatives.

In 1982, the State Legislature transferred operational control of Stewart Airport from the Metropolitan Transportation Authority to the State Department of Transportation. DOT subsequently awarded Lockheed a contract for management of the airport.

Governor Announces Merchandise Mart Consortium

STATE OF NEW YORK—EXECUTIVE CHAMBER

CITY OF NEW YORK—OFFICE OF THE MAYOR

October 19, 1983

Governor Mario M. Cuomo and Mayor Edward I. Koch announced today that a consortium has been formed to develop and operate the proposed 42nd Street Merchandise Mart.

Tishman Speyer Properties has agreed to serve as developer of the Merchandise Mart and upon completion, Trammell Crow of Dallas, Texas, will be the operator. The Equitable Life Assurance Society of the United States will provide financing for the Mart. In addition, financial and advisory participation in the Mart project will be provided by Milstein Ventures, headed by Paul Milstein, the prominent New York developer; Jack D. Weiler, noted garment industry developer; and A. Alfred Taubman, one of the nation's leading mall developers.

"This is an historic day for our City and State. Over the past 40 years, one plan after another to revitalize Times Square has died on the drawing board. Today we have laid the final cornerstone to rebuild the most famous crossroads in the world as a place for New Yorkers to thrive. The development team we are announcing today combines the financial strength, the diversity and the special expertise that both Bill Stern and Herb Sturz were seeking from the start of these negotiations. The participants have proven themselves to be exemplary citizens and important new partners in the future of our State. On behalf of the people of New York, I warmly thank Bill Stern and Herb Sturz for dedicating so much of their time and skill to this project during the past eight weeks. Future generations of New Yorkers will benefit from the work we have begun today," Governor Mario M. Cuomo said.

"The 42nd Street Redevelopment Program means thousands of jobs, new tax revenues and safer streets for New Yorkers. The lights will shine again on 42nd Street, which years ago was the heart of our theater district. We are getting new office towers, a great new Merchandise Mart and a new hotel, which will transform the skyline of

the west side — with minimal investment of public funds. This project is great for the City, great for the State and great for Times Square. My congratulations to everyone who has worked so hard in this undertaking — to UDC, the New York City Public Development Corporation and the Department of City Planning. And I want particularly to express my appreciation to Bill Stern and Herb Sturz for their resourceful and indefatigable efforts in bringing this consortium to us today. The high level of interest in building the Mart is itself evidence of the Times Square Redevelopment Project's viability," Mayor Koch said.

William J. Stern is Chairman and President of the New York State Urban Development Corporation (UDC). Herbert Sturz is Chairman of the New York City Planning Commission. The project is sponsored by those two agencies and the Public Development Corporation, headed by James Brigham and Steven Spinola.

The Merchandise Mart is a major element of the \$1.6 billion Times Square renovation. The City and State expect to conduct negotiations for a conditional designation on the Mart.

Other components of the project include four dramatic new office towers containing a total of four million square feet of floor area, to be built at the south end of Times Square by Park Tower Realty; a new 500-room hotel and retail complex to be developed by Housing Innovations/Planning Innovations, Inc. between 42nd and 43rd streets on 8th Avenue; and the renovation and upgrading of historic theaters along 42nd Street — including the Nederlander Organization's New Amsterdam and Harris theaters. The project also calls for a major improvement and modernization of the subway complex at the intersection of Broadway, Seventh Avenue, and 42nd Street.

A draft Environmental Impact Statement (EIS) on the project is in the final phase of preparation and the City and State will begin lease negotiations shortly. Following completion of the EIS and approval of the project by UDC's Board, the Mayor, and the City Board of Estimate, UDC will proceed with property acquisitions.

Governor Announces Racing Investment Fund (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 1, 1983

Governor Mario M. Cuomo today announced the appointments of William A. Levin, Martin Simon and Frank I. Wright to the nine-member Board of the newly-created New York State Thoroughbred Racing Capital Investment Fund. The Governor asked Mr. Levin to serve as Chairman of the Fund's Board of Directors.

The Fund, created by the recently enacted New York Racing Association franchise and capital improvements law, will administer what is expected to be a \$50 million effort to renovate Saratoga, Belmont and Aqueduct race tracks.

In announcing the appointments, Governor Cuomo said, "I am fortunate to be able to announce three individuals so uniquely qualified to serve on this most important Board."

"The investments we are now making will preserve the preeminence of New York thoroughbred racing, an industry which adds more than \$2.5 billion annually to the New York State economy and employs more than 40,000 of our citizens."

William Levin, a 1943 graduate of Tufts University, is the owner of Goldmills Farms of Old Westbury. His primary business is textiles, but beginning in 1970, Mr. Levin established himself as a highly successful thoroughbred owner.

Martin Simon is Senior Executive Vice President of Bank Leumi Trust Company of New York. Mr. Simon also serves as the bank's chief loan officer.

Frank Wright, a successful thoroughbred trainer, is perhaps best known as the host of the weekly NYRA/OTB television series in New York and as commentator on network telecasts of major thoroughbred races.

The enabling legislation also specifies that the Governor's Budget Director, Michael Finnerty, and his

Chairman of the Racing and Wagering Board, John Van Lindt, serve on the Fund's Board of Directors. Each of the four legislative leaders has one appointment. The positions are unsalaried.

Governor Announces NYC Waterfront Plan (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

CITY OF NEW YORK—OFFICE OF THE MAYOR

November 18, 1983

Governor Mario M. Cuomo and Mayor Edward I. Koch today announced agreement on a plan for comprehensive development of waterfront areas at Hunters Point in Long Island City, Queens and in Hoboken, New Jersey by the Port Authority of New York and New Jersey.

The agreement resolves questions raised in connection with a plan agreed to in June by Governor Cuomo and New Jersey Governor Thomas Kean, for a more than \$1 billion, multiyear Port Authority program of infrastructure renewal in both states.

"We recognize the tremendous potential of the Port Authority for undertaking large-scale economic development projects in our region — projects which can enhance the economic development efforts of both state governments and the City. The waterfront development program will bring revenue producing mixed-use development to the waterfront areas, which are a valuable resource for the region, but only if they are developed and utilized wisely," Governor Cuomo said in a statement released at a press conference with Mayor Koch today.

"The City of New York, with the State and the Port Authority, have reached an agreement set forth in a memorandum of understanding on Hunters Point, Queens, which would allow the matter to go forward while protecting the best interests of the citizens of the City of New York, provided that the Senate enacts the legislation already passed by the Assembly. The memorandum of understanding, which is annexed, will be sent to the legislative leaders for their review and consideration," Mayor Koch said.

The agreement between the State and the City:

— Specifies Hunters Point, Queens, as the New York development site.

— Specifies boundaries for both sites. While the legislation allows expansion to contiguous sites, this agreement precludes any material expansion in the boundaries except for such marginal changes as required by detailed project plans."

— Adheres to defined development milestones for the Hunters Point project, including a September 1, 1984, deadline for agreement between the City and the Port Authority on the "development plan and business terms" and a May 1986 deadline for the Port Authority to start demolition and construction.

— Provides that space developed or directly financed by the Port Authority in the Hoboken or Queens project will not be used to relocate commercial or industrial jobs from one state to the other.

— Provides that the development at Hunters Point will make payments in lieu of taxes as if taxed on a standard basis, minus the normally available exemptions proposed and in existence for industrial, commercial and residential construction in Queens.

The project includes 51 acres in Hoboken and about 70 acres at Hunters Point. It will emphasize mixed-use development as well as recreational use of the waterfront. Construction will begin in 1986.

Governor Cuomo also said, "The agreement we announce today is further testimony to the effectiveness of honest efforts to cooperate among the levels of government."

"In New York, the project is the latest in a series of efforts we will continue to make to further economic development in all of the boroughs, including creation of new commercial space appropriate for back-office operations important to the insurance, finance and other industries of which New York City is the world capital," the Governor said.

Katy MacKay, Executive Assistant to Peter Goldmark, Executive Director of the Port Authority, said, "We welcome this agreement and the Port Authority will work with the Governor and the Mayor to have the necessary legislation passed in Albany by the end of the year."

"I have read the memorandum of understanding and it appears to resolve this issue. I hope the State Senate will approve this measure expeditiously as it is of the utmost importance to the future of our City," said Queens Borough President Donald R. Manes, commenting on the agreement.

Editor's Note: The six-page memorandum of understanding, summarized above, is not reproduced.

Governor Welcomes PA Brooklyn Initiatives

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 8, 1983

Governor Mario M. Cuomo today welcomed the New York-New Jersey Port Authority's approval of two major initiatives to revitalize the Brooklyn waterfront.

At today's meeting the Board of Commissioners approved a major expansion of the Red Hook container port and the creation of a major new fishing industry complex at the Erie Basin.

Governor Cuomo had previously proposed both projects as means to combat the decline of Brooklyn's waterfront, take advantage of waterfront resources and create new jobs in the area.

The Board of Commissioners agreed to commit \$27 million to development of a fish harvesting, processing and distribution center to be built at the Erie Basin Terminal. It also authorized a \$14.5 million expansion of the Red Hook container port so that shipping volume can be increased further and jobs can be retained and increased.

Construction of the Fishport could be underway by January, and operation could begin by mid-1984, the Governor said, with construction completed during 1985. The Port Authority will immediately begin lease agreements with fish processors and distributors, fuel suppliers and other related businesses for the Fishport operation.

"I have long advocated efforts to reap the potential of our regional fishing resources. One hundred years ago New York City was a center of the world fishing industry because of its nearness to the richest fishing grounds in the world, the continental shelf. And although New York continues as the major East Coast wholesaler of fish consumed here and through the Northeast, most of this fish arrives here by truck. However a full fish processing center will attract fishermen from throughout the region and the Northeast. It will provide an additional outlet for fishermen from Long Island to sell their products, and will expand international markets as well. We now have a \$1.5 billion annual market for fish and fish products in the metropolitan area alone, and we are within 24 hours, by refrigerated truck, of over half the United States' population. The fish port could also attract Northeast fishermen who now sell their catch at sea, and at lower prices, to foreign processors," Governor Cuomo said.

Governor Cuomo said the proposed fishery:

complements rather than competes with New Jersey's fishing industry in nearly every aspect, including resource supplies, port usage, cold storage and freezing, processing, and marketing and distribution.

He noted that the Board agreed to spend an additional \$27 million, at future Board approval, on New Jersey projects, and would also spend \$3 million on studies of future fishing industry development in both states, training, market development, and commercial production of underutilized local fish.

Governor Cuomo noted that the PA estimates of the economic benefits of the first phase of the Fishport development — pier facilities for unloading vessels, and facilities for berthing, fish boxes, fuel, water and ice — included annual payrolls of \$23 million, regional sales of \$130 million and regional taxes of \$3 million, based on 460 direct jobs, including many for unskilled laborers, a total of 1,400 direct, indirect and induced jobs, and 450 person years of construction and construction-related labor.

Governor Cuomo also hailed the Port Authority decision to expand the Red Hook container terminal by more than 50 percent. "Coupled with the passage of the

'Rebuild New York' bond issue, which included \$20 million for improvements at the terminal, the Port's project will generate a broad new program of marine improvements on the Brooklyn waterfront. I'm pleased that the Port Authority is moving so swiftly to bring the region's ports into the container age. The original 40-acre terminal has been operating at capacity and steamship lines shipping to Brooklyn continue to convert from breakbulk operations to container shipping. Additional container facilities are essential to continued growth and the ability to handle increased shipping tonnage," the Governor said. The additional containerized berth could be completed for operation by mid-1985.

Governor Cuomo noted that when the project list for the "Rebuild New York" bond issue was being formulated with the State Legislature:

We agreed that the State's commitment to strengthening the economic vitality and future of the Brooklyn waterfront should be based on a comprehensive effort joined by the City and the Port Authority. I am pleased that the plans are moving forward, that the Brooklyn waterfront is well on its way to realizing its economic potential. I am also grateful to Assembly Speaker Stanley Fink who was an early supporter of the need to redevelop the Brooklyn waterfront and its industry.

The Governor also noted that the Port Authority Board of Commissioners also approved further planning and environmental study of waterfront development proposals in Hunters Point and Hoboken.

Governor Announces Racing Task Forces (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 13, 1983

Governor Mario M. Cuomo today announced he will sign an Executive Order creating two task forces to study the future of the thoroughbred racing and harness racing industries in New York State. The Governor noted that:

New York has long possessed the preeminent

racing industry in the nation. However, competition from other states has increased and the time has come to examine how we can strengthen this industry beyond the growth which has occurred in recent years in New York.

The task forces are charged with constructing a total strategy for improving and promoting New York racing and developing opportunities for its promotion nationwide and around the world. Other aspects of the racing industry which the task forces will review include:

- The performance of off-track betting over the past ten years and the means by which this system might be improved;
- The means by which the racing industry is now taxed;
- simulcasting experiments in New York, other states and countries, and the form and extent to which simulcasting should be promoted in New York;
- The future of racing facilities in New York State and the means to revitalize and modernize the racing industry's capital plant; and
- Developing a strategy to combat competition from the racing industries of other states and countries.

The Harness Racing Task Force will be chaired by John Van Lindt, Chairman of the New York State Racing and Wagering Board. The Thoroughbred Racing Industry Task Force will be chaired by Jerry Weiss, 38, New York City attorney, thoroughbred owner and racing enthusiast.

Governor Announces Sites for Empire State Games

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 21, 1983

Governor Mario M. Cuomo today announced that the summer finals of New York's innovative and highly successful Empire State Games will be held in Buffalo in 1985 and 1986, and that Syracuse, the original site of the games, will host the Games in 1984, 1987 and 1988.

Syracuse will also serve as the Games' "hub," with the Games being held in different locations around the State

but returning to Syracuse every third and fourth year.

"After careful review of several alternatives, it is clear this mix of sites will be best for the continued success of the Empire State Games, for the benefit of their many thousands of participants, and for the communities interested in hosting this largest amateur athletic competition in the United States," Governor Cuomo said.

He noted that both Syracuse and Buffalo submitted comprehensive, thorough and superb proposals for siting the games, and both cities continue to demonstrate their love of sport, particularly amateur athletics, and their ability to conduct a smooth-running competition.

"For six years, Syracuse has provided the advantages of its central location, its excellent housing and athletic facilities and its expertise in hosting major State and national athletic competitions. This base of experience is a convincing argument for holding the finals in Syracuse every third and fourth years. The revolving schedule also recognizes that the Empire State Games are for all New York and that they should be moved to new locations so that their positive economic and athletic impact can be shared throughout the State," the Governor said.

The five-day finals involve some 6,000 athletes, coaches and officials, attract thousands of spectators and provide an estimated local economic impact in excess of \$5 million.

"I also applaud the citizens of Buffalo for their enthusiasm and initiative in attracting the games to their City. Buffalo has excellent athletic facilities, and is a leading candidate to host the 1987 National Sports Festival. We vigorously support that effort, and expect that the experience of hosting the Empire State Games finals will be valuable preparation for attracting the National Festival to Buffalo, just as it was for Syracuse in 1981. I will continue to lend my support in convincing the United States Olympic Committee that the National Festival should be held in Buffalo," Governor Cuomo said.

Governor Cuomo noted that with the Empire State Games' increasing success, interest in amateur athletics is rapidly spreading throughout New York State.

"With the beginning of new programs currently in development, we anticipate that other cities will have the opportunity to serve as hosts for athletic competitions as beneficial to New York as the Empire State Games have been," he said.

He noted particularly that the Senior Games, for New Yorkers age 55 and older, was a huge success in its first competition this year. "I am pleased to announce that the program will be expanded to several sites next year. Furthermore, the International Games for the Disabled will be held in Long Island next summer. I have asked State officials to observe these Games carefully, with an eye toward inaugurating a meaningful athletic program for the disabled citizens of the State. It is my hope that eventually everyone in the family of New York will be able to enjoy the fun and exhilaration of athletic competition," he said.

**Governor Applauds Pension Fund Investments
in New York State**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 26, 1983

I am gratified that Comptroller Regan has taken this first important step toward utilizing the enormous resources of the State public pension funds to create jobs and business opportunities in New York State through venture capital investment, implementing legislation which we jointly sponsored earlier this year.

I have asked the Council on Fiscal and Economic Priorities to work with the Comptroller and the trustees of other pension funds and investing institutions, such as insurance companies, to create additional economic growth and opportunities by investing in New York. The Comptroller's commitment to the Common Retirement Fund investment program will provide an excellent example to other institutions of how this can be done prudently and effectively.

HIGH TECHNOLOGY**Governor Designates Advanced Technology Centers**

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 15, 1983

Governor Mario M. Cuomo today announced the designation of four New York universities as "centers for advanced technology" and the award of grants of \$50,000 each to three other institutions to aid in planning for the establishment of additional centers.

The Governor's Executive Budget proposes an appropriation of \$2.5 million to support the advanced technology centers program. In addition, many of New York's leading companies have already committed over \$2.5 million to the three designated centers and to several of those being planned.

"I wish to thank Speaker Fink, Minority Leader Rappleyea, Majority Leader Anderson and Minority Leader Ohrenstein for their leadership and support in this effort," Governor Cuomo said.

"The creation of these centers forges a partnership between government and two of New York's greatest strengths — its universities and its leading centers of corporate research and development," the Governor said:

"Each center will serve as a focal point for the development and application of the technologies that will shape our economy in the 1980's and into the twenty-first century. If we are going to take advantage of the future we must prepare for it. We must make a concerted effort to lead the nation in partnership among government, business, and academia in the search for the best methods of advanced technology. What we do today, will shape tomorrow," the Governor stated.

The four designated universities and the areas in which they will specialize are:

Cornell University — agricultural biotechnology
University of Rochester — optics
Polytechnic Institute — telecommunications
SUNY at Stony Brook — medical biotechnology

The three universities receiving planning grants are:

SUNY at Buffalo — medical instruments
Columbia — computers and information systems
Syracuse University — computer software engineering

The centers have been designated by the State Science and Technology Foundation, under a program aimed at encouraging the development of centers of acknowledged excellence in areas of technology expected to have a major impact on the State's future economic growth. The centers, which will be supported by State funds and by corporate contributions, will be similar to the Center of Industrial Innovation established last year at Rensselaer Polytechnic Institute.

Companies that have committed funds to the program include Eastman Kodak, Xerox, Bausch and Lomb, IBM, American Telephone and Telegraph, and others.

Governor Announces High-Tech Investments (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 11, 1983

Governor Mario M. Cuomo today announced two "investments in New York's future," which will provide the Rochester area with over 550 jobs.

The Governor presented a \$50,000 check to Precision Materials, Inc., a minority-owned firm, which will deal in laser applications and is expected to employ 56 persons by 1986. The Governor also announced that Athenaeum Technology, Inc. will complete negotiations on a \$250,000 loan within the next six to eight weeks. Athenaeum, which deals with the design, manufacture and marketing of disk drive technology, expects to employ over 500 employees by 1985.

In presenting the \$50,000 check to Dr. Earl T. Myers, President and founder of Precision Materials, Inc. (PMI), Governor Cuomo stated:

This is a tangible demonstration of partnership in New York State. It brings together public and private capital, initiative, and drive to

create jobs. Both with PMI and Athenaeum, we are bringing the State and Federal governments together with private investors to provide the venture capital for innovative growth businesses which will provide jobs to the area.

PMI will use laser technology for metal and other material processing services.

The \$50,000 loan will be accompanied by a total of \$250,000 from two private investors, the Security Trust Company and the Ibero-American Investors Corporation, both of Rochester.

The State and Federal portions of the PMI and Athenaeum loans are funded out of a \$2 million fund administered by the Board of the Science and Technology Foundation. The fund was established in FY81-82 with \$1 million each from New York State and the Federal Economic Development Administration.

Last year, Knowledge Systems of Rome, NY received \$80,000 from the fund. Since January, 1983, the fund has provided \$100,000 to Lab Microsystems of Troy, NY and \$50,000 to Graymar Corporation of Albany.

**Governor Announces Additional Technology Centers
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 5, 1983

Governor Mario M. Cuomo today announced the award of \$1.9 million to four New York universities for the development of four additional New York State centers for advanced technology. They had first been designated to receive funding in March, 1983.

Governor Cuomo also announced a \$150,000 award to Sono-Tek Corporation of Poughkeepsie to provide financial assistance to the firm which is engaged in innovative high-technology development.

In making the announcement, Governor Cuomo said:

In fact, the grants for centers for advanced

technology are being matched by private sector contributions. I am pleased that we have been able to bring together these sectors of the State to develop the advanced technology that will help serve all New Yorkers.

The four universities, each of which are receiving \$475,000 grants, and the areas of technology in which they specialize are:

Cornell University — agricultural biotechnology
Polytechnic Institute — telecommunications
SUNY at Stony Brook — medical biotechnology
University of Rochester — optics

Three universities previously received planning and program development grants to assist them to prepare for designation as centers for advanced technology. They are: Columbia University in computers and information systems, SUNY at Buffalo in medical instruments and devices, and Syracuse University in computer applications and software engineering.

Sono-Tek Corporation is a new company which manufactures low-cost high-performance ultrasonic nozzles. The company believes its ultrasonic nozzle is the only one of its kind and represents the first commercial breakthrough in the use of ultrasonics for atomizing a wide range of fluids.

Governor Announces Technology Loan (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 8, 1983

Governor Mario M. Cuomo today announced that the State is loaning \$250,000 to Athenaeum Technology, Inc. as part of a financial plan to bring 600 jobs to Rochester over the next five years.

The \$250,000 loan by the State Science and Technology Foundation's Corporation for Innovation Development is in addition to a previously announced \$495,000 loan by the State's Job Development Authority.

With the additional loan, financing is now complete

for the computer firm to move its manufacturing facilities and corporate headquarters to Rochester, providing 250 jobs over the next two years, and 600 jobs over a five-year period.

"I have said that we have a responsibility to do as much as possible to attract businesses and jobs to New York State. I am delighted that Athenaeum has agreed to relocate in our State, bringing hundreds of jobs with it. Our ability to attract Athenaeum, which has administrative and other operations in Braintree, Massachusetts, shows that New York is becoming increasingly attractive as a place to do business and is developing the kind of creative financing assistance necessary to compete with Route 128 in Massachusetts, the Silicon Valley in California and other areas of high-technology growth," Governor Cuomo said in announcing the agreement.

The financing package of \$2.3 million will enable Athenaeum Technology, Inc. to manufacture an advanced disk drive for personal computers, word processors and minicomputers.

Governor Announces High-Technology Park Study

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 10, 1983

Governor Mario M. Cuomo announced today during a visit to Utica that he has signed legislation to provide for a study to determine the feasibility of a high-technology industrial park in the Utica area.

The three sites to be studied include the Marcy Campus of SUNY Utica-Rome, the West Frankfort Industrial Park, and lands near the Oneida County Airport Industrial Park. If the feasibility study demonstrates that the Marcy campus can be developed, UDC and SUNY are authorized to enter into agreements to develop the park.

"This legislation represents our commitment not only to the economic revitalization of the Mohawk Valley; it also represents our commitment to the future," Governor Cuomo said:

New York State has shown itself to be fertile ground for high-technology development. But the State must not simply wait for the future, it must work to achieve it. I am pleased to be able to assist in this important effort.

The study will be conducted by the New York State Urban Development Corporation, which will examine feasibility in conjunction with a statewide high-technology development plan it is currently developing. A preliminary report is to be submitted to the Legislature by March 1, 1984, with the final report to be completed by December 1, 1984.

Governor Cuomo thanked Assemblyman Richard Ruggerio and Senator James Donovan for their sponsorship and work on behalf of the bill.

Governor Announces Foundation Awards (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 25, 1983

Governor Mario M. Cuomo announced today that the New York State Science and Technology Foundation had approved \$1,010,000 in financial assistance to promote the growth of technology-based business in the State.

The financing included: \$430,000 to three companies, grants totaling \$200,000 to nine educational institutions, \$25,000 grants each to two regional high-technology councils, and designation of Columbia University as a center for advanced technology (a \$330,000 award).

The \$430,000 financing was approved under the Foundation's Corporation for Innovation Development (CID) Program which is designed to stimulate the formation and development of innovative, technology-based new business ventures or new product development in established firms. Investments and firms include:

- \$250,000 to Xertronix Incorporated, Rochester.
- \$150,000 to Robotics, Inc., Ballston Spa.
- \$30,000 additional investment in Gremer Industries, West Sand Lake.

Under the Foundation's Research and Development Grants Program, grants totaling \$200,000 were awarded.

Two \$25,000 grants were awarded to High Technology of Rochester, Inc. and to Western New York Technology Development Center under the Foundation's Regional High Technology Development Organization Program. The two organizations assist the technological economic growth of the Rochester and Buffalo areas. In the Rochester area, this includes establishment of a high-tech industrial park, while in Buffalo closer cooperation between industry and the region's large academic community in economic development efforts is sought.

Under the Foundation's Centers for Advanced Technology Program, Columbia University was awarded \$330,000 to develop a center for advanced technology in computers and information systems, areas of advanced technology considered to have significant potential for economic growth in the State.

JOB DEVELOPMENT AUTHORITY

Governor Cuomo Announces BAX Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 14, 1983

Governor Cuomo announced today that a Bonding Assistance Experimental (BAX) Program is to be undertaken by the New York Job Development Authority in conjunction with the Office of General Services (OGS).

This pilot program is designed to assist small and/or minority contractors meet one of the basic criteria for achieving success in the construction industry, the ability to secure payment and performance bonds.

Because of the experimental nature of this program and the limited funds available to JDA for this purpose, the BAX program will be restricted at the outset to OGS contracts of not more than \$250,000. OGS, functioning as the contractor and supplier for State agencies, annually awards hundreds of contracts, with a worth of many millions of dollars. These contracts include new construction, maintenance and repair, and rehabilitation of facilities throughout the State.

"It is the policy of the State of New York to assist small and/or minority business entrepreneurs to participate fully in the economic activity of the State. This new program will go a long way to resolving a major problem faced by these companies, i.e., the inability to obtain bonds in connection with construction contracts," Governor Cuomo stated.

The program also provides for working capital support for OGS contractors or subcontractors whose cash flow conditions require a temporary infusion of working capital either (1) to prevent default on a contract in progress, or (2) to restore liquidity where work has been successfully completed but final payments have not yet been received.

The key feature of the BAX program is the use of JDA funds to establish a set-aside/escrow to be available to the surety company. The amount of the set-aside/escrow will be a percentage of the face value of the bond the surety will issue. Counted as an addition to the asset base of the contractor, it will provide the additional backing needed to induce the surety to issue the bond.

"I am pleased to note the fruitful cooperation of JDA, the Office of General Services, and the Department of Commerce in developing the criteria for this program; and I congratulate the Insurance Company of North America and the Union Insurance Company for their willingness to participate in this experimental effort in our State," Commerce Commissioner Donohue, Chairman of JDA, stated.

"With the \$1 million that JDA will utilize for the purposes of this program, it is estimated that small and/or minority business enterprises will be able to secure an additional \$10-\$20 million of contract work, representing an increase of 25 percent over the present \$60 million annual rate," Robert T. Dormer, President of JDA added.

Information releases and applications for participation in this experimental program are available from the offices of the New York Job Development Authority, New York State Department of Commerce, and the New York State Office of General Services.

Governor Announces JDA Loans (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 18, 1983

Governor Mario M. Cuomo announced today that 12 companies in New York City and Long Island will initiate industrial growth projects to create 288 new jobs with the help of loans recently approved by the JDA.

The 12 statewide loans total \$3,514,320 for projects costing \$9,341,745.

In announcing the loans, Governor Cuomo said, "these loans are another example of government and business working together for the good of the entire family of New York."

JDA provides low-cost loans to aid business and industrial development and improve employment opportunities. Loans may cover up to 40 percent of project costs for construction, acquisition, rehabilitation or improvement of manufacturing plants and other eligible businesses, and for machinery and equipment.

The loans approved by the JDA include loans to two businesses in Queens County, two in Brooklyn, three in the Bronx (all of which are in the South Bronx), one in Nassau and four in Suffolk.

Governor Announces JDA Loan

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 26, 1983

Governor Mario M. Cuomo today announced a \$250,000 State loan guarantee which will allow the Aeolian American piano manufacturing facility in East Rochester to reopen, thereby creating jobs for over 200 unemployed workers. The loan guarantee will be provided by the JDA and is part of a financing package which includes private bank financing.

"When Aeolian American closed its doors last year, it sent another sad shock wave through Monroe County. But
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arrangements we announce today are a perfect example of how the family of New York can work together, coordinating private entrepreneurship, private support and public financing tools which, together, help reemploy workers who had lost their jobs. Now, over 200 skilled workers are going back to work. Not only that, but a yearly payroll of more than \$3 million has been restored to the local economy and such historic names in music as Knabe, Chickering and Mason and Hamlin will be preserved," Governor Cuomo said.

When Aeolian returns to its level of 200 employees, the ripple effect of such an increase in jobs is expected to add between 135 and 150 new jobs in other industries, an additional \$2.5 million annually in personal income and approximately \$2.3 million to \$2.5 million in retail sales.

Governor Cuomo praised the drive of Peter M. Perez, Chairman of Aeolian Pianos, Inc., the cooperation of employee union President Paul Manochino and the assistance of JDA President Robert Dormer and State Commerce Commissioner William J. Donohue, as well as Marine Midland and Citibank, for working together to reopen Aeolian.

Mr. Perez also cited the support he and the company received from New York State officials:

Governor Cuomo, Mr. Donohue and Mr. Dormer all were committed to this project and played key roles in returning our employees to work. Our valued employees have agreed to important changes in our labor agreement, and great credit must be given to union President Paul Manochino and his committee in returning more than 200 employees to work.

"We welcome the workers back and we welcome Peter Perez to New York Aeolian's products which, like so many of the goods and services provided by New York companies and their employees, are among the world's finest. I'm delighted that once again they will be made in New York. I am gratified that once again the cooperation of the public and private sectors can get results. And I am proud that JDA and the Commerce Department had the expertise and the tools to help," Commissioner Donohue said in Rochester.

American Aeolian, which was formed by the merger

of two of the major United States piano manufacturers, has been doing business in East Rochester since 1932. Its annual sales prior to closing its East Rochester operation, were in excess of \$11 million.

Governor Announces Largest JDA Loan (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 13, 1983

Governor Mario M. Cuomo today announced that the State is loaning \$2 million to the Schweizer Aircraft Corporation as part of a financial plan to add 200 new jobs at the Schweizer helicopter plant in Elmira through the manufacture of Hughes Model 300 helicopters.

The loan is the largest ever approved by the JDA, which first became involved in the project in February when Governor Cuomo directed it "to assist Schweizer Aircraft to the fullest extent possible in developing a workable financing program."

At the same time, Governor Cuomo wrote to Jack Real, President of Hughes Helicopters, informing him of the Governor's directions to the JDA and assuring him of the Governor's "strong, personal interest in this project."

The loan is part of a complex financial package of loans and loan guarantees totaling \$4 million, which enabled Schweizer to reach agreement last week with Hughes Helicopters, Inc. of Culver City, California for the manufacture of the Hughes Model 300 helicopter.

At the ceremony Governor Cuomo stated:

Last year I said that we have an obligation to work in partnership with private industry to attract jobs to New York. Since January, we have been able to attract jobs to Watertown, Brooklyn and Hornell; I am pleased that we have been able to bring 200 new jobs to Elmira as well.

This is a perfect example of the family of New York in action. Chemung County suffers from a jobless rate of 13.5 percent, four points above the statewide average. With this loan, we

will make it possible for 200 fellow New Yorkers to earn their own bread and contribute to the local and the State's economy.

I am particularly pleased that our willingness to work out a financial plan with Schweizer enabled it to win the Hughes contract in competition with numerous other firms, including manufacturers in three foreign countries. I know that the skill of the workers in the Southern Tier, together with all the other advantages available in New York State, will prove of great advantage to Hughes, as they have for other companies in our State.

Governor Cuomo thanked Robert Dormer, President of JDA; Paul Schweizer and Leslie Schweizer of Schweizer Aircraft; Jack Real, President of Hughes Helicopters; Commerce Commissioner William Donohue; Senators Daniel Patrick Moynihan and Alfonse D'Amato; Congressman Stanley Lundine; Senator William Smith; Assemblyman George Winner, Jr.; Chemung County Executive Robert Densberger; and Elmira Mayor Mary Pat Ciccariello.

Under the agreement Schweizer plans on starting production in November and is expected to build 40 helicopters by May 1984 and 100 annually in the following years. The company, which presently employs 200 people at its facility at the Elmira Corning Airport, is a subcontractor to the aerospace industry. It also manufactures the Ag-Cat crop duster which is used for pest control spraying and crop fertilization.

Governor Announces JDA Loans for Western New York (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 12, 1983

Governor Mario M. Cuomo today announced approval of JDA loans and loan guarantees totalling nearly \$5 million for Western New York companies which will undertake development projects creating some 175 jobs.

The JDA actions include approval of a \$2,650,000 loan, the largest in JDA history, for Frontier Stone, Inc.,

of Lockport, and a \$2 million loan which will preserve the jobs of some 500 employees of Roblin Steel Co., which maintains facilities in Dunkirk and North Tonawanda.

Governor Cuomo said the loan to Frontier Stone, Inc., will help finance its purchase of the assets of Genstar Stone Products in Lockport and Gasport, ensuring continued operation of the facilities which employ 100 western New Yorkers. It will also lead to creation of 35 jobs over the next two years and benefit some 150 independent haulers whose income depends on the company's operation.

Governor Cuomo also said the recently approved JDA guarantee of a \$2 million loan from the Al-Tech Trust Fund will provide working capital to permit the Roblin company to arrange for overall refinancing of the company which was necessary to keep it in business. Roblin employs more than 500 people in its production of high-quality carbon and alloy steel coils and bars, and has had to lay off 200 employees.

The JDA is one of the most effective tools we have to encourage new industry, economic growth and the preservation and expansion of employment," Governor Cuomo said. "Time and again this tool has been well used to boost Western New York's economy, a job which is one of State government's top priorities."

The Frontier Stone project totals \$6.7 million, including \$3.1 million for real estate and \$3.6 million for purchase of machinery and equipment. In addition to JDA loans, the purchasers of the operation have secured private financing.

Governor Cuomo, who during his Buffalo visit urged passage of the "Rebuild New York Bond Issue," hailed the project as the type of business which could create additional jobs if the bond is approved. "The great side benefit of our commitment to improve and maintain our roads, bridges, ports and waterways is that such projects could employ more than 35,000 New Yorkers such as the quarry haulers who rely upon the Frontier Stone project," Governor Cuomo said.

Editor's Note: Other JDA project approvals which Governor Cuomo announced were: Ontario Locomotive and Industrial Railway Supplies, Inc., of LeRoy, Krepe-Kraft, Inc., of Blasdell, and Donanson Products of Buffalo.

Governor Announces JDA Loan in Western New York

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 20, 1983

Governor Mario M. Cuomo today announced approval of a \$1,760,000 loan from the JDA to assist a newly formed subsidiary of Elderlee, Inc. in taking over and operating Bethlehem Steel Corporation's Specialty Products Shop in Hamburg.

"This is welcome news for the economy of the whole Niagara Frontier," Governor Cuomo said following approval of the loan by the JDA board. "We're continuing to do all we can to help boost the Western New York economy."

The \$2.2 million financing package, processed through Buffalo and Erie County Industrial Land Development Corp., will enable Elderlee, Inc., a wholly owned subsidiary of H.J. Williams Co., Inc. of York, Pa., to acquire the fixed assets of the Specialty Shop complex on Lake Shore Road in Hamburg, resulting in retention of 43 existing jobs and creation of an estimated 99 new jobs within two years after completion of the project.

The Specialty Shop property includes three buildings of approximately 189,000 square feet on 16 acres and all of the production equipment, tooling and accessories necessary for the production of a variety of formed and fabricated metal products.

Acquisition of the Specialty Shop operation represents a major undertaking for H.J. Williams Co., a general contracting firm employing upwards of 250 in highway and heavy construction primarily in Pennsylvania and Maryland. The takeover will allow for the continued servicing of the operation's current markets which should experience substantial expansion, especially in the highway and bridge construction products, with Federal and State-funded reconstruction projects throughout the Northeast. The new corporation plans to continue production of specialty cold-formed products for manufacturing, automotive and highway products industries.

The JDA is providing \$880,000 as part of the \$2.2 million realty portion of the project and \$880,000 for

machinery and equipment. Total cost of the machinery and equipment is \$2.2 million. Additional financing for the project is being provided by Manufacturers and Traders Trust Co. (\$2.2 million), and by the company (\$440,000).

JOB TRAINING

Governor Announces Emergency Employment Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 13, 1983

Governor Mario M. Cuomo today submitted legislation to distribute \$5 million in emergency job training funds to six counties hardest hit by unemployment.

Four of the counties — Erie, Cattaraugus, Genesec and Niagara — are in Western New York. The other two are Chemung and Jefferson.

"While New York's unemployment rate has remained below the national average, certain areas of the State, particularly those with declining industries, have chronic, serious unemployment, far worse than the State and national averages," Governor Cuomo said.

"My proposal targets funds for private sector job training to those areas with the greatest need which would benefit the most — those with high unemployment, a significant decline in job opportunities and a large pool of unemployed workers," he said.

Under the Governor's proposal, which is entitled the Emergency Employment Intervention Program, Erie County would be eligible for \$3,206,900; Niagara, \$845,500; Jefferson, \$263,150; Chemung, \$256,700; Cattaraugus, \$239,800, and Genesee, \$187,950.

The criteria used to qualify for funding were an average county unemployment rate for the 12-month period ending Dec. 31, 1982, which exceeded the statewide average rate for the same period by at least one-third; a decline in the percentage of county residents who were employed between November 1981 and November 1982

which exceeded the statewide decline in the percentage of State residents employed for the same period, and an average of unemployed persons for the 12-month period ending Dec. 31, 1982, which exceeded 3,000 persons. Each county's share of the \$5 million equals the ratio of the average number of unemployed persons in the county to the sum of the average in all eligible counties.

Under the proposal, the Governor will designate a State agency to administer the program. Training organizations such as educational institutions, labor unions or community-based organizations, may submit training proposals to the agency which must include information about the training proposal, evidence that the training is appropriate for available jobs, a description of all other funding sources and any other information required by the agency. Those eligible to participate are individuals who are unemployed or who are about to be unemployed. Funds available under the program can be used as a match against Federal Job Training Partnership Act funds or in concert with other Federal or State vocational training funds.

Governor Convenes Job Training Partnership Committee

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 22, 1983

Governor Mario M. Cuomo today convened the first meeting of the new Job Training Partnership Committee, which is charged with designing job training and employment programs to replace the CETA program. The new Job Training Partnership Program will heavily emphasize private sector involvement in job creation and training.

In addressing the 46-member Committee, the Governor outlined the three major aims of the Committee:

— To assure that the State's resources are used to create job opportunities for those who need them most: those who have suddenly been left jobless after years of gainful employment due to shifts in the structure of our economy; those who work in unstable marginal jobs and therefore do not earn enough to support their families; and young people who have left school without acquiring

the skills they need to get a job;

— To develop programs aimed at preparing workers to meet the needs of New York's changing economy and thus create a strong foundation for economic growth; and

— To insure that the greatest possible percentage of the funds available are distributed directly to those in need and are not funneled off for excessive administrative or bureaucratic expenses.

One of the earliest specific recommendations the Committee must make is designation of the local service delivery areas thorough which job training and placement programs will be administered. The Committee received and reviewed a staff proposal for the creation of 30 such areas throughout the State. The City of New York, four upstate cities, and large counties would each comprise a single service delivery area. Elsewhere, groups of contiguous countries would be designated.

These 30 areas would replace more than 60 smaller areas that are responsible for administration of the Comprehensive Employment and Training Act which expires on September 31. The Job Training Partnership Act was enacted by Congress in 1982 as a successor to the CETA program.

Governor Cuomo announced the establishment of the Committee on April 10. Jewell Jackson McCabe, a consultant to private industry and President of the National Coalition of One Hundred Black Women, serves as Chairman of the Committee; Lieutenant-Governor Alfred Delbello is Vice-Chairman. The Committee membership is drawn from all sectors of the economy — government, business, labor, academia. "They understand," the Governor stated, "the economic needs of our diverse State. I have great faith in their collective wisdom."

In conjunction with the development of a comprehensive State training plan, the Committee will oversee the distribution of more than \$200 million in Federal funds made available under the Federal Job Training Partnership program.

The Governor pointed out that:

the State has a great deal more control over the Federal Job Training Partnership Act funds than

it had over monies from the CETA program. Unlike previously, we have the authority to oversee the spending of JTPA funds and to coordinate that spending with other efforts. In addition, this program allows the private industry councils to play a full role.

Chair Jewell McCabe noted that:

the Job Training Partnership program provides an opportunity for government, business and labor to undertake a common agenda on a vital matter where the consequences of success and failure are shared by all. When such circumstances occur, you have a chance for a productive partnership.

Editor's Note: See Executive Order Number 10.

Governor Announces Job Training Awards

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 29, 1983

Governor Mario M. Cuomo today announced the award of \$1.2 million to 13 programs that will provide training and related services to displaced workers.

The \$1.2 million represents New York's share of a \$25 million appropriation approved by Congress in its December, 1982 session for job training programs in Federal FY82-83.

Five of the grants will go to agencies and organizations in the Western New York communities that have been hit hardest by unemployment. They include:

- Erie County Employment and Training Office - \$150,000
- City of Buffalo, Erie County Community College and Buffalo Urban League - \$200,000
- Towns of Tonawanda and Cheektowaga - \$150,000
- Cattaraugus, Allegany, Erie, Wyoming BOCES, Olean - \$124,000
- Every Woman Opportunity Center, Niagara - \$50,000

"These grants are a first step toward meeting our obligations to New Yorkers who have been left jobless, either by the recession or by structural changes in our economy," the Governor said.

Other grants announced by the Governor included:

- Regional Council on Aging, Rochester - \$70,000
- Franklin County Employment and Training Administration - \$65,000
- Warren County Employment and Training Administration - \$50,000
- United Auto Workers, Brooklyn - \$125,000
- Agudath Israel of America, NYC - \$100,000
- Community Service Society, NYC - \$100,000

Unlike Job Training Partnership Act funds, which do not go into effect until October 1, 1983, these funds are distributed by the State through requests for proposals from specific groups rather than through service delivery areas.

The Governor also urged quick legislative approval of his proposal for a \$5 million emergency employment program. "Last week Speaker Fink announced his support of this initiative," the Governor said. "I have asked Senator Anderson to move quickly as well, so that we can provide some immediate help to those who only want us to give them a chance to work again."

Governor Announces Committee Membership (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 13, 1983

Governor Mario M. Cuomo today announced that, at the request of Senate Minority Leader Manfred Ohrenstein, Senator John Perry of Rochester will replace Senator Ohrenstein on the Job Training Partnership Committee.

Senator Perry has represented the 54th Senatorial District since 1975. He serves on Senate Committees on Education, Finance, Higher Education, Mental Hygiene and Addiction Control, Rules, and Transportation.

Governor Signs Job Training Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 27, 1983

Governor Mario M. Cuomo announced today he has signed a package of four bills targeting State dollars and Federal Job Training Partnership Act funds to train dislocated workers and to improve the State's coordination of job training programs.

The Emergency Employment Intervention Program, which the Governor proposed as part of his economic development strategy, will make available \$6.85 million in State and Federal funds to 16 counties with chronic and severe unemployment. The money will finance community-based job training programs to retrain unemployed workers in new skills and thus provide a pool of job-ready workers to attract new and expanding industries.

"Job training is an integral part of any regional economic revitalization effort," the Governor said. "The eligible counties, including both urban and rural areas with vastly different business and industrial bases and job training needs, will be able to structure the program to meet individual requirements," he said.

The 16 counties, selected because their unemployment rates are higher than the State or national averages, and the approximate amounts they will receive, are: Cattaraugus, \$239,750; Cayuga, \$228,105; Chautauqua, \$417,165; Chemung, \$256,875; Chenango, \$140,425; Clinton, \$208,925; Cortland, \$143,165; Erie, \$3,205,115; Franklin, \$134,260; Genesee, \$187,690; Greene, \$123,300; Jefferson, \$263,040; Lewis, \$66,445; Niagara, \$844,605; Orleans, \$121,930; and Steuben, \$269,205.

"In many of these areas the economic base consists primarily of declining industries that may never recover. This program assures that New York's work force, its most important resource, is responsive to the shifting demands of industry, and becomes an effective asset for the renewal and redevelopment of our industries," he said.

The Governor also signed legislation requiring that \$8.5 million of \$10.7 million available to the State through

the Federal Job Training Partnership Act for the Dislocated Workers' Program be distributed by the Department of Labor to counties based on their unemployment percentages. The training would be provided by vocational and educational institutions.

The bill also appropriates \$2,045,000 for "employer specific skill training" as part of the Dislocated Workers' Program. This short-term skill training, to be provided by the Education Department, will be designed to benefit employers who locate or expand operations in the State and the jobless who would acquire new skills and concrete employment opportunities.

A third bill sets up a mechanism to distribute \$100,436,436 in Federal Emergency Jobs Funds approved by Congress after the State's 1983-84 fiscal budget was approved.

The money will be allocated to State agencies administratively responsible for specific job programs, such as the Department of Transportation, Health Department and Parks and Recreation. Among the criteria spelled out in the Federal Emergency Jobs Bill are that the funds be spent expeditiously and directed to the unemployed and areas of severe economic stress.

Governor Cuomo also signed legislation establishing a Job Training Coordinating Council as a mechanism to coordinate job training programs and activities among State agencies. This will assure that vocational, occupational and job training programs carried out by State agencies are as effective and efficient as possible.

The Council members will be appointed by the Governor and will include the commissioners of Commerce, Labor, Education and Social Services.

It will be responsible for advising the Governor and local entities concerning programs funded under the Federal JTPA and other Federal, State and local workforce preparation programs and will review training programs conducted in each service delivery area, assessing their effectiveness.

The bill requires the Council to report to the Governor and the Legislature by March 1 next year on its activities. The report also will include an analysis of

ways to improve workforce preparation programs, how New York State programs compare with those of other states, recommendations for statutory or regulatory changes, proposals for program performance standards, a review of the advisability of setting up a statewide data base, recommendations for better use of educational resources, an evaluation of the labor market information system and a discussion of job search mechanisms.

Editor's Note: See Approval Memorandum Number 38, Chapter 525 of the Laws of 1983.

Governor Announces Job Training Conference

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 15, 1983

Governor Mario M. Cuomo announced today that the New York State Job Training Partnership Council will conduct its first conference on training needs and opportunities in industry — for the Travel and Tourism Industry in New York State. The conference will be held December 8th at the Sheraton Centre in New York City.

"Tourism is a major force in the State's economy. It provides jobs for nearly 600,000 workers in about 55,000 establishments, most of which are small businesses. And the Commerce Department's successful 'I LOVE NEW YORK' program has helped bolster the economic development potential of the industry," Governor Cuomo said. The Governor praised the Job Training Partnership Council for recognizing the need to focus on the human resource development prospects within the travel and tourism "growth" industries.

Conference participants will include invited leaders of the travel and tourism industries and from the private industry councils implementing the Job Training Partnership programs throughout New York State.

Jewell Jackson McCabe, Chair of the New York State Job Training Partnership Council, termed the Conference:

a monumental opportunity for the creative exchange of information between the industry,

which needs trained workers, and the training system which has workers in need of jobs.

Bunny Grossinger, who represents the travel and tourism industry on the State Council, will chair the Conference. The event has received the support of the travel-related industries in New York.

EDUCATION

Governor Proposes School District Finance Reforms

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 27, 1983

Governor Mario M. Cuomo today announced he is proposing a package of six bills to reform school district finances.

The bills will increase the efficiency of school district operations and at the same time protect school district taxpayers, the Governor said.

The first two bills in the package address the fiscal needs of the State's 60 hard-pressed, small city school districts. One — a constitutional amendment — would remove the present, unrealistic real property tax limits imposed on small city school districts. The amendment would require passage by two successive Legislatures and a vote by the people. The second — a companion proposal which would be effective only if the constitutional amendment is ratified — would require annual meetings and budget votes in small city districts, as now is the case in all noncity school districts.

Two other proposals are aimed at easing undue restrictions currently placed on local school districts. One would increase the cost of purchase contracts subject to formal bidding procedures from \$3,000 to \$5,000. The other would increase the cost ceiling on school construction projects which require an architect's seal from \$5,000 to \$50,000. However, the provisions of the second bill would not apply if a building's structural components or human health or safety were affected.

Another proposal would apply to noncity school districts operating under a contingency budget. It is designed to give those local boards of education the ability to exercise greater discretion in determining how to use available funds, while also limiting the size of yearly budget increases under these situations.

A sixth bill requires school districts entitled to receive adjustments in their general school aid payments to file a claim within three years following the year in which the adjustment arose. Currently, there are no time limits on school districts to file claims for payment adjustments. The amount and age of the claims have varied widely, creating both administrative problems in processing the claims and adversely affecting the accuracy of State expenditure projections of general school aid.

Governor Announces Achievement Award Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 10, 1983

Governor Mario M. Cuomo today announced the creation of New York State Achievement Awards totaling \$5,000 for high school students who are outstanding in mathematics and science.

The awards, which will be made through the New York State Science and Technology Foundation, will consist of university scholarships and commemorative medals.

"I have spoken about the need for government to be involved in supporting education and the growth of technology. These awards for excellence help students whose studies can improve the lives of all of us. These awards are, of course, only a small part of our total effort. However, it is important that our students realize that we have an interest in their academic achievements," Governor Cuomo said.

The Foundation, a public corporation under the chairmanship of State Commerce Commissioner William J. Donohue, will honor the winners of the New York State

Science Congress, the New York City Science Fair and the New York State Mathematics League competitions. In addition to medals, the winners of the competitions will each receive a \$1,000 scholarship to the college or university in New York State which the student chooses to attend. Runner-up winners, at the discretion of the Foundation Board of Directors, will receive medals and a \$500 scholarship award.

Governor Approves Small City School Aid

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 8, 1983

Governor Mario M. Cuomo today signed legislation making available \$57.2 million to 45 so-called "Hurd" city school districts for their 1983-84 school year. In signing the legislation, the Governor noted that half of the appropriation will be paid out during the State's current fiscal year and the other half in fiscal 1984-85.

New York has provided emergency aid since the 1979-80 school year to certain school districts located wholly or partially in cities with populations of less than 125,000. These school districts are subject to constitutional tax limits, ranging from 1.25 to 2 percent of the five-year average full value, for purposes of raising property tax revenues.

As a result of the tax limitations, many school districts have not been able to support their educational programs without emergency aid from the State, Governor Cuomo noted. Last year, 39 so-called "Hurd" school districts received \$49.19 million in emergency aid.

The school districts which will receive the aid under the legislation and the amounts are:

SCHEDULE

CITY	AMOUNT	CITY	AMOUNT
Albany	\$600,000	Watertown	\$150,000
Watervliet	400,000	Amsterdam	200,000
Binghamton	300,000	Rome	150,000
Olean	300,000	Utica	350,000
Salamanca	150,000	Geneva	100,000
Auburn	750,000	Middletown	2,100,000
Jamestown	350,000	Newburgh	5,000,000
Elmira	800,000	Port Jervis	400,000
Norwich	100,000	Fulton	1,000,000
Plattsburgh	300,000	Oneonta	250,000
Hudson	700,000	Rensselaer	100,000
Beacon	1,000,000	Troy	2,000,000
Poughkeepsie	3,800,000	Mechanicville	150,000
Lackawanna	2,100,000	Schenectady	2,400,000
Tonawanda	400,000	Corning	400,000
Glen Cove	1,800,000	Ithaca	100,000
Long Beach	4,300,000	Kingston	2,600,000
Lockport	100,000	Glen Falls	150,000
Niagara Falls	4,300,000	Mount Vernon	6,900,000
North Tonawanda	150,000	New Rochelle	5,200,000
Gloversville	150,000	Peekskill	3,800,000
Johnstown	100,000	White Plains	350,000
Batavia	400,000		

Governor Approves Community College Funding

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 10, 1983

Governor Mario M. Cuomo announced in Utica today his approval of legislation providing an additional \$7.8 million for the 37 community colleges across the State for the 1983-84 academic year.

"Community colleges play an important role in enabling students of all ages to acquire the educational skills that lead to advanced education and improved employment opportunities. It is my pleasure to approve this legislation which gives added general support and categorical support to the community colleges. I know

this assistance will enable the community colleges to continue their fine record of achievement on behalf of the family of New York," the Governor said.

This legislation contains a number of provisions that address the many and varied needs of community colleges. Specifically, basic aid for each of the community colleges is increased by \$20 per full-time equivalent student. This raises State support to \$970 per student.

The legislation appropriates an additional \$160,000 for community colleges for the Educational Opportunity Program at the State University and the College Discovery Program at City University, and is intended to increase stipends by \$25 per student, from \$252 to \$277 for the disadvantaged students assisted by these programs.

The legislation provides \$1.1 million for noncredit vocational programs at community colleges. The legislation calls for SUNY and CUNY to concentrate upon training the unemployed and marginally employed.

Provision is made permitting community colleges at both State and City Universities to increase tuition by no more than \$100 per student, providing that the local sponsor maintains contributions to local revenues. This provision is intended to provide a new funding source for community colleges at or near the one-third limitation.

This legislation will play an important role in the State and local partnerships that have resulted in an exemplary community college network across the Empire State.

Editor's Note: See Approval Memorandum Number 91, Chapter 987 of the Laws of 1983.

**Governor Comments on Academic Freedom
and Moral Responsibility**

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 31, 1983

In a century distinguished for great lies, the United Nation's equation of Zionism with racism ranks second

only to the myths of Nazism. In a lynch mob atmosphere, that lie was adopted by the UN General Assembly in 1975. Senator Daniel Moynihan, then United States Ambassador to the United Nations, condemned the outrage in these words: "The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act."

Eight years later, the rhetoric of 1983, taught by a member of the SUNY at Stony Brook faculty, once again equates Zionism with racism. It is a teaching which is, in my opinion, intellectually dishonest and pernicious because it is designed to serve as a justification for genocide in the form of a completion of the "final solution" through annihilation of the State of Israel.

It is reported that the faculty committee investigated the matter, conducted an inquiry and "exonerated" the faculty member involved. I am not sure what that means. If it means that teachers have the freedom to say or teach things which are controversial and by some people's lights objectionable and reprehensible, that is one thing. I endorse that freedom totally. If it means that teachers have the right to be wrong, that is to be expected. Teachers like politicians and everyone else suffer from human frailty.

But if the report of the faculty committee is posited in such a way as to make it possible to construe its meaning as an endorsement of the doctrine or the soundness of its reasoning, then I reject that report. I am disappointed that more of the faculty did not publicly disagree with the content of the statement.

Academic freedom protects the right to be wrong; it should not release anyone from the responsibility to express appropriate moral repugnance. It certainly does not restrict their freedom to do so, nor does it demand silence in the face of twisted logic that does damage.

There was a similar situation at Northwestern University several years ago. A professor of engineering published a book which branded the Holocaust as "The Hoax of the Twentieth Century." While his academic status was unaffected, neither university administration nor fellow faculty members felt constraint in the expression of moral condemnations which were justifiably heaped on the professor in question.

In comparison, the silence at Stony Brook is thunderous. Perhaps the faculty fears encroachment on the sacred soil of academic freedom. If so, then I offer another statement from our eloquent senior Senator from New York: "We Should Be Feared For The Truths We Will Tell."

Governor Announces Advisory Committee (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 26, 1983

Governor Mario M. Cuomo today announced the formation of an Educational Advisory Committee which will consult with him in the shaping of his educational policies and practices.

"In recent months I have made it quite clear that investment in the State's educational system must be one of our highest priorities in the coming year.

One national report after another has pointed to a crisis in our public schools. Here in New York we have what I believe is the strongest and most comprehensive education system in the United States, if not the world. From prekindergarten programs to postdoctoral training, our combined resources of public and nonpublic institutions is unparalleled. But at a time when higher education has become as essential today as the high school diploma of a prior generation, the challenges we face are great as well," Governor Cuomo said.

Governor Cuomo cited:

- Ensuring that children not only satisfy minimum competencies but are stimulated to reach their full potential.
- Offering children and adults alike the training required in science, mathematics, foreign languages, and computer literacy required to function effectively in a rapidly changing world.
- Recruiting and retaining effective teachers, providing them with necessary training and retraining opportunities.
- Promoting ties between the State's businesses and industries the one hand and our instructional institutions on the other.

- Assuring all qualified students of an opportunity for higher education without regard to their financial circumstances.

"I have asked the members of this Advisory Committee to recommend the actions which they believe the State should take to get the maximum return on the investment we will make in education next year. Resources will be available, but I am also convinced that many steps can be taken without great cost to the taxpayer to improve the quality of our offerings and contribute to the economic, cultural and intellectual vitality of our State. I am delighted that Speaker Fink and the leaders of the Assembly have announced a series of hearings throughout the State on major educational issues. I welcome this initiative and pledge to make available to the Speaker the results of the Advisory Committee's deliberations," the Governor said.

The work of the Committee will be coordinated for the Governor by the Director of State Operations, Dr. Henrik N. Dullea, and the Assistant Secretary to the Governor for Education and the Arts, Dr. Cornelius J. Foley.

Editor's Note: The members of the Advisory Committee are: Chancellor Anthony J. Alvarado; Commissioner Gordon M. Ambach; Dr. Adrienne Y. Bailey; Monsignor Vincent D. Breen; Dr. Clyde Eidens; Albert Shanker; Chancellor Joseph S. Murphy; Peter S. O'Brien; Arlene Penfield; Professor Diane Ravitch; President Frank H. T. Rhodes; Dr. David Z. Robinson; Dr. Alvin I. Schiff; President Michael I. Sovern; and Chancellor Clifton R. Wharton, Jr.

Governor Announces Classes for Students Affected by Grenada Invasion

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 2, 1983

Governor Mario M. Cuomo announced today that Charles Modica, Chancellor of St. Georges University, has informed him that St. Georges will conduct classes for 300 medical students at the Brooklyn Campus of Long Island University. Classes will begin within the next two to three weeks. Governor Cuomo has asked Commissioner of Education Gordon Ambach and the Board of Regents to lend their support to this temporary measure in the

interest of these students whose education was interrupted by recent events on the island of Grenada.

"We should do all we can to give our support to these students," the Governor said. This interim measure of six weeks of classes at Long Island University is part of a tripartite plan that includes a similar effort by Governor Kean to provide classes for 200 students at St. Barnabas Medical Center in Livingston, New Jersey. A third group of about 150 students will be educated at Kingston Medical College on the Island of St. Vincent.

"The speed with which these arrangements have been made is a tribute to the good will and hard work of all parties involved," Governor Cuomo said.

Governor Releases Letter to the Board of Regents

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 14, 1983

Governor Mario M. Cuomo today released the attached letter during the Mid-Hudson Region Community Forum.

* * *

December 13, 1983

Dear Chancellor Genrich:

I was very pleased to read the policy statement issued by the Regents in September entitled "Business and Education — Partners In Improving New York State's Economic Development." I share the view, which the statement expressed so well, that education and business must work together, each supportive of the other, if the State of New York is to prosper in the manner we both wish.

Therefore, I was surprised and disappointed to learn of the recent action of the Regents denying the State University of New York College at New Paltz the right to offer baccalaureate programs in computer and electrical engineering. It is my understanding that these programs were carefully designed to meet the needs of students and industry in the Mid-Hudson region and to help ensure the continued economic vitality of that section of the State. The programs strike me as consonant with the spirit and

letter of the Regents' September policy, particularly the recommendations contained in the section on "Education's Unique Contributions."

The proposed programs at New Paltz seem to me to meet your criteria more than adequately. There appears to be considerable industrial demand for the curricula, and individual employees of firms located in the region have expressed their desire for opportunities to continue their education in engineering. New Paltz is a college that has a high proportion of minority and women students, two interested groups that are substantially under-represented in the engineering professions. I also understand that the State University has indicated its intention to allocate existing resources in support of the programs and to secure equipment and personnel from industry to further their development. This combination of factors — industrial need, student interest, and University support — argues strongly that the offering of baccalaureate programs in engineering at New Paltz would be a most effective use of resources as the State works with industry and communities to foster economic opportunity and development.

I request that the Board of Regents reconsider its action on the Master Plan Amendment from the College at New Paltz as approved by the State University's Board of Trustees. Not only are the engineering programs of economic and educational importance to the Mid-Hudson Valley, but the Regents, by their initial negative action, may have unintentionally signaled to the industrial community that New York is not fully prepared to serve their legitimate educational needs. As you know, that is contrary to the State's policy and program. Our common goal must be to enhance the State's considerable economic strengths.

I would greatly appreciate your careful consideration of this matter.

Sincerely,

(Signed) MARIO M. CUOMO

Honorable Willard A. Genrich
Chancellor, NYS Board of Regents

ENERGY**GENERAL****Governor Proposes PASNY Energy Audits**

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 21, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to authorize the Power Authority of the State of New York to undertake and administer an energy audit and conservation program for the municipal electric and rural electric cooperative systems.

"While this winter has been particularly kind to us in being unseasonably warm, we have to address the goal of reducing our dependence on foreign oil by 50 percent in New York State. There is real potential for savings for rural electric cooperative and municipal electric consumers," said Governor Cuomo.

In conjunction with efforts by the Federal government, the Legislature enacted the Home Insulation and Energy Conservation Act (HIECA) which has made free energy audits and low interest energy conservation loans available to home-owners in the State who are served with electricity or gas by the major electric and gas companies regulated by the PSC. This bill would permit the Authority to use energy conservation and financing experience to implement a HIECA-type program in the service territories of its municipal electric and rural electric customers.

In submitting the legislation, Governor Cuomo noted:

rural consumers have been converting to electric heat at a high rate because of low hydroelectric rates. This program will afford these customers the same benefits now available to customers of large investor-owned utilities.

There is no State fiscal support required. Costs incurred by any public entity, including the Power Authority, in implementing this plan would be reimbursed by the municipal electric cooperative system customers of the Authority.

Governor Proposes Energy Conservation Improvements

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 24, 1983

Governor Mario M. Cuomo announced today that he is submitting legislation to encourage energy conservation improvements in commercial buildings used by small businesses and in multifamily dwellings.

The bill would require investor-owned utilities to perform energy audits for commercial buildings and to provide financing for cost-effective energy conservation measures for such buildings and for multifamily dwellings under the Home Insulation and Energy Conservation Act. In announcing the legislation, Governor Cuomo said:

the reduction of energy consumption both in multifamily dwellings and commercial buildings is important for decreasing New York's reliance on imported energy sources. By limiting our energy consumption we will be able to do more with less.

The approximately 2.25 million residential units in buildings affected by this bill (those containing five or more units) represent over one-third of the State's total housing stock. The provisions of the bill are targeted to affect only a specific range of commercial buildings: those used by independently owned and operated small businesses, which are similar in building structure to residential buildings. The financing available under the act would range from \$5,000 for a multifamily dwelling with five residential units to \$7,000 for a multifamily dwelling with 14 residential units. Financing for multifamily dwellings with 15 or more units would be limited to \$500 per residential unit or \$100,000 whichever is less.

The bill provides that eligible owners and tenants of commercial buildings would receive upon request an audit and financing for those conservation measures set forth for commercial buildings in Title VII of the National Energy Conservation Policy Act. The audit fee that could be charged for commercial buildings would be \$50, and the maximum financing available for cost-effective

conservation measures in a small commercial building would be \$6,000. This bill would also extend the utility conservation programs for small commercial buildings and multifamily dwellings until September 1, 1986 so that an appreciable number of such premises can receive energy audits and financing.

Governor Comments on Proposed Arthur Kill Plant

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 29, 1983

Governor Mario M. Cuomo today released the attached letter to State Power Authority Chairman John S. Dyson regarding the proposed Arthur Kill power plant.

The Governor informed Chairman Dyson that he would refuse to sign any contract for the sale of power from the Arthur Kill facility. Under Section 1009 of the Power Authority statute, the Governor must approve any such contracts.

"I have consistently opposed construction of this project," the Governor noted in releasing his letter:

I have promised that I will use whatever power is available to me as Chief Executive to stop the Arthur Kill project. This provision of the law insures that, as long as I am Governor, the Arthur Kill Project will not be built and provides the trustees with a basis for no longer pursuing the project.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 25, 1983

Dear John:

While I realize that you and many others at the Power Authority have spent much effort in pursuit of the requisite licenses for the Arthur Kill project, I hope that you will understand that I cannot agree with your position.

My opposition to the Arthur Kill plant dates from 1977. It is based on three judgements concerning the merits of the case relating to environmental impact, energy need plans, and cost.

First, I have consistently stated that I believe that the proposed plant will have a significant adverse impact on the already strained environment of Staten Island. I recognize that this view is disputed by some, but I would point out that it is endorsed by numerous citizens and public officials, many of whom represent areas other than Staten Island. I appreciate that reasonable men can disagree over these environmental matters, many of which are highly technical in nature, just as I am sure you understand the depth and steadfastness of my own convictions.

Second, I have serious doubts about the project from an overall State energy strategy perspective. Arthur Kill was conceived to meet anticipated electricity requirements for the Metropolitan Transit Authority and other public corporations in the New York City metropolitan area which have not materialized. At a time of declining energy demand, therefore, I seriously question the need for an additional 700 megawatts in generating capacity which, according to the current State Energy Master Plan, would increase our statewide reserve margins from approximately 55 percent to 58 percent in 1987, far in excess of necessary requirements.

Third, I am concerned about the economic viability of this particular project. The current cost projections for Arthur Kill are \$2.1 billion, but experience with other large-scale power plants supports an expectation that this cost will increase even more. The combination of softening oil prices and declining energy demand have already seriously weakened the economic viability of this project.

Alternatives to Arthur Kill do exist and should be considered. These matters will all be closely examined in the update of the State Energy Master Plan. I suggested several when I testified before the Arthur Kill Siting Board in 1980. Others, such as more intensive conservation efforts and increased hydroelectric power from Canada, are being pursued by State agencies and authorities, including PASNY.

I indicated in my *State of the State* message that the capital construction programs of the State Power Authority and the investor-owned utilities will be closely reviewed and modified wherever necessary. Numerous possibilities exist and will be examined, including Nine Mile II, Prattsville, Jamesport, the Marcy-South line, additional transmission capacity to Long Island, Shoreham, and possible new construction along the Niagara Frontier. I expect that the State Power Authority will be a major participant in this effort.

Since the most effective way to make my intentions clear regarding Arthur Kill is through the Power Authority Act, I am hereby informing you that I will not sign a contract for the sale of power from the Arthur Kill facility in its current design if one is presented to me under Section 1009 of the Power Authority statute. I believe this will give you and the other trustees sufficient legal basis for postponing any further activity on this particular site.

I regret that we disagree on this issue. I look forward, however, to working with you and the PASNY Board on other projects which the Authority is pursuing to achieve our common objectives to provide less expensive and more dependable energy for the people of New York.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Proposes State Energy Master Plan Update

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 29, 1983

Governor Mario M. Cuomo today announced he is submitting legislation to continue the process which produces and updates the State Energy Master Plan.

The Plan, first developed in 1980, forecasts New York's future energy demands, presents plans for meeting those energy needs and establishes the framework for energy-related decisions made throughout the State. Without the legislation, the process for updating the Plan would expire at the end of 1983.

"Continuing reexamination of our State's energy strategies and programs is essential in view of the constantly changing energy situation," Governor Cuomo said:

The fragile nature of Mideast oil imports, frequent changes in Federal energy policy, the nuclear issue and rapidly changing energy supply conditions and prices are among the major factors which must be continuously examined.

In supporting continuation of the Master Plan process, the Governor noted that the State Energy Office Review Commission had found the Plan to be recognized as a comprehensive and rational approach towards shaping New York's energy future. Governor Cuomo noted that electricity demand forecasts contained in the State Energy Master Plan are binding with respect to determinations of need for new generating and transmission facilities. The policies outlined in the Plan and the specific proposals for action recommended by the Plan also help guide energy-related decisions in the private sector.

In submitting the legislation, the Governor said he also is proposing modifications to provide for more efficient and thorough review of the Plan's strategies. These changes include initiating formal updates of the Plan every three years, instead of two. This is to allow a more reasonable amount of time to assess the impact of the policies and actions previously outlined by the Plan. However, in the event of sudden or substantial changes in factors affecting New York's energy situation, the State Energy Office would retain the authority to review and make amendments to the Plan during the interim period.

"Although New York has done much to improve its energy posture, we must still realize that our State is one which has limited energy resources of its own," Governor Cuomo said:

This has required us to import the bulk of our needs from other nations and other states. Comprehensive energy planning, through which New York can reshape its energy future, is important not only from the perspective of energy security, but also as a means of reducing the export of wealth to pay our energy bills.

Governor Proposes Energy Audits for Multiple Family Dwellings

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 18, 1983

Governor Mario M. Cuomo today announced that he has submitted legislation to require owners of existing multiple family dwellings converting their properties to housing cooperatives or condominiums to conduct energy audits and implement certain conservation improvements.

In announcing the legislation, Governor Cuomo stated:

Residential energy consumption in New York State currently amounts to 26 percent of the State's total energy consumption. Energy conservation measures must be implemented in all segments of the State's housing stock in order to prevent our growing needs from outstripping available supplies, to moderate energy costs, and to reduce the State's heavy reliance on imported petroleum products. In view of the expected conversions from conventional ownership of rental buildings to cooperatives or condominiums over the coming years, the aggregate energy savings of this bill will be quite substantial.

The bill would require an owner filing a prospectus with the State Attorney-General in connection with the conversion of an apartment building to a cooperative or condominium, to complete an energy audit and implement or cover the cost of all compatible conservation improvements that will pay for themselves through energy savings in five years or less. The required energy audit would identify potential energy saving improvements including alterations, modifications and adjustments to the building structure and the heating, cooling, lighting and ventilation systems; their relative costs; potential energy and cost savings; and simple payback periods.

Specifically, the owner would be required to indicate in the prospectus filing that an energy audit report, prepared by a licensed architect or engineer in accordance with requirements prescribed by the Attorney-General, is available for inspection. The filing must also indicate that the building owner will implement all compatible

improvements identified in the report which provide the greatest potential energy savings and which have a payback period of five years or less prior to any transfer of ownership. If he wishes, the owner could instead establish a specific escrow account to enable the cooperative corporation or the condominium board of supervisors to implement the required conservation improvements after the transfer of ownership.

Assuming 400 conversions are undertaken annually (covering approximately 100,000 dwelling units) over the first five years this bill is in effect, the State Energy Office projects that 200 million equivalent gallons of oil would be saved by 1989 on a cumulative basis, based on a 30 percent energy savings in 70 percent of the affected dwelling units. Thereafter approximately 70 million equivalent gallons of oil would be saved on an annual basis for these 500,000 converted dwelling units.

Governor Comments on Natural Gas Decontrol Proposal

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 20, 1983

Governor Mario M. Cuomo in Washington today released a letter to the New York Congressional Delegation dealing with the decontrol of natural gas.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 19, 1983

I am writing to express my concern over proposals to accelerate the decontrol of natural gas.

Deregulation is a very emotional issue for many New Yorkers, nearly 40 percent of whose homes are heated by natural gas. The phased decontrol of natural gas wellhead prices under the Natural Gas Policy Act of 1978 (NGPA) has placed an enormous financial burden on New York State consumers, especially in Western New York. Quite simply, New Yorkers cannot afford the blessings of further acceleration of natural gas price decontrol as the President and others have proposed.

Contrary to the Administration's claim, our analysis shows that the impact of its proposed modifications would result in increased costs to New York consumers of \$488 - \$812 million per year or \$125 - \$210 for the average residential gas heating customer.

Unfortunately, even under existing law, consumer costs are likely to grow substantially unless action is taken to defuse certain provisions of producer-pipeline contracts. From New York's perspective, there is a need now for congressional action. Legislation should be enacted to provide short-term price relief for consumers, to retain price controls on old gas, to defuse indefinite price escalator clauses which are unresponsive to market conditions, and to reduce take-or-pay obligations, and to impose at least a temporary cap on natural gas prices.

I am attaching for your information two papers which may be of assistance to you. The first, "Background Paper on Evaluation of Accelerating Decontrol of Natural Gas Prices," is a primer on the current problems in the gas industry. This paper is an update of a similar document sent to all members of the New York Delegation last year by Chairman Paul Gioia of the Public Service Commission and Commissioner James Larocca of the Energy Office. The second paper, "Analysis of President Reagan's Natural Gas Decontrol Proposal," reviews the Administration's proposal to modify the NGPA and sets forth the issues on which I believe you need to focus.

Two bills recently introduced warrant your careful consideration. HR 1752, the Addabbo-Heinz bill provides a process for achieving lower gas prices through the renegotiation of existing contracts. S996 would seek to achieve the same result through more direct legislative control of gas prices.

I ask your support in addressing this important matter. My office will see that the resources of the State are made available to you for evaluating impacts of the numerous bills and amendments to the NGPA which you will be considering in the near future.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Announces Expanded Energy Conservation Assistance (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 4, 1983

Governor Mario M. Cuomo today announced New York State will use \$5 million in petroleum overcharge settlement funds to expand energy conservation assistance to schools and hospitals. The Governor said the appropriation approved by the Legislature will be used to increase funds for the Institutional Building Grant Program (IBGP), which provides 50 percent matching grants to eligible public and private K-12 schools, colleges, universities and hospitals. Applications will be accepted through July 20.

"Lowering the energy costs of schools and hospitals benefits all New Yorkers by reducing upward pressure on school taxes and medical costs. Since it is impossible to identify each individual who suffered from oil company overcharges, a program such as this provides a sensible alternative for returning benefits to those who were overcharged," Governor Cuomo said.

The Governor said the program has also been modified to expand the grant award potential for all institutions and reopen the program to many previous participants who did not receive grants in the past because of funding limitations. The changes include:

- Eliminating cumulative caps on the amount of grant funds an institution may receive;
- Increasing the grant award cap per cycle from \$150,000 to \$300,000 for energy conservation measures per institution, and from \$40,000 to \$80,000 for technical assistance energy studies per institution; and
- Allowing additional grant awards for energy conservation measures to buildings which have been given grants previously.

The Governor explained that the program operates in two phases. First, an eligible institution may apply for a grant to perform a technical assistance study of its building's energy use. After this study is completed, the results are used to apply for an energy conservation measures grant which pays for actual energy-saving improvements.

Governor Cuomo announced that the State Energy Office will accept grant applications through July 20 and that the Office has scheduled a series of eight grant program briefing sessions across the State to assist institutions wishing to participate. These sessions will cover program requirements and procedures, application forms and the criteria used to rank applications. Application packages will also be available at these sessions. No preregistration will be required.

Governor Announces Energy Conservation Matching Grants (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 11, 1983

Governor Mario M. Cuomo today announced his recommendations for more than \$7.1 million in Federal energy conservation matching grants to be awarded to 177 schools, colleges and universities, and hospitals. In some instances, institutions have been recommended to receive grants for more than one building.

Governor Cuomo recommended that 233 school and hospital buildings receive a total of \$616,095 in "technical assistance" grants, which will be used to fund detailed energy surveys of these buildings for the purpose of identifying energy saving measures that will reduce their energy consumption. Another group of 176 school and hospital buildings have been recommended to receive a total of \$6,536,980 in "energy conservation measures" grants, for energy saving capital improvements such as boiler replacements, insulation, temperature controls or renewable resource energy systems.

The State Energy Office estimates that the overall annual energy savings for buildings recommended for energy conservation measures grants will total the equivalent of approximately 5.4 million gallons of heating oil, worth approximately \$5.3 million at today's prices. The Governor also noted several institutions are providing for the use of renewable energy resources as a result of implementing projects proposed in their applications.

These grant recommendations are for the fifth cycle of the program which started in 1978. For all five cycles

combined, the State has received grant requests totaling nearly \$157 million, and has recommended the awarding of over \$44 million in grants for 1,339 institutions. Estimated overall annual energy savings attributable to these recommended energy conservation projects for all five cycles combined will total the equivalent of approximately 37 million gallons of heating oil, worth approximately \$36 million at today's prices.

The grant recommendations have been forwarded by the State to the United States Department of Energy for review and award. The program, known as the Federal Institutional Buildings Grant Program, was authorized by the National Energy Conservation and Policy Act of 1978. It provides matching grants to institutions for improving energy efficiency in institutional buildings. In New York State, the program is administered by the State Energy Office.

Governor Forestalls Utility Rate Increases (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 25, 1983

Governor Mario M. Cuomo today took a series of actions designed to protect against inordinately onerous utility rate increases. The Governor:

- Approved the Volker bill (Senate Bill Number 5762B);
- Issued Executive Order Number 20 creating a Temporary Commission on Allocation of Power Authority Hydroelectric Power;
- Directed Power Authority Chairman John Dyson to respond promptly to Grumman Corporation's proposal to purchase PASNY power; and
- Disapproved the Johnson bill (Senate Bill Number 6797) Veto Memorandum Number 25.

The Volker bill attempts to mitigate the adverse impact on a utility's remaining ratepayers when large industrial or commercial customers reduce their purchases fail to expand their demand or leave the utility system entirely. The bill would accomplish this by allowing the Public Service Commission to approve special economic incentive areas, special economic incentive rates or special

distribution contracts in service areas where reduced economic activity and underutilized utility facilities justify reduced gas and electric rates to preserve customer demand. The PSC could act upon an application by a utility to set up these mechanisms.

"This bill is a welcome legislative initiative which will benefit many areas of the State, particularly the Boroughs of Brooklyn and the Bronx; Nassau and Suffolk counties and the Niagara Frontier," Governor Cuomo said in signing the legislation.

Governor Cuomo also signed an Executive Order establishing a nine-member Temporary Commission on Allocation of Power Authority Hydroelectric Power to conduct a thorough study of the current and potential future disposition of PASNY electric power from its Niagara and St. Lawrence-FDR projects. This panel will assist the Governor and the Legislature in developing an appropriate response at the next Legislative Session to the difficult questions raised by the impending expiration of PASNY contracts and recent ruling by the Federal Energy Regulatory Commission.

Governor Cuomo also has requested PASNY Chairman John Dyson to expedite consideration of a proposal by the Grumman Corporation to purchase power from the Authority. He has asked Chairman Dyson to meet with Grumman officials to discuss both short- and long-term assistance by the Authority, explore the availability of alternative sources of cheaper power, retain existing jobs on Long Island and encourage the expansion of Grumman's operations there. The Governor indicated that initial consultations already have been undertaken by PASNY and Grumman.

In announcing his disapproval of the Johnson bill, the Governor stated that:

while I will do everything possible to protect the ratepayers of Long Island against an unconscionably high rate increase, I will not sign a bill which merely pretends to help. Adoption of this legislation is especially mischievous because it trumpets a solution which is both unworkable and ineffective. It would create a false sense of security for ratepayers where none exists. It would distract the Legislature, and perhaps the

Commission, from more effective and comprehensive solutions to the problem of higher utility rates for Long Islanders.

"Everything possible must be done to insure that the Shoreham facility, whether it opens or not, does not trigger an unfairly burdensome rate increase," Governor Cuomo said. "However, I cannot support legislation which may actually make this worse."

"Under the bill, the benefits for ratepayers of the prescribed phase-in would evaporate when the Public Service Commission invoked the legislation's 'savings' clause. This section directs the Commission to ignore the legislation's substantive provisions if higher rates are required to guarantee LILCO's rate of return," the Governor said. "The combination of the standards employed by the bill and the escape clause hold out the strong possibility that no meaningful rate relief for the citizens of Long Island would result," he said.

If per chance the legislation succeeded in meeting its objective, the ability of LILCO to go to market to finance its operations would be severely constrained, if not outright eliminated. This would result in higher costs to the utility and thus higher rates to Long Islanders simply to keep LILCO solvent.

"I am joined in these conclusions by numerous civic and business leaders from Long Island who question the soundness of the legislation. U.S. Senator Alfonse D'Amato; Nassau County Executive Francis Purcell; Karen Burstein, former Executive Director of the Consumer Protection Board; John Marburger, President of SUNY at Stony Brook and Chairman of the Governor's Shoreham Factfinding Panel; the Grumman Corporation, *Newsday* and others have all recommended disapproval of the bill," he said.

The Marburger panel and the PSC are both examining ways of mitigating increased utility rates on Long Island.

"I will personally appear before the Marburger panel within the next three weeks to assure ratepayers of my commitment to measures which would bring about practical results, not raise false hopes. I am hopeful Senator D'Amato and Bishop McGann of Rockville Center will join me. I believe we will have sufficient time to

deal with new legislation after the Marburger panel and the PSC have issued their reports," the Governor said.

"I am convinced that anyone who studies this bill and its implications will conclude it would be irresponsible for a Governor to approve," he said.

Editor's Note: See additional Shoreham-related material in the Nuclear Energy section.

Governor Announces Low-Cost Power for Grumman Corporation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 3, 1983

Governor Mario M. Cuomo today announced an agreement under which the New York State Power Authority will provide low-cost electricity to the Grumman Corporation of Bethpage, Long Island, and thus make possible a major expansion of Grumman's engineering and high-technology facilities on Long Island.

Under the agreement, which was signed today by John S. Dyson, Chairman of the Power Authority, and John C. Bierwirth, Chairman and Chief Executive Officer of Grumman, the Authority will provide Grumman with 5000 kilowatts of electricity produced by its Fitzpatrick nuclear plant at a savings of \$1.25 million dollars annually. The power became available when other PASNY industrial customers notified the Authority of reductions in their need for power.

With the agreement in place, Grumman, Long Island's largest employer, will now add approximately 750,000 square feet of space to its Long Island facilities and approximately 1,000 jobs. The centerpiece of this expansion will be Grumman's engineering technology center, which will be one of the State's leading centers of industrial research and development.

Grumman's expansion plans were first announced several months ago, but were put on hold by the company's board of directors because of their concerns about the availability and cost of electric power on Long

Island. These concerns were generated by the uncertainties surrounding the future of Long Island Lighting Company's Shoreham nuclear plant, and the impact of costs associated with Shoreham on LILCO's rates.

"This agreement removes an immediate threat to the economic health of the Long Island community, and allows Grumman to proceed with a program that will be of enormous benefit to the entire State. It is, of course, not a long-range solution to the problem of Shoreham, but it demonstrates the kind of creativity and commitment that must be brought to bear if the larger problem is to be solved on reasonable terms," the Governor said. The Power Authority is truly a "unique asset of New York State that can be used to benefit the State's citizens," the Governor added.

Mr. Dyson noted, "This situation demonstrates the importance that economical and reliable energy supply plays in our efforts to retain and create jobs for New Yorkers." The agreement between the Power Authority and Grumman is a temporary one. A longer-term contract supplying up to 10,000 kilowatts would require an amendment to the law that authorized the Authority to construct the Fitzpatrick nuclear plant. Governor Cuomo stated that he would seek such an amendment at the earliest possible date.

The James A. Fitzpatrick Nuclear Power Plant located on Lake Ontario near Oswego, is currently out-of-service for scheduled refueling and maintenance and is expected to provide electricity within a month, at which time it will begin to supply Grumman.

Governor Cuomo Recommends Energy Grants (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 9, 1983

Governor Mario M. Cuomo today announced his recommendations for \$5 million in energy conservation matching grants to be awarded to 101 schools, colleges and universities, and hospitals in New York State.

The grant recommendations have been forwarded

for review to the U.S. Department of Energy. The program, known as the Federal Institutional Buildings Grant Program, was authorized by the National Energy Conservation and Policy Act of 1978. It provides matching grants to institutions for improving energy efficiency in institutional buildings. In New York State, the program is administered by the State Energy Office. The Governor's recommendations are tantamount to final approval of the grants.

Governor Cuomo recommended that 57 school and hospital buildings receive a total of \$4,250,000 in "energy conservation measures" grants, for energy saving capital improvements such as boiler replacements, insulation, temperature controls or renewable resource energy systems. Governor Cuomo also recommended that 182 school and hospital buildings receive a total of \$750,000 in technical assistance grants to finance energy savings surveys of these buildings.

The State Energy Office estimates that the overall annual energy savings for buildings recommended for energy conservation measures grants will total the equivalent of 5.1 million gallons of heating oil, worth about \$5 million at today's prices. The Governor also noted several innovative projects being recommended for funding.

These grant recommendations are for the fifth program grant cycle. For all cycles combined, the State Energy Office has received grant requests totalling nearly \$170 million, and has recommended the awarding of over \$49 million in grants for 1,450 institutions. Estimated overall annual energy savings attributable to these recommended energy conservation projects for all cycles will total the equivalent of 42 million gallons of heating oil, worth about \$41 million at today's prices.

Governor Cuomo indicated that the source of funds for these grants was federally obtained petroleum overcharge restitution returned by petroleum suppliers. It is anticipated that Federal funds for another cycle of grants will be made available early in 1984.

**Governor Announces Appointments to TSC on
Hydro-Electric Power (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 11, 1983

Governor Mario M. Cuomo today announced the membership to the Temporary State Commission on Allocation of Power Authority Hydroelectric Power. The Governor had previously announced that Robert I. Millonzi, a Buffalo attorney and former Power Authority Trustee, would chair the Commission.

The Commission is holding a meeting this week at the PASNY Niagara Project in Niagara Falls, and has scheduled a two-day session at the State Capitol in Albany on October 17 and 18.

Editor's Note: The Governor named: Terry Agriss; Richard Campbell; William Cotter; Mark Hampton; Eugene Nicandri; Robert Pillar; Howard Shapiro; and Gerald Wright.

NUCLEAR POWER

Governor Will Not Impose a Shoreham Evacuation Plan

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 17, 1983

Suffolk County Executive Peter Cohalan and the Suffolk County Legislature have announced that they have concluded that a workable emergency evacuation plan cannot be developed for Shoreham.

After discussions today with members of my senior staff and officials of the State Disaster Preparedness Commission, I am directing the Commission to refrain from forwarding to Washington any proposed off-site emergency evacuation plan for the proposed Shoreham nuclear power plant.

Federal law requires that before a license to operate a nuclear power plant can be issued, an acceptable emergency evacuation plan must be in place. In order for an

off-site evacuation plan to be acceptable to the Federal government, it must be both adequate and implementable. The participation and cooperation of local government is essential if a workable plan is to be developed.

I have stated that I would not support the opening of any new nuclear plant for which an acceptable emergency evacuation plan does not exist. While recognizing that the ultimate determination of acceptability rests with the Federal government, I stand by my previous statements.

As Governor, I will not be a party to any effort to impose an independently developed State plan upon Suffolk County.

The State stands ready and willing to cooperate in any way possible with both Suffolk County and the Long Island Lighting Company to develop an adequate and implementable evacuation plan for Shoreham.

Governor Proposes Shoreham Fact-Finding Panel

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 19, 1983

Yesterday, the Oversight and Investigations Subcommittee of the U. S. House of Representatives Interior Committee held a hearing on Long Island to examine the status of off-site radiological emergency preparedness at the proposed Shoreham nuclear power plant.

I believe this indication of Federal interest in Shoreham is appropriate. It is the Federal government which possesses primary responsibility for safety and siting standards. It is the Federal government which determines the requirements for on-site and off-site radiological preparedness plans. It is the Federal government which has issued various environmental permits for Shoreham. It is the Federal government which approved and issued for Shoreham a construction permit, without which Shoreham would not exist today. In short, the Federal government has a responsibility for Shoreham's very existence, and it is therefore appropriate for it to consider taking some responsibility for the problems it now presents. There is at least as much reason for Federal involvement as there is for State involvement.

With this in mind, I propose the creation of a Fact-Finding Panel on Shoreham to develop clearly derived, reliable, and objective information on the economic costs and safety of Shoreham. Specifically, this Panel would examine:

- the projected impact on Long Island Lighting Company's (LILCO) ratepayers of operating and of not operating Shoreham, assuming both standard ratemaking procedures and the possibility that shareholders may be responsible for a portion of these costs;
- the projected revenue impacts on local governments and the projected impacts on the Island's economy if Shoreham does not operate;
- how much revenue is required to service the debt on Shoreham and to enable LILCO to meet its normal operating costs, and what are the potential sources of these revenues;
- the nature of the risks associated with the operation of a nuclear power plant; and
- the requirements of the Federal government with regard to the development and implementation of off-site emergency preparedness plans, and to what degree has Suffolk County met or exceeded these standards and the rationale therefore.

I propose the Panel be made up of representatives of State, local and Federal governments. I plan to request the participation of the County Executives of Suffolk and Nassau, the Chairman of the Nuclear Regulatory Commission, and the Administrator of the Federal Emergency Management Agency, or their designees, on this Panel. I plan to be in Washington tomorrow and intend to discuss this matter with our Congressional Delegation.

**Governor Announces NRC Member to the Shoreham
Fact-Finding Panel (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 10, 1983

Governor Mario M. Cuomo announced today that the U.S. Nuclear Regulatory Commission has designated its Executive Director for Operations, William J. Dircks, as the agency's representative on the Shoreham Fact-Finding

Panel. Other members of the Panel are expected to be named next week, the Governor said.

The Governor proposed the Panel last month as a vehicle for officials from the Federal and State governments and Nassau and Suffolk counties to examine "defined, reliable, and objective information, especially regarding the economic costs and safety of Shoreham." This examination is necessary, the Governor said, "before a decision can be made about the fate of this facility."

Governor Cuomo was notified today by letter of Mr. Dircks' designation by NRC Chairman Nunzio Palladino.

Editor's Note: The Governor, on April 22, requested the NRC to designate a representative to the Panel. See Appointments for the other representatives to the Panel, appointed on May 16.

Governor Requests Hearings on Evacuation Planning

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 16, 1983

Governor Mario M. Cuomo today requested congressional hearings on the role of the Federal government in evacuation planning for nuclear power plants. He sent the attached letter to the following members of Congress:

- Senator Robert T. Stafford (R.,Vt.) Chairman, Senate Environment and Public Works Committee
- Senator Jennings Randolph (D.,W.VA) Ranking Minority Member, Senate Environment and Public Works Committee
- Senator Alan K. Simpson (R.,Wyo.) Chairman, Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee
- Senator Gary Hart (D.,Colo.) Ranking Minority Member, Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee
- U.S. Representative Morris K. Udall (D.,AZ) Chairman, House Interior and Insular Affairs Committee
- U.S. Representative Manuel Lujan, Jr. (R.,N.M.) Ranking Minority Member, House Interior and Insular Affairs Committee
- U.S. Representative John D. Dingell (D.,MI) Chairman, House Energy and Commerce Committee

- U.S. Representative James T. Broyhill (R.,N.C.)
Ranking Minority Member, House Energy and Commerce
Committee
- Senator Daniel Patrick Moynihan (D.,NY)
- Senator Alfonse M. D'Amato (R.,NY)
- All 34 members of the New York State House of
Representatives Delegation.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 16, 1983

I am writing to request that you initiate a hearing process to: (1) achieve a clarification and a precise specification of the respective responsibilities of local, state and Federal governments for off-site emergency plans at our nation's nuclear plants, and (2) devise a Federal system for the administration and funding of the extensive activities undertaken by all three levels of government in the implementation and (3) examine the consequences of decisions required by this off-site emergency planning process.

In 1954, the Federal government established its preemptive authority for the licensing and operation of nuclear power plants and has maintained its singular authority for on-site monitoring of the safety of these facilities. However, Federal agencies have attempted to redefine the responsibilities of state and local governments, as well as those of the utilities, for off-site safety.

The Nuclear Regulatory Commission has recognized that it lacks "statutory authority over state and local governments to require them to develop and implement emergency response plans." (Report to Congress: Areas Around Nuclear Facilities Should Be Better Prepared for Radiological Emergencies, U.S. General Accounting Office, March 30, 1979.)

The allocation of responsibility for meeting Federal regulations and mandates remains unclear, and recognition of this lack of clarity is increasing daily. Recent discussion by my staff with the NRC and FEMA revealed that those agencies "do not disagree" that there is a need for an immediate delineation of these responsibilities.

The Reagan Administration also appears to share this concern. Secretary of Energy Donald P. Hodel has said difficulties with emergency planning threatens "the viability of the nuclear power industry." In a Department of Energy memorandum, Hodel wrote:

The breakdown of Federal, state, local and private utility cooperation in developing and implementing a workable emergency evacuation plan in the event of a serious accident at a nuclear power plant has become an issue of national significance.

The Secretary has established a special working group to study the problem and recommended "Federal actions to remedy this situation."

We applaud that action, as well as the recent decision by NRC Chairman Palladino to join with us in a study of the various factors affecting the future of the Shoreham nuclear power plant in Suffolk County, New York.

Given the increasing concern with reactor safety and public perception of planning problems, we are likely to see increased attention focused on the operation of nuclear power plants. Currently, 37 of the nation's 53 sites for nuclear power plants do not have evacuation plans which meet Federal preparedness mandates.

Almost certainly we will experience a continuing redefinition of the degree of risk to be imposed upon our society. The definition of safety does not recognize geographic boundaries and must be addressed as a national issue.

The recent Supreme Court decision in *Pacific Gas & Electric Co. v. Energy Resources Conservation and Development Commission*, Docket No. 81 1945 (April 20, 1983), held in part, that Congress, in passing the 1954 (Atomic Energy) Act and in subsequently amending it, intended that the Federal government should regulate the radiological safety aspects involved in the construction and operation of a nuclear plant.

With that responsibility for regulation comes an equivalent obligation — for insuring that the process for enforcement of regulations does indeed clearly define the roles of all levels of government.

The existing nuclear power plants, in whatever political jurisdiction they may be, were constructed to comply with the then existing Federal requirements. Changes in the requirements place the utility and ultimately the consumer at risk for the costs of compliance with unanticipated regulatory requirements, or for the costs of decommissioning a facility. These costs should not be the burden of a single locality, state, or utility. These costs are caused by a changing Federal regulatory process and the problem they create cries for a Federal solution.

The illogic of an imprecise, but apparently singular state and local responsibility for off-site preparedness is made even clearer when compared to Federal recognition of the areas in which the Federal government has sought to preempt local responsibility; e.g., transportation of nuclear waste has been considered by the Federal government to be totally within its jurisdiction; employees working within nuclear facilities have been determined to be of concern to the Federal government.

If these are indeed matters of such import to the Federal government, by what logic are the health and safety of all of those who might be impacted by the operation of a nuclear facility not the responsibility of the Federal government? The disposal of nuclear waste and the decommissioning of nuclear plants are equally part of a Federal responsibility for an industry which it actively fostered and promoted.

The public is not well served by a protracted disagreement on these issues. The public needs both a clear definition of responsibility and decisive action to support and implement effective emergency planning. Large scale nuclear power plants symbolize for some the imposition of a relatively new technology which fosters an increasing anxiety for not only the technical issues, but also a need for a clear understanding of the political process established by Congress to define "safety" within national rather than local boundaries.

I therefore respectfully request that you schedule congressional hearings on this issue to consider changes in the role of the Federal government. We believe that these changes could extend to the assumption of all responsibilities within the emergency planning zone, the direct provision of funding through a Federal initiative, or the

standby availability of Federal personnel and/or the National Guard to assume full authority in the event of an accident. Enclosed are: (1) suggested specific questions and (2) suggested Federal actions which need to be addressed.

Sincerely,

(Signed) **MARIO M. CUOMO**
Governor

* * *

I. *Suggested Questions To Be Addressed By Hearing*

1. What is and should be the responsibility, if any, of the Federal government in the establishment and development of *standards* for off-site emergency preparedness plans for nuclear power plants? What Federal agency is or should be responsible for this activity?

2. What is and should be the responsibility of state government, if any, in the development and establishment of standards for off-site emergency preparedness plans for nuclear power plants? Should state governments be allowed to enact more rigid standards or requirements than those imposed by the Federal government?

3. What is and should be the responsibility, if any, of local governments, in the development and establishment of standards for off-site emergency preparedness plans for nuclear power plants? Should local governments be allowed to impose more stringent standards or requirements than those required by either the Federal or state governments? What is a local government for purposes of this question?

4. What is and should be the responsibility of the Federal government, if any, in the *preparation* of off-site emergency preparedness plans for nuclear power plants?

5. What is and should be the responsibility of state government, if any, in the preparation of off-site emergency preparedness plans for nuclear power plants?

6. What is and should be the responsibility of local governments, if any, in the preparation of off-site emergency preparedness plans for nuclear power plants?

7. What is and should be the responsibility of the Federal government, if any, for the *implementation* of off-site emergency preparedness plans for nuclear power plants?

8. What is and should be the responsibility of the state government, if any, for the implementation of off-site emergency preparedness plans for nuclear power plants.

9. What is and should be the responsibility of the local governments, if any, for the implementation of off-site emergency preparedness plans for nuclear power plants?

10. What is and should be the responsibility of the Federal government, if any, in determining the *adequacy and implementability* of an off-site emergency preparedness plan for a nuclear power plant?

11. What is and should be the responsibility, if any, of state government in determining the adequacy and implementability of an off-site emergency preparedness plan for a nuclear power plant?

12. What is and should be the responsibility, if any, of local governments in determining the adequacy and implementability of an off-site emergency preparedness plan for a nuclear power plant?

13. What is and should be the responsibility of the Federal government, if any, for *financing* the costs of development and implementation of an off-site emergency preparedness plan for a nuclear power plant?

14. What is and should be the responsibility of the state government, if any, for financing the costs of development and implementation of an off-site emergency preparedness plan for a nuclear power plant?

15. What is and should be the responsibility of the local governments, if any, for financing the costs of development and implementation of an off-site emergency preparedness plan for a nuclear power plant?

* * *

II. *Suggested Federal Actions To Be Considered By Hearing*

1. The Congress should consider the assumption by the Federal government of full responsibility for ownership, siting, design, construction, quality control, operation, emergency response and waste disposal. This approach has been adopted in other nations, such as France and England, in a manner which has reduced public policy uncertainty, facilitated standardization of design, construction and operation, and reduced private sector risk.

2. The Congress should enact legislation which clearly defines and delineates the respective responsibilities of Federal, state and local governments, and the

licensee of a nuclear power plant in the development and implementation of off-site emergency plans.

3. The Congress should enact legislation to provide financial assistance to state and local governments for preparedness plans. A model for such legislation is the proposal for the reaction of the Radiological Emergency Response Plans and Preparedness Fund for State and Local Governments, recommended by the Nuclear Regulatory Commission Office of State Programs in 1979.

4. The Congress should consider the establishment of federally funded, federally trained special radiological response teams, as suggested by Westchester County Executive Andrew O'Rourke. An alternative might be a program of Federal funds and training for selected National Guard units which could then be available to respond immediately if a radiological emergency might occur.

5. The Congress should consider legislation to create a special fund to reimburse ratepayers and local governments in those circumstances where a nuclear power plant cannot open or must close because it cannot comply with Federal requirements for off-site emergency preparedness. Perhaps the Federal government should acquire these facilities for use only in an emergency situation, such as envisioned by the creation of the Strategic Petroleum Reserve.

Governor Announces Indian Point Preparedness Exercise

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 25, 1983

I am pleased to announce that we have been able to achieve a consensus position with the Nuclear Regulatory Commission and the Federal Emergency Management Agency on the subject of Indian Point.

Both the NRC and FEMA have agreed with my assertion that the Indian Point and Shoreham issues point up a need for clarification and enhancement of the Federal law. The present law is not sufficiently clear as to the respective obligations of local, state and Federal governments. In my opinion, the Federal law should be expanded to provide for Federal participation in the evacuation process.

Congressmen Ottinger and Udall, Senators Alan Simpson of Wyoming and our own Pat Moynihan have at my request already arranged for hearings on this proposition by appropriate congressional committees. Senator D'Amato has publicly announced his agreement and is drafting legislation.

NRC and FEMA, as the Federal agencies in control, by lending their voices to the call for action by Congress, give our request unassailable legitimacy.

Unfortunately, even with this growing support it would be unrealistic to expect any meaningful new legislation before the June 9 date set by the NRC for enhancement of the preparedness plan at Indian Point. Rockland County indicates it will not be able to participate in preparedness exercises for several months. The NRC has stated that without Rockland County, or an adequate substitute, it would order the plant closed on June 9.

In view of NRC and FEMA's recognition that long-term solutions to problems like the one in Indian Point would benefit from Federal participation and considering that the inadequacy in safety planning for Indian Point is only temporary, I have agreed to make the full capacity of our State's disaster mechanism available at Indian Point for the several months until Rockland County is able to become actively involved.

I believe the proposed State's commitment at Indian Point allows both FEMA and NRC to make judgments about off-site safety preparedness and thereby provide the people of the area with the maximum assurance of safety that we are capable of achieving under present law in the event of an episode at the plant.

The NRC will formally rule sometime before June 9 whether its standards are satisfied by State participation and whether the plant at Indian Point will continue to operate after June 9.

I wish to thank, and congratulate, my own excellent staff, especially Dr. David Axelrod, Chairman Palladino of the NRC and Louis Giuffrida and Jeff Bragg of FEMA for the long and hard hours of deliberation over the past ten days and for what I believe is the good result we have been able to achieve.

**Lieutenant-Governor DelBello To Participate
in Indian Point Drill**

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 6, 1983

Governor Mario M. Cuomo today announced that Lieutenant-Governor Alfred B. DelBello will assume the role of Rockland County's chief elected official during any emergency preparedness drill under the State's interim Indian Point emergency plan proposed last week. In making the announcement, Governor Cuomo stated:

On May 25, I indicated that we had agreed to make the full capacity of our State's disaster mechanism available at Indian Point for the several months until Rockland County is able to become actively involved. As part of the State's involvement, Lieutenant-Governor DelBello will be assuming the role that the Chairman of the Rockland Board of Legislators would normally play during emergency drills had the County agreed to participate.

Specifically, the Lieutenant-Governor will use forces provided both by the utility and the State to perform those services which would normally be provided by the County.

As you well know, Lieutenant-Governor DelBello, as Westchester's County Executive, assumed the role of Westchester's chief elected official with regards to emergency preparedness at Indian Point. He is, thus, familiar with the tools that would be at the disposal of a county's chief elected official during any emergency at the plant. I am grateful he has agreed to fill this most sensitive and important role.

Governor Approves Indian Point Drill

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 9, 1983

My primary concern is the health and safety of the residents who live near Indian Point. The Nuclear Regulatory Commission must offer them a reasonable

assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

I am therefore today directing Dr. David Axelrod, Chairman of the New York State Disaster Preparedness Commission to begin working with local officials to prepare for an exercise to be held within 60 days, to test those protective measures.

Following that drill, the Federal Emergency Management Agency must be able, in their words, "to provide assurance that the public health and safety can be protected in the ten mile emergency planning zone around Indian Point" or, in my opinion, the plants should be closed.

Finally, the uneasiness and uncertainty evident in this ruling only reinforces my strong belief that the Federal government must assume responsibility for development and implementation of off-site preparedness planning at nuclear power plants throughout the nation. I will continue to press this point with Congress and the Administration.

Governor Requests Congress Clarify Off-Site Emergency Planning Responsibility (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 16, 1983

Governor Mario M. Cuomo today wrote members of the United States House of Representatives and the Senate a letter expressing his:

strong conviction that congressional action is needed to clarify the respective responsibilities of Federal, state and local government for the development, implementation, and financing of off-site emergency preparedness plans at our nation's nuclear plants.

In the letter, Governor Cuomo proposed that the NRC halt "the construction of those nuclear power plants not already substantially complete until a determination is made regarding the approvability of an off-site emergency evacuation plan for each" such facility.

Governor Cuomo also proposed that:

— the NRC "issue no new construction licenses for nuclear power plants without an approved off-site emergency evacuation plan."

— states be given responsibility for the development of off-site emergency preparedness plans. If the states decline to develop such a plan the NRC would be required to terminate the operating license for the facility. If the facility did not have an operating license, the NRC would be precluded from issuing one for the facility.

— the Federal government develop a "dedicated cadre of trained personnel, a Federal Radiological Emergency Team" (FRET) to assume the lead agency role in any initial Federal response to any accident and to provide primary guidance not only to the NRC, but also to the governor and/or governors of affected states.

— creation of a Civilian Nuclear Power Plant Emergency Response Fund through assessment on utilities to finance personnel training, communication systems and equipment, as well as other costs not included in direct Federal grants to state and local governments to finance costs of planning consistent with FEMA mandates.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 16, 1983

On May 16, I wrote you to express my strong conviction that congressional action is needed to clarify the respective responsibilities of Federal, state, and local government for the development, implementation, and financing of off-site emergency preparedness plans at our nation's nuclear plants.

Since then, stimulated by events at two nuclear facilities within New York State, other voices have been raised in support of the concerns I expressed.

Congressman Morris Udall, Chairman of the House Interior Committee, indicated to me on May 18 his concurrence:

that the public is not well served when disagreement and confusion exist with respect to

that level of government which should bear the responsibility and authority for developing, implementing, and financing emergency preparedness plans.

Senator Daniel Patrick Moynihan has endorsed the need for immediate action to "clarify the respective responsibilities of Federal, state and local governments to ensure that there are adequate emergency evacuation plans for the areas surrounding nuclear power plant sites." Both Senator Moynihan and his colleague Senator Alfonse D'Amato have each introduced legislation to address this matter.

In responding on May 20 to my letter, Senator Alan Simpson, Chairman of the Senate Nuclear Regulation Subcommittee, agreed that, "this is a subject that warrants prompt consideration by the Congress. The issues that you have raised concerning the Federal, state, and local role in emergency planning are right on the mark."

The Reagan Administration also appears to share this concern. On May 25, Louis O. Giuffrida, Director of the Federal Emergency Management Agency, in reviewing the situation at Indian Point stated that, "events at Indian Point do indicate that further delineation of regulatory responsibility between Federal agencies is desirable" and that FEMA "will gladly take part in efforts to clarify and improve Federal laws and regulations relating to emergency preparedness."

Similarly, Nuclear Regulatory Commission Chairman Nunzio J. Pallandino wrote me on May 25 that "we share your interest in clarifying the issues regarding various governmental responsibilities in the matter of off-site emergency preparedness for nuclear power plants."

These statements echo the sentiments of Secretary of Energy Donald P. Hodel who earlier had said that difficulties with emergency planning threaten "the viability of the nuclear industry." In a Department of Energy memorandum, Mr. Hodel wrote:

The breakdown of Federal, state, local and private utility cooperation in developing and implementing a workable emergency evacuation plan in the event of a serious accident at a nuclear power plant has become an issue of national significance.

As long as nuclear power continues to be part of our national energy policy, we have an obligation to ensure that the highest standards of safety are exercised by government and by utilities to protect the public welfare. The Federal government has the undeniable responsibility for regulating the radiological safety aspects involved in the construction and operation of a nuclear plant.

As I have stated previously, with that Federal responsibility comes equivalent obligations to ensure that the process for enforcement of these regulations does indeed clearly define the roles of all levels of government and also to ensure that adequate resources are made available for the effective implementation of these regulations.

Accordingly, I respectfully offer for your consideration the following proposals which I believe clarify the current vagueness and incompleteness of Federal law and assure the availability of adequate resources.

I. Nuclear Regulatory Policy

We should do our best to avoid further Shorehams. We should not wait until a plant is 95 percent constructed before addressing legitimate concerns about the adequacy and implementability of off-site emergency preparedness plans. The squandering of human and financial resources for the construction of generating facilities which may never be usable is unwise public policy. I therefore propose:

1. The NRC should issue no new construction licenses for nuclear power plants without an approved off-site emergency evacuation plan.

2. The NRC should order a halt to the construction of those nuclear power plants not already substantially complete until a determination is made regarding the approvability of an off-site emergency evacuation plan for each of these facilities.

II. Off-Site Emergency Planning

Current Federal regulation imposes upon the licensee, i.e. the utility, the obligation to develop an off-site emergency preparedness plan. Federal regulatory responsibility is divided between the NRC and FEMA. This regulatory scheme assumes cooperation from state and

local governments. However, there is no affirmative obligation on state or local governments to prepare such plans. To remedy the current governmental void, I am urging that the responsibility of Federal and state governments for off-site safety be clarified by:

1. Assumption of primary Federal responsibility for overseeing, regulating, and financing the development of off-site emergency preparedness plans.

2. Assumption of responsibility by FEMA for off-site emergency preparedness plans, including the development of standards and criteria and actual plan approval.

3. Directive to FEMA to contract with the states to develop off-site emergency preparedness plans with the costs being paid for by the Federal government.

4. Authorization to states to enter into arrangement with local governments to assist in the development of the off-site plan.

5. Precluding the NRC from issuing an operating license for a new facility if a state, with or without the approval of local governments, declines to develop an off-site plan.

6. Requiring the NRC to terminate the operating license for an existing nuclear facility if a state, with or without the approval of local governments, declines to develop an off-site plan.

III. Plan Implementation and Incident Response

Effective safety management strategy must extend to preventive activities designed to reduce the number and seriousness of incidents. On-site monitoring and off-site emergency planning should be part of a coordinated Federal initiative directed at full responsibility for the required assurance that adequate protective measures can and will be taken in the event of an emergency. The actions required by the Federal government to provide such assurance should include:

1. Implementation of a centralized independent monitoring system to identify potential accidents, to provide current, accurate data during an accident, and to supply information which predicts the course of such events.

2. Development of a dedicated cadre of trained personnel, a Federal Radiological Emergency Team, to respond to events detected by the monitoring system, to supplement existing incident response personnel and to

relate directly to state and local emergency response personnel.

3. FRET assumption of responsibility for:

(a) independent notification of the state disaster coordinating center of the occurrence of an event;

(b) assumption of the lead agency role in any initial Federal response to any accident;

(c) interface with State emergency personnel to define event classification and to evaluate and categorize information;

(d) provision for coordination of utility incident response and local governmental response; and

(e) provision for primary guidance not only to NRC, but also to governor and governors of affected states.

4. Assumption of responsibility through FEMA to:

(a) train all required state and local emergency response personnel;

(b) design a training program for the National Guard to provide primary or supplemental personnel to execute the preparedness plan and to ensure redundancy for participation in any accident scenario;

(c) provide allocation of funding for and maintain the proficiency of all response personnel;

(d) develop a communications system for all potentially involved state, local and Federal agencies, and

(e) maintain effective ongoing interface of all local, state and National Guard personnel in the exercise of the plan.

5. Assumption of responsibility for providing through the Federal Response Emergency Team for providing FEMA with assurances that the off-site emergency preparedness plan meets standards for public health and safety.

IV. *Financial Resources*

Neither the states nor the localities have independent resources or capabilities to address the requirements of radiological emergency preparedness planning. I would urge that separate Federal funds be established to provide assistance to the states and localities as follows:

1. provision for direct Federal contracts and grants to state and local governments to finance costs of planning consistent with the mandates defined by FEMA;

2. creation of the Civilian Nuclear Power Plant Emergency Response Fund through assessment on utilities to finance personnel training, communications systems

and equipment, as well as other costs not included in the general planning grants, and

3. creation of a Federal Nuclear Superfund to reimburse ratepayers for costs associated with either temporary or permanent closure of a nuclear power plant which the NRC determines cannot meet Federal safety standards.

As I stated in my earlier letter to you, the public is not well served by a protracted disagreement on these issues. Large scale nuclear power plants symbolize for some the imposition of a relatively new technology which fosters an increasing anxiety for not only the technical issues, but also a need for a clear understanding of the political process established by Congress to define "safety" within national rather than local boundaries.

The public needs both a clear definition of responsibility and decisive action to support and implement effective emergency planning. I offer these proposals as a means to address these needs.

Sincerely,

(Signed) MARIO M. CUOMO

Editor's Note: See the May 16 entry for the distribution listing.

Governor Questions Shoreham Low-Power License

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 12, 1983

Attached is a copy of a letter from Governor Cuomo to Paul Cotter, Chairman of the Atomic Safety and Licensing Board.

The letter deals with the three to two decision by the Nuclear Regulatory Commission on June 30 that the Long Island Lighting Company is entitled to a low-power license for its Shoreham nuclear power plant "despite existing uncertainties about off-site emergency planning."

* * *

July 11, 1983

Dear Mr. Cotter:

The safety of our residents has been and continues to be my principal concern in the evaluation of nuclear power plant operations in New York.

I was, therefore, shocked last week by the Nuclear Regulatory Commission's (NRC) opinion which states that the Long Island Lighting Company (LILCO) is "entitled" to a low-power license "despite existing uncertainties about off-site emergency planning." The determination that the Shoreham reactor could be allowed to fuel was made in the absence of an acceptable evacuation plan and in the face of the real possibility that the plant may never be permitted to operate commercially at full power.

I believe that NRC action makes apparent for all to see the absurdity and inconsistency of current Federal regulations governing nuclear power operations. The NRC's action demonstrates again the crying need for clarification of the Federal government's responsibility and accountability to those who must bear the burden of its regulatory scheme.

The NRC's action is especially distressing in light of the initiative I have undertaken with the appointment of a Special Fact-Finding Panel to evaluate all of the safety and economic issues associated with the future of the Shoreham facility. Both the NRC and FEMA have been participating in the Panel's deliberations. The NRC has seen fit to make a premature judgement concerning the ultimate ability of State and local governments to implement an emergency plan for Shoreham. While the magnitude of risk associated with low-power testing may be less than that for full-power operation, there is nevertheless a substantial new measure of risk which should have been but was not addressed by the NRC.

I am relieved, however, that the Commission did not actually direct its Atomic Safety and Licensing Board to issue a low-power license for Shoreham. I believe further that the Board has acted prudently in seeking reasonable assurance from the utility that an emergency off-site plan would be approved before fuel loading was permitted to begin.

Accordingly, I ask that the Atomic Safety and Licensing Board now refrain from recommending the issuance of a low-power license, at least until the Shoreham Fact-Finding Panel has completed its work. In any event the Board's action will not prevent the Panel from conducting a complete and thorough examination of the safety, economic and energy issues surrounding Shoreham.

In implementing any authorization to operate at low power, I echo the NRC's dicta that LILCO's management would do so entirely at its own risk. There may be significant costs associated with low-power testing and operations. The allocation of these costs is entirely a matter for determination by the Public Service Commission. The PSC would have jurisdiction to examine the propriety of a management decision to load fuel and conduct low-power testing in the face of, to use NRC's own words, "substantial uncertainties about full power operation of the plant."

I urge your most careful consideration of this important question.

Sincerely,

(Signed) MARIO M. CUOMO

Editor's Note: Copies went to NRC Chairman Nunzio J. Palladino and LILCO Chairman Charles R. Pierce.

Governor Comments on Rockland County Drill

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 19, 1983

I am pleased by the progress that Lieutenant-Governor Alfred DelBello and Health Commissioner David Axelrod have made in their preparations for a Rockland County emergency evacuation drill and that the Federal Emergency Management Agency has set a definite date for that drill.

I would also like to commend local officials for their cooperation in this venture. Lieutenant-Governor

DelBello, Commissioner Axelrod, and I believe that this cooperation demonstrates the seriousness with which they take their publicly stated commitment to respond in case of a real accident.

I want to say once again how impressed I am by Lieutenant-Governor DelBello's leadership on this issue.

**Governor Requests Off-Site Emergency Planning
Clarification (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 14, 1983

Governor Cuomo delivered letters dealing with off-site emergency preparedness plans at nuclear power plants to Senators Moynihan and D'Amato, Congressmen Carney, Downey, Mrazek, Lent, and McGrath, and Wyoming Senator Alan Simpson (Chairman) and members of the Senate Environment and Public Works Committee.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 14, 1983

Earlier this year, I wrote you and the other members of our Congressional Delegation on two separate occasions regarding the need to clarify and specify precisely the responsibilities of local, state, and Federal governments for off-site emergency preparedness plans at our nation's nuclear power plants.

As long as nuclear power continues to be part of our national energy policy, I believe we have an obligation to ensure that the highest standards of safety are exercised by government and by utilities to protect the public welfare. In the context of emergency preparedness, this means that adequate technical, financial, and personnel support must be available to assist state and local governments in responding to an emergency situation.

For years, the Federal government has fostered and promoted the development and growth of nuclear power. Today, it regulates virtually every aspect of nuclear

power. With these responsibilities should come equivalent obligations. In the area of emergency preparedness, it means that the Federal government must act to clarify precisely the responsibilities of respective levels of government and to ensure the availability of adequate resources for the effective implementation of emergency plans.

On June 16, I wrote you proposing a comprehensive approach to the problems of off-site emergency preparedness.¹ I believe that these proposals would clarify the current vagueness and incompleteness of Federal law and would assure the availability of adequate resources.

I appreciate that some of my suggestions may be controversial and I do not expect everyone to agree with every element of my proposal. On the other hand, I am sure that we can all agree on the same objectives, namely that nuclear power plants should be allowed to operate only if they can be operated safely and that the availability of an effective, implementable off-site emergency plan is an essential component of safety.

I understand that among some individuals on Long Island, my proposals are being interpreted as a back-door attempt to open the Shoreham nuclear power plant. I have repeatedly stated that I will not impose an off-site emergency preparedness plan upon Suffolk County. That remains my position. There is nothing inconsistent between this and the acknowledged need to clarify various governmental responsibilities for off-site emergency preparedness.

Federal law vests the Nuclear Regulatory Commission with the ultimate responsibility for determining whether the Shoreham facility should be granted an operating license. If the history of this project is a harbinger of future events, I'm certain that this matter will eventually be resolved by the courts.

Whatever one's position may be on whether Shoreham should operate, I believe we can all agree that if that plant should operate, adequate resources must be available to the State and Suffolk County to respond as effectively as possible in the event of a radiological incident. That is precisely the objective which my proposal seeks to achieve.

In my view, effective safety management strategy must extend to preventive activities designed to reduce the number and seriousness of incidents. On-site monitoring and off-site emergency planning should be part of a coordinated Federal initiative directed at full responsibility for the required assurance that adequate protective measures can and will be taken in the event of an emergency.

These actions should include the implementation of a centralized independent monitoring system to identify potential accidents, to provide current, accurate data during an accident, and to supply information which predicts the course of such events.

Secondly, the Congress should direct the establishment of a dedicated cadre of trained personnel, a Federal Radiological Emergency Team (FRET), to respond to events detected by the monitoring system, to supplement existing response personnel, and to relate directly to state and local emergency response personnel.

Third, the Federal government should assume greater responsibility for the training and equipping of state and local emergency response personnel. This should include the development of a training program for the National Guard to provide primary or supplemental personnel to execute the preparedness plan and to assure redundancy for participation in any accident scenario.

Fourth, this new commitment to effective off-site emergency preparedness must be accompanied with adequate financial resources. Neither the states nor local governments have the independent resources or capabilities alone to address the requirements of radiological emergency preparedness planning and implementation. The Federal government should assure the availability of sufficient fiscal resources, either through direct Federal appropriations or through the creation of a Civilian Nuclear Power Plant Emergency Response Fund financed by assessment on utilities.

I read with great interest the story in Monday's *New York Times* which describes the use of Green Berets by the NRC to ascertain the security and safety of on-site operations at commercial nuclear power plants. Is the question of adequacy of off-site safety any less worthy of Federal concern and commitment?

I appreciate your time in reviewing my suggestions. I offer them in the conviction that the public is not well served by protracted disagreement on these issues. As public officials, we have an affirmative obligation to respond to these concerns by assuring the most effective off-site emergency preparedness which is possible.

Sincerely,

(Signed) **MARIO M. CUOMO**

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 14, 1983

Dear Senator Simpson:

Earlier this year, I wrote you and other congressional leaders regarding the need to clarify and specify precisely the responsibilities of local, state, and Federal governments for off-site emergency preparedness plans at our nation's nuclear plants.

I appreciate your statement of support that this subject warrants prompt consideration by the Congress. Your comment mirrors those I have received from other Federal officials.²

As long as nuclear power continues to be part of our national energy policy, I believe we have an obligation to ensure that the highest standards of safety are exercised by government and by utilities to protect the public welfare. In the context of emergency preparedness, this means that adequate technical, financial, and personnel support must be available to assist state and local governments in responding to an emergency situation.

For years, the Federal government has fostered and promoted the development and growth of nuclear power. Today, it regulates virtually every aspect of nuclear power. With these responsibilities should come equivalent obligations. In the area of emergency preparedness, it means that the Federal government must act to clarify precisely the responsibilities of respective levels of government and to ensure the availability of adequate

resources for the effective implementation of emergency plans.

I understand that your Subcommittee shall soon consider reauthorization legislation for the Nuclear Regulatory Commission. I respectfully suggest that this is a most appropriate vehicle for redressing the inadequacies of the current regulatory process for off-site emergency planning.

On June 16, I wrote the New York State Congressional Delegation and proposed a comprehensive approach to the problems of off-site emergency preparedness.¹ I believe that these proposals would clarify the current vagueness and incompleteness of Federal law and would assure the availability of adequate resources. I am enclosing a copy of this letter.³

Sincerely,

(Signed) **MARIO M. CUOMO**

¹Editor's Note: See June 16 release for text of letter.

²Editor's Note: See June 16 release for comments from Federal officials.

³Editor's Note: See also preceding letter, dated September 14, for four points on safety management strategy that conclude the letter to Senator Simpson.

Governor Releases Letter to Senator Simpson

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 20, 1983

Governor Mario M. Cuomo has sent the attached letter to Senator Alan Simpson following their meeting last week in Washington.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 19, 1983

Dear Alan:

I want to thank you again for meeting with Senators Moynihan and D'Amato and myself regarding nuclear

power plant off-site emergency preparedness planning. Your willingness to consider our concerns in the context of legislative action is greatly appreciated.

I would also like to restate my concerns regarding your proposal to separate nuclear licensing from the question of implementability of an emergency plan. As I stated in our meeting, I would strongly oppose any effort to remove implementation as a requirement for the issuance of an operating license. Given the current lack of clarity regarding the prospective responsibility of state, Federal and local governments for the development, implementation and financing of off-site emergency preparedness planning, I can appreciate your interest in modifying existing law in this regard. However, separating implementability from licensing will only undermine the effectiveness of state and local governments to develop and implement an emergency response plan.

While I oppose your proposals regarding implementability, I am encouraged by your legislative proposal to provide training and technical assistance to state and local governments for developing emergency preparedness plans. I believe this is a step in the right direction and further believe that expansion of this concept to establish and finance a Federal radiological response team would substantially improve the existing safety management strategy for nuclear power plants.

I am prepared to continue to work with you and Senators Moynihan and D'Amato to achieve our mutual goal of assuring greater safety for the individuals who work and live near nuclear power plants.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Releases Correspondence

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 5, 1983

Governor Mario M. Cuomo today released a letter he

sent to NRC Chairman Nunzio J. Palladino urging the Commission to reject the LILCO plan for Shoreham.

He also released a letter to Senator Daniel Patrick Moynihan asking for his support of two amendments to the NRC statute — one directing the establishment of a Federal Radiological Emergency Team (FRET) and the other directing the Federal government to assume greater responsibility in implementing off-site emergency preparedness plans.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 4, 1983

Dear Pat:

I understand that the Senate Environment and Public Works Committee will soon consider legislation authorizing expenditures for the Nuclear Regulatory Commission.

I believe this legislation offers us an appropriate vehicle for addressing two issues of great importance to New York: 1) The availability of adequate Federal, technical, financial and personnel support to assist state and local governments in responding to an emergency situation at a nuclear power plant; and 2) the possibility that a power plant may be permitted to initiate low-level power operations in the absence of a federally approved off-site emergency preparedness plan.

To address these deficiencies in current Federal legislation, I ask your support for two amendments to the NRC statute.

The first amendment should direct the establishment of a Federal Radiological Emergency Team (FRET), a dedicated cadre of trained Federal personnel, to respond to any radiological incident at a nuclear power plant, to supplement existing response personnel, and to assist state and local emergency response efforts.

Secondly, this amendment should direct the Federal government to assume greater responsibility for training and equipping state and local emergency personnel, including the development of a training program for the National Guard to provide primary or supplemental

personnel to execute a preparedness plan and to assure redundancy for participation in any accident scenario.

I believe the costs of these initiatives would be minimal, particularly in view of the important public safety concerns associated with operation of these nuclear facilities. Whatever additional costs these initiatives may entail, the Federal government should assure their availability. I endorse your suggestion that these costs be recovered through the creation of a Civilian Nuclear Power Plant Emergency Response Fund, financed by an assessment against utilities. This should be the third element of this amendment.

Some individuals have chosen to construe this initiative as a backdoor attempt to open the Shoreham nuclear power plant. I have repeatedly stated that I will not impose an off-site emergency preparedness plan upon Suffolk County. That remains my position. There is nothing inconsistent, much less devious, between my position on emergency planning at Shoreham and the widely acknowledged need to assure the availability of adequate resources to state and local governments to respond in the event of an incident at an operating nuclear power plant.

I propose this amendment in the conviction that nuclear power plants should be allowed to operate only if they can be operated safely and that the availability of an effective, implementable off-site emergency plan is an essential component of safety.

The second amendment I suggest is directly related to current events surrounding Shoreham. The Nuclear Regulatory Commission has concluded that the Long Island Lighting Company (LILCO) may obtain a license for low-power operations at Shoreham without an approved off-site emergency preparedness plan. This emphasizes further the absurdity of current Federal law and the need for clarification of the Federal government's responsibility and accountability for its actions.

Clearly, substantial controversy and uncertainty surround the potential operation of the Shoreham facility. The NRC itself has acknowledged this. An adequate off-site emergency preparedness plan has not been approved for Shoreham. In these circumstances, it is illogical to commence even low-power operations and thereby to

assume, perhaps unnecessarily, additional economic costs and to expose residents to some new measure of risk, however minimal.

Therefore, I ask your support for a second amendment which would explicitly prohibit the NRC from granting a low-power license for any nuclear power plant in the absence of an approved off-site emergency preparedness plan. Prudence and common sense dictate such a requirement.

As always, I deeply appreciate your consideration and cooperation on this important issue. Our resources are entirely at your disposal to assist you in this effort.

Sincerely,

(Signed) **MARIO M. CUOMO**

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 4, 1983

Dear Chairman Palladino:

I understand that at the request of the Nuclear Regulatory Commission (NRC), the Federal Emergency Management Agency (FEMA) is coordinating an eight-agency Federal review of an emergency preparedness plan written by the Long Island Lighting Company for the proposed Shoreham nuclear power plant.

While I understand that recent legislation does authorize the NRC to consider a utility-developed emergency preparedness plan for a commercial nuclear power plant, I am writing to urge the Commission to reject the LILCO plan for Shoreham.

Suffolk County has clearly stated that it will refrain from implementing a radiological emergency plan at Shoreham because the County believes that it is impossible to safely evacuate or otherwise protect the public in the event of a serious nuclear accident at Shoreham. I have indicated that the State will not impose a radiological emergency preparedness plan on Suffolk County because I

do not believe that the State alone has the capability or resources to assure that the public health and safety can be adequately protected.

While I have made no final judgement regarding the possibility of developing and implementing an adequate emergency preparedness plan for Shoreham, I am convinced that a preparedness plan which relies solely and entirely upon private utility workers cannot provide the degree of security necessary to conclude that the public health and safety of the region's residents are adequately protected.

In an emergency situation, even those involving more familiar disasters, one cannot always predict how individuals will react. This is especially true in the case of individuals whose normal responsibilities do not include the protection of public health and safety.

Is it reasonable to assume that a utility-directed worker will respond in a predesigned manner when his action may involve a choice between evacuating a stranger and perhaps protecting his own family? Is it reasonable to assume that residents will react calmly to directives and mandates from utility workers whose company may be perceived to be the cause of the disaster? Under what authority would utility workers perform functions which may amount to an exercise of governmental power? I am sure this is not the scenario either envisioned or endorsed when the Congress and the NRC reasonably required the development of off-site preparedness plans for nuclear power plants.

I am certain that we all agree that before a new nuclear power plant can operate, there must be reasonable assurances that the public health and safety is adequately protected. I do not believe that an entirely utility-developed, utility-directed, and utility-operated off-site preparedness plan meets this standard.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Releases Letter to Senator Moynihan

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 9, 1983

Governor Mario M. Cuomo today released a letter he has sent to Senator Daniel Patrick Moynihan urging the Senator's support for an amendment "to delete the authority of the NRC to issue a Temporary Operating License (TOL) for a new nuclear power plant."

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 9, 1983

Dear Pat:

I am writing to request your support for an amendment which Senator George Mitchell will offer to the Nuclear Regulatory Commission reauthorization bill (S1291) to delete the authority of the NRC to issue a Temporary Operating License for a new nuclear power plant.

The NRC's current authority for issuing a TOL expires on December 31, 1983. I understand that this authority has not been utilized by the Commission. I see no compelling reason to continue this authority.

My opposition is based upon several factors. First, our experience at the proposed nuclear power plant at Shoreham, Long Island does demonstrate that important safety questions can and do emerge at the final operating license stage. In Shoreham's situation, serious safety-related issues remain unresolved, including the operation of back-up diesel generators and the adequacy of off-site emergency preparedness plans.

I am especially concerned that with regard to off-site radiological preparedness, a TOL could be granted merely on the basis of the filing of a state, local, or utility preparedness plan. To permit such a possibility to occur while public hearings on emergency preparedness have not been completed makes a mockery of the proceeding and the requirement designed to demonstrate that a plan is adequate and implementable.

Third, the credibility of the NRC as a regulator of the nuclear industry and as a protector of public health and safety is already sufficiently strained, justifiably or otherwise, without the Congress devising another methodology whereby the Commission can ignore public comment and concerns. We should be seeking ways of strengthening the regulatory integrity of the Commission — not ways of short circuiting its public processes.

I appreciate, as always, your consideration of my views.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Comments on Shoreham Study

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 22, 1983

Last April 19, when I first proposed creation of the Fact-Finding Panel on Shoreham, I stressed the need for "clearly derived, reliable and objective information on the economic costs and safety of Shoreham." It now appears that the Marburger Commission is well on its way to completing its work toward those ends. I expect to receive the Commission's final report by mid-December.

After I have received and reviewed the report and conducted the hearing that I promised the people of Suffolk, I will make a timely decision as to the next steps appropriate to continue my commitment to protect the safety of the residents of Long Island and to minimize the costs which result from the construction of the Shoreham plant regardless of whether it ever operates.

My decisions will be reached strictly on the basis of the reliable, objective information I receive — not on political pressure nor acquiescence.

Meanwhile, I am taking the following steps. I have scheduled December 15 as the date for a community hearing and meetings in Suffolk County. Details are being arranged.

Secondly, as I have said since last February 17, I continue my opposition to LILCO's proceeding on its own. I will continue to resist any attempt to allow the plant to open on the basis of nothing more than LILCO alone undertaking to provide for evacuation.

Finally, as I indicated earlier, it is my intention to intervene in the issue of the Shoreham facility's low-level license, and to urge the Atomic Safety Licensing Appeal Board to rescind the Atomic Licensing Board's September permission for LILCO to begin low-level operation. It would be inappropriate to anticipate any level of operation at the Shoreham facility before the constant and basic issues of safety and economics are resolved.

Governor Receives Marburger Commission Report

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 14, 1983

I am pleased to receive the report from the Marburger Commission. I appreciate the extraordinary amount of time and energy contributed by the distinguished members. Dr. John Marburger deserves special thanks for handling a trying and complex task so well.

The Commission's exposition of facts surrounding the Shoreham controversy indicates the wide spectrum of uncertainty which still exists.

Shoreham presents Long Island, the State and the nation with an extraordinarily complex analytical problem, and one demanding detailed and informed public discussion. That is why I:

- Appointed the Marburger Commission, to provide technical expertise.
- Met with all groups wanting to discuss this issue.
- Travelled to Washington to meet with congressional leaders and other Federal representatives.
- Scheduled a public forum tomorrow on Long Island to continue my discussions about Shoreham with the citizens most directly affected. We must share the judgment-making process with the public.

Three major issues and questions remain to be addressed:

— Safety. Obviously the State and local governments have an interest and an obligation here, but this is largely the role of the Federal government, which has pre-empted responsibility for nuclear power plant regulation and operation. I have said repeatedly that the State will not impose an independently developed State emergency plan on the County, and we will not. I am convinced the State does not have the resources that would allow me in good conscience to tell the people concerned that the State could handle an evacuation at this location under present circumstances.

— Economic Impact. Whatever the fate of Shoreham, we face immediate economic difficulties relating to energy costs on Long Island. Ratepayers must be protected, and the problem requires short-term, intermediate and long-term action, and this is a primary area of State responsibility now. I will do whatever a Governor can do to assure there is no intolerable utility rate increase as a result of the Shoreham mistake.

— Energy. The energy issues raised by Shoreham must be considered in the context of the State Energy Master Plan, which is now being revised, and will outline the long-term energy and economic development needs of the State.

I did not ask the Commission for recommendations and conclusions as to final action to be taken, only for a presentation of the facts. Some have gone further and described what they believe the NRC's ultimate judgment should be. To the extent that these opinions are designed to affect my conclusions, it should be clear that they are interesting, but not determinative. I do understand that the members feel deeply about these issues, and I again commend them for their contributions.

Editor's Note: See Report of the NYS Fact-Finding Panel on the Shoreham Nuclear Power Facility at the NYS Library.

Governor Contests Shoreham Low-Power Fuel Loading

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 20, 1983

Tomorrow, the State will submit the attached brief to the Atomic Safety and Licensing Appeal Board to contest the conclusion that permission to load low-power fuel may be granted, even without an adequate and implementable evacuation plan and despite the view of the Licensing Board, that there is no "reasonable assurance" that an emergency off-site preparedness plan will ever be approved.

In the near future the State will also participate in the Atomic Safety and Licensing Board hearing on off-site emergency planning issues. The State will oppose any grant of a license to operate the plant predicated solely and entirely on the LILCO-developed and LILCO-implemented plan for evacuation. I have said repeatedly I believe the LILCO plan does not reasonably assure safe evacuation.

A brief review of some of the underlying circumstances makes the significance of these positions clear.

The Federal government has exclusive jurisdiction over the question whether Shoreham is safe to operate and can therefore be licensed to open. The applicable regulations require an evacuation plan that is implementable and that will assure the quick and effective movement of the population out of the zone of danger in the event of an accident that threatens to increase substantially the radiation normally emitted by a nuclear power plant.

The adoption of the Federal evacuation regulations was based on the reality that even under ideal circumstances, the operation of a nuclear power plant poses a clear and always present danger of a radiological accident. Nowhere do they suggest that the efficacy of evacuation preparations should be a relative requirement, affected by economic or fiscal factors. The law — as it should — puts safety first and does not allow financial considerations to compromise what is irreplaceable — life and health.

No evacuation plan has yet been certified as adequate and implementable.

The County of Suffolk has said evacuation is impossible and therefore it has submitted no plan. The State does not have the resources, by itself, to supply the wherewithal that would be required. LILCO has offered a plan, which would be implemented by its employees, by which it would attend to evacuation by itself. The State opposes the notion that this LILCO plan is approvable. Its employees lack the capability and the legal power to implement it. Indeed, even in conjunction with the County's active participation, the State might not be able to give reasonable assurance of evacuation.

Of course, if the plant were to be operated and a misadventure were to occur, both the State and the County would help to the extent possible; no one suggests otherwise. However, government's obligation to respond to a catastrophe should not be used as an excuse for inviting the peril.

Despite all of this, the Nuclear Regulatory Commission has ruled that its ASLB can approve a request for low-power loading without any certified evacuation plan being in existence. The brief to be submitted by New York tomorrow is part of the appeal from that decision.

If the State is successful in its opposition, the Shoreham plant will not be allowed to open because it has not met the basic safety requirements set out in the Federal law and regulations. Because the health and safety of our people must come first, we will persist in these objections until we have succeeded or exhausted our legal opportunities.

It should be noted that my strong feeling as to the inadequacy of the evacuation plans and forces now available prompted me to ask Congress for legislation that would supply us with the resources to make evacuation at all the State's nuclear facilities more reasonably achievable. For reasons I do not fully understand, that legislation has not been vigorously supported by the editorial boards and business interests that advocate LILCO's desire to open Shoreham despite all its obvious dangers.

Whatever occurs with the two pending proceedings

involving the evacuation plans, it is clear that Shoreham is a long way from opening. Moreover, it is increasingly clear that LILCO lacked the experience and skill required to build a plant like this one. LILCO's construction problems may never be solved. It is also possible — some say likely — that even if Shoreham is licensed, its operations will be interrupted frequently with increasing costs to rate payers. That would mean that the people would have to pay the price for LILCO's deficiencies repeatedly and extensively for years to come.

Notwithstanding the complexity surrounding this situation and the "inhomogeneous" quality of its report, some things were not substantially disputed by the Marburger panel. Among them were the following:

1. The Shoreham project is a mistake which was made years ago and for which we are now being asked to pay. It is probable that Shoreham would not be acceptable as a licensable site under current Federal siting practices. Free to choose, no one would build it again.

2. LILCO's lack of training, preparation, and credibility with respect to the construction and management of the plant is amply established. LILCO must be held responsible for all costs associated with these inadequacies.

3. The decisions already made by the Governor are reasonable ones. These actions are specifically: my decision not to impose a State plan upon Suffolk County; my decision to oppose the LILCO plan; my decision to oppose low-power loading and my commitment to deal with the economic impact that results from this ten year old debacle, whether it goes on line or not.

No one can reasonably dispute the primacy of the issue of safety here. The only substantial reason being offered for opening the plant in disregard of strict application of the evacuation requirements is the desire to avoid the potential increase in rates that might result from the plant's not going on line.

I believe that although the plant was not the idea or the error of this Administration, we have the obligation now to do everything we can to minimize any negative economic consequences that result from the Shoreham mistake. Accordingly, several months ago I assembled a special cabinet level working group headed by my Secretary, Michael Del Giudice, with instructions to

develop a series of short-term, intermediate and long-term actions to mitigate the impact on ratepayers and the Long Island community whether the plant opens or not. They have already consulted with some of the best minds available on ideas to deal with the financial, economic, energy supply and other implications deriving from this project. They have talked with investment bankers; special legal counsel; financial market analysts; SEO and ERDA; the Power Authority, Hydro Quebec, and others, and are now in the process of formulating a series of options for my consideration. At an appropriate point, I will discuss my conclusions with the legislative leaders as well.

My preliminary view of the work being done satisfies me that we will be able to mitigate substantially the financial impacts created by what has been termed by one newspaper as an "epic miscalculation."

Some who are eager to see the plant open have expressed their dissatisfaction with my refusal to put aside my reservations and work aggressively to open the plant. My decisions have been deliberate ones.

I will not permit the uncertainty about relative economic impact to override what appears to me to be the certain responsibility I have to protect the safety and health of the people. That must be our first concern and that has been the predicate of all my decisions to date.

* * *

**United States of America
Nuclear Regulatory Commission**

Before the Atomic Safety Licensing Appeal Board

-----X
In the Matter of :
Long Island Lighting Company, : **Docket No. 50-322(OL)**
(Shoreham Nuclear Power :
Station, Unit 1) :
 -----X

**Brief of Mario M. Cuomo, Governor of the State of New
 York in Support of Suffolk County Exception Nos. XII-1
 through XII-6 to the September 21, 1983
 Preliminary Initial Decision**

Preliminary Statement

This Brief is submitted by Mario M. Cuomo, Governor of the State of New York, in support of those portions of Suffolk County Exception Nos. XII-1 through XII-6 which challenge the Atomic Safety and Licensing Board's September 21, 1983 Preliminary Initial Decision to authorize the low-level operation of the Shoreham Nuclear Power Station despite the Licensing Board's conclusion that the present record does not support a finding of reasonable assurance that an adequate level of off-site emergency preparedness will be developed at Shoreham.

In a June 30, 1983 decision, the Nuclear Regulatory Commission explicitly recognized that the low-power license for the Shoreham plant could be issued despite the 'difficult' emergency planning issues which this case presents and 'the existing uncertainties about off-site emergency planning.' Long Island Lighting Co. (Shoreham, Unit 1), CLI-83-17, 17 NRC _____ (June 30, 1983). The Governor of New York has repeatedly urged that the emergency planning issues in this case should prompt the Commission to defer the grant of the low-power license. This Brief is submitted as a further statement of these concerns.

POINT I

Application of 10 CFR Section 50.47(d) in this Proceeding Requires a Delay in the Issuance of the Low-Power License

In reaching its June 30, 1983 decision, the Nuclear Regulatory Commission accepted certification of a question from the Atomic Safety and Licensing Board concerning the application of 10 CFR Section 50.47(d) to this proceeding. In accepting the certified question and providing its advice on the application of 10 CFR Section 50.47(d), the Commission recognized the Licensing Board's doubt as to the likelihood that an off-site emergency plan can and will be developed for the Shoreham plant. The Commission's 3-2 decision suggested, however, that 'interjection of such doubts into the low-power proceedings could create a limited full-power hearing, before authorization of the low-power license,' that such a procedure 'would have little to commend it,' and that Section 50.47(d) did not require it. June 30, 1983 decision at 4.

In this case, however, the 'low-power proceeding' and the 'full power hearing' have been in most respects the same proceeding. Indeed, in seeking the low-power license, the Long Island Lighting Company ('LILCO') has proceeded under 10 CFR Section 50.57(c). This section provides the applicant the opportunity to obtain the low-power license 'in any case where a hearing is held in connection with a pending proceeding.' In this case, the pending proceeding is LILCO's application for a full-power license. Therefore, this low-power license is explicitly sought in the context of a full-power hearing at which many full-power issues have been heard and decided. In this procedural context, there is no valid reason why safety issues surrounding the off-site emergency

plan should not be resolved, like other full-power safety issues already resolved by the Partial Initial Decision, before the authorization of low-power operation at the plant. Where, as at Shoreham, the requirements for emergency planning impose a special burden on those who advocate operation of the plant, and where, as here there is no reasonable assurance that this burden will be met, the need to address off-site emergency planning issues before issuance of the low-power is self-evident.

LILCO could have separated the low-power license application from the pending operating license proceeding had it wished to do so. In contrast to the procedure actually utilized by LILCO under 10 CFR Section 50.57(c), 42 USC Section 2242 permits an applicant such as LILCO to obtain a low-power license outside of the normal hearing process. However, since the procedure under 10 CFR Section 50.57(c) and not the alternate statutory procedure is being used in this case, the low-level license application should be decided on the same timetable as the other issues raised by the operating permit hearings including those issues with respect to off-site emergency planning.

While not applicable in this proceeding, 42 USC Section 2242 is nevertheless relevant to this proceeding. Under this statute, an application for a low-power license is apparently permitted after 'the filing of a State, local or utility emergency preparedness plan.' Because of this explicit prescription, this statute is the only instance in which Congress has expressed its views as to the relationship between off-site emergency preparedness and the issuance of a low-power license. Importantly, in this statute, Congress makes no distinction between off-site and on-site emergency preparedness in the context of low-power operating licenses. Therefore, the distinction apparently drawn by the Partial Initial Decision's approval of a low-power license despite the pendency of difficult off-site emergency preparedness issues flies in the face of expressed legislative intent.

POINT II

10 CFR Section 50.47(d) Does Not Authorize the Licensing Board or the Commission To Ignore Emergency Preparedness in the Issuance of a Low-Power Operating License.

The first sentence of the text of 10 CFR Section 50.47(d) purports to exempt determinations on low-power license applications from any consideration of off-site emergency plans. However, the remaining text of that subsection and the comments which accompanied its promulgation clearly confirm that some consideration of off-site emergency planning is required prior to the issuance of a low-power license. Specifically, the penultimate sentence in Section 50.47(d) states that the low-power license may be issued 'after a finding is made by the NRC that the state of on-site emergency preparedness provides reasonable assurance that adequate protective measures can be taken in the event of an emergency' and the subsection concludes by stating that 'the NRC will base its

finding on its assessment of the applicant's emergency plan against the standards in paragraph b of this section and Appendix E of this part.' In the comments which accompanied the promulgation of this rule, the Commission responded to the assertion that no off-site protection will be confirmed to exist prior to the issuance of a low-power license. In response to this contention, the Commission stated that under this rule, '[p]rior to issuing an operating license authorizing low-power testing and fuel loading, the NRC will review the following off-site elements of the applicant's emergency plan . . .'. 47 Fed. Reg. 30234 (July 13, 1982) (emphasis supplied). The Commission's comments go on to enumerate seven off-site emergency planning elements which would be reviewed by the NRC prior to the issuance of the low-level power license.

Despite the plain intent of Section 50.47(d) to incorporate off-site emergency planning issues in the consideration of the application for a low-power license, all off-site emergency planning issues have been deferred in this proceeding for decision by a second Licensing Board and a Partial Initial Decision in support of the low-level license has been issued. This procedure defies the intent of the Commission's own rules and simple common sense. Off-site preparedness is no different than any other safety issue examined by the Commission in the context of the operation of a nuclear power plant. Indeed, off-site emergency preparedness may be among the most important safety considerations inasmuch as these plans are the last resort by which the public is protected from radiological danger. If anything, off-site planning should be more intensely scrutinized prior to the operation of the plant than the examination of other safety aspects.

The Commission has for several years examined the physical and operational integrity of the Shoreham plant. The results of this study are now embodied in a 1,400 page opinion by the Atomic Safety and Licensing Board. Off-site emergency planning, as a safety measure which protects the public but not the plant, has received virtually no consideration. Nevertheless, the Commission's own rules recognize the importance of off-site emergency planning and testify to the fact that the operation of nuclear power plants, despite the intense scrutiny afforded in the licensing process, cannot be characterized as 'fail-safe.' 10 CFR Section 50.47(a),(b) and 10 CFR Part 50, Appendix E. In light of this principle, off-site emergency planning, which is the only safety system protecting the public and not the nuclear plant, cannot be swept aside. The public's safety is entitled to the same measure of critical concern as the Commission has already afforded to the plant itself.

To date, the Licensing Board has decided virtually all of the outstanding issues with respect to this plant other than off-site emergency planning. It has approved the issuance of the low-power license while refusing to address and, instead, simply deferring off-site emergency planning issues for a later date. In this practice, the Licensing Board has failed to afford the public that measure of concern for 'public health and safety' to which it is entitled. 42 USC Sections 2013(d), 2133(a), 2201(p) and 2232(a).

The treatment of off-site emergency preparedness issues in this

proceeding's consideration of the low-power license application has been repeatedly frustrated by their entanglement in unnecessary procedural complexities. These entanglements, while regrettable in any case, are inexplicable where, as here, they have only served to prevent a full examination of 'difficult' off-site emergency preparedness issues prior to the issuance of the low-level license.

First, the most recent interpretation of 10 CFR Section 50.47(d), a regulation which must be fully understood before the low-level license application in this case can be decided, was made by the Commission on June 30, 1983. This decision postdates virtually all of the briefs and materials supplied to the Licensing Board by the parties in anticipation of the Partial Initial Decision. It does not, however, postdate the Partial Initial Decision itself. Therefore, the Partial Initial Decision was written without the benefit of any contributions by the parties which might have been useful in the application of the June 30 decision to the Licensing Board's determinations. More importantly, the June 30 decision itself was issued by the Commission without the benefit of the parties' participation. Rather, the Commission considered the question certified to it by the Licensing Board and simply decided it sua sponte. To compound this shortcoming, the Section 50.47(d) issue decided by the Commission on June 30 was never briefed before the Licensing Board even though the Board certified the question to the Commission for decision. In fact, the Section 50.47(d) question was certified by the Commission before any motion was made by LILCO for a low-power license. Therefore, Section 50.47(d) was injected into the licensing proceeding by the Licensing Board before the parties themselves considered it relevant, it was decided by the Licensing Board and certified to the Commission without input from the parties and finally, the Commission decision was apparently applied by the Licensing Board without significant opportunity for any party to be heard. The independent course struck by the Licensing Board and the Commission in the interpretation and application of this subsection is in stark contrast to the common notions of opportunity to be heard which normally govern licensing proceedings. This contrast is heightened by the specific provisions of 10 CFR Section 50.57(c) which govern the LILCO low-level license application and which explicitly recognize each party's right to be heard prior to the decision on a low-power operating license.

The unfortunate summary treatment of Section 50.47(d) in this proceeding is compounded by the equally summary treatment of the off-site emergency planning contentions which might have been heard by the Licensing Board and applied to the low-power license application. As noted at page 5, supra, certain off-site emergency planning considerations were expressly recognized by the Commission as relevant to a low-power license when the current Section 50.47(d) was promulgated. These enumerated considerations extended to requests for and the use of local assistance, notification of local response organizations and the public, emergency communications, emergency facilities and emergency equipment, radiological assessment and monitoring, emergency medical services, and radiological emergency response training. 47 Fed. Reg. 30234 (July 13, 1982). A conscientious application of this rule in this proceeding certainly

would have reached these enumerated concerns as well as all others which relate to off-site emergency planning.

Rather than hear the off-site emergency planning contentions and decide them on the merits, however, the Licensing Board has simply dismissed them based upon the intervenor's refusal to participate in certain prehearing procedures. The Licensing Board candidly admits that these procedures were 'novel in NRC practice.' 'Memorandum and Order Confirming Sanctions for Intervenors Refusal to Comply with Order to Participate in Prehearing Examination,' LBP-83-115, 16 NRC _____ (December 22, 1982) at 4. Nevertheless, when the intervenors decided not to participate in the Licensing Board's apparently ad hoc prehearing procedures, the Board imposed sanctions. These sanctions included a waiver of the intervenor's right to cross-examination of witnesses and a waiver of their right to ask 'follow-up' questions before the Board when the prehearings testimony was to be submitted. In addition, the Board concluded that intervenors had abandoned their right to present witnesses and testimony of their own on the off-site emergency planning issues. *Id.* at 6. While these sanctions were already harsh in the extreme, the Board went on to conclude that the underlying contentions with regard to the off-site emergency planning which were then in dispute could be dismissed with prejudice and that those issues were withdrawn from the proceeding. *Id.* at 24. Thus, the Board reversed the burden of proof which would otherwise have fallen on LILCO to justify its off-site emergency plans. 10 CFR Section 2.732. More importantly, the Board denied itself its only opportunity to hear any testimony whatsoever concerning off-site emergency planning. Had the Board properly recognized the importance of off-site emergency planning at Shoreham and used this opportunity more judiciously, the present record would better serve all parties and the public.

CONCLUSION

For the reasons stated above, the portions of the Atomic Safety and Licensing Board's September 21, 1983 Partial Initial Decision which purport to authorize the low-power operation of the Shoreham nuclear power plant pursuant to 10 CFR Section 50.57(c) should be reversed. The Licensing Board before which the low-power license application is pending should be directed to withhold its determination on this application until a full determination on all relevant off-site emergency planning issues is made.

Dated: Albany, New York
December 20, 1983

Respectfully Submitted,

MARIO M. CUOMO
Governor of the State
of New York

(Signed) By: GERALD C. CROTTY
Counsel to the Governor

ENVIRONMENT**GENERAL****Governor Announces Love Canal Agreement**

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 17, 1983

After an extensive review of revitalization efforts at the Love Canal, Governor Mario M. Cuomo today announced that the Love Canal Area Revitalization Agency would comply with the requirements of the State Environmental Quality Review Act and would undertake an environmental assessment of its revitalization activities at the Canal before proceeding with its resettlement program.

"My primary concern is the health and welfare of the people living in the Love Canal area. Whatever action we undertake at Love Canal must also exhibit respect for our legal processes. Compliance with SEQRA in this instance furthers both these objectives." The Governor said, "I trust that this effort will proceed quickly and efficiently."

"Both the Revitalization Agency and the Department of Environmental Conservation have reviewed proposed resettlement activities at the Love Canal," the Governor said:

and have concluded that the SEQRA does apply to these actions. This means that the Revitalization Agency will undertake a full environmental assessment of the revitalization plan, as required by SEQRA, especially as it relates to human health and safety.

This conclusion is embodied in an exchange of letters between Niagara Falls Mayor Michael O'Laughlin, Chairman of the Love Canal Area Revitalization Agency, and Henry Williams, Commissioner of Environmental Conservation.

The initial step in meeting the requirements of SEQRA will be the completion of a full-scale environment assessment to determine if the Agency's actions will have a potentially significant effect on the environment. If the

assessment concludes that the Agency's proposed action may have a significant effect on the environment, then SEQRA requires the preparation of a complete environmental impact statement.

Mayor O'Laughlin indicated that he is prepared to obtain the approval of the Revitalization Agency at its next Board meeting, scheduled for March 8, to undertake the necessary environmental assessment studies. Representatives of the Department of Environmental Conservation and the Attorney-General are expected to meet today in Buffalo with Agency staff to discuss the scope of the environmental assessment.

Governor Acts To Curb Pesticide Damage

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 4, 1983

Governor Mario M. Cuomo today directed Department of Environmental Conservation Commissioner Henry Williams to meet with Suffolk County officials and take steps to ease the suffering caused by misapplication of pesticides which have been used to control termites and other pests.

The Governor directed Commissioner Williams to take the following steps:

— The Department of Environmental Conservation will focus its attention on the enforcement of regulations concerning pesticides and will continue to work closely with local officials in Suffolk, Nassau, Queens and other counties to assure timely follow-up to problems that are detected.

— The Commissioner will take appropriate actions against applicators who have misapplied pesticides. Where appropriate, information on misapplications will be referred to the Attorney-General, the District Attorney, or the Environmental Protection Agency.

— The Commissioner will assign six pesticide inspectors to work in Suffolk County temporarily, assisting the normal staff of five inspectors in the County. These additional inspectors will help to speed up the investigation of complaints of improper application of pesticides.

— The Commissioner will work with Dr. David Axelrod, State Health Commissioner, to expedite analyses of samples where it is suspected that toxic chemicals may be improperly applied. State Health Department laboratories will be available to supplement DEC laboratories in these analyses.

Governor Cuomo stated that:

these steps will help us to determine quickly and efficiently where the greatest problems are and to deal with those problems that do exist. We remain committed to working with Suffolk County officials and the residents of Suffolk County to limit the damage and take appropriate actions against those who have misapplied the pesticides.

Commissioner Williams added that:

the Department of Environmental Conservation has strict regulations governing the use of pesticides and the certification of applicators. Restricted pesticides can only be applied in the circumstances specified in the regulations.

NYS Files Suit Against Interior Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 15, 1983

Governor Mario M. Cuomo today announced New York State will file suit on Monday against Secretary of the Interior James Watt to enjoin the Federal government from leasing offshore tracts for oil and gas exploration until the State's concerns are met. The Governor took the action on the joint recommendation of Environmental Conservation Commissioner Henry G. Williams and New York Secretary of State Gail Shaffer.

The Department of the Interior has proposed to offer tracts as close as 35 miles from Long Island as part of the Outer Continental Shelf (OCS) Lease Sale Number 76, scheduled for April 26. This is the largest lease sale ever proposed in the history of the Federal OCS leasing program.

The Department of Environmental Conservation, the State's lead agency for OCS and environmental matters, and the Department of State, New York's coastal management agency, have both strongly urged the deletion of some 135 tracts near Long Island because of potential conflicts with offshore fisheries, as well as the possibility of oil spills in that area reaching the South Shore of Long Island. The State has estimated that losses of \$2 million to \$13 million per week to the tourism, recreation and fishing industries would occur in the event of a spill.

"New York is not opposed to the environmentally safe leasing and development of the nation's offshore energy resources of the Continental Shelf. But the proposed leasing of low interest tracts near Long Island over the objections of the State and local governments exemplifies Secretary Watt's disregard for the coastal states's statutory roles under the Federal laws," said Governor Cuomo.

Commissioner Williams and his predecessors have formally objected, over a six-year period, to the leasing of these 135 tracts near Long Island. Under Section 19 of the OCS Lands Act, the Secretary of the Interior is obligated to explain in writing his reasons for failing to follow State recommendations. To date, Secretary Watt has not complied with this mandate, Governor Cuomo noted.

Secretary of State Shaffer has determined that the proposed lease sale is inconsistent with New York's Coastal Management Program. "We suggested methods of modifying the proposed lease sale which would have resulted in a negligible effect on potential oil and gas production, while at the same time, protecting the commercial fishing, tourism and recreation industries. Secretary Watt not only has 'totally ignored' this determination but he has failed to give the State the courtesy of a response," Governor Cuomo said.

"New York State has consistently recommended over the last six years that leasing of these tracts be deferred," the Governor said:

Leasing of these tracts now would be an unnecessary risk to New York's economy. The 135 tracts, which have received only low interest nominations by industry, account for only 3 percent of the 4,052 tracts proposed to be leased

on April 26. Any leasing of these tracts should wait until high industry interest areas further offshore can be adequately explored.

Secretary Watt and the Reagan Administration have shown their clear intention to disregard the balancing mandates of Federal law. At the same time the Reagan Administration has radically accelerated the offshore leasing program, while moving to eliminate funding to coastal states that would allow them to participate effectively in the OCS leasing program, and protect state interests.

It is clear that the Federal offshore leasing program is revenue driven and that the Secretary of the Interior is preoccupied with reducing immediate Federal deficits at the expense of the long-term management of the nation's renewable and nonrenewable natural resources. Furthermore, the Secretary of the Interior is not only making poor resource management decisions but also is actually antagonizing the states into litigation at the expense of the nation's goals to reduce our energy dependence by increasing our supply of domestic oil and gas reserves.

For all these reasons, I am today announcing our plan to file suit in Federal District Court on Monday to halt the lease sale. This action has been necessary only because of Secretary Watt's callous disregard for the interests of New York and its citizens.

Governor Announces Interior Department Agrees to Court Stipulation

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 22, 1983

Governor Cuomo announced today the signing of a court stipulation in New York State's legal action against the Department of the Interior's plan to lease large areas near Long Island for offshore oil and gas drilling.

The stipulation was agreed to in the chambers of Federal District Court Judge Jack B. Weinstein by attorneys for the State and the Department of the Interior. Pending a hearing to be scheduled by Judge

Weinstein, it commits the Federal agency not to go ahead with leasing of 157 tracts in the Atlantic Ocean south of Long Island. Meanwhile, the State's effort to bar the leasing by injunction will be held in abeyance. The State's action against Secretary James Watt and the Department of the Interior was announced by Governor Cuomo on April 15 and was filed by Attorney-General Robert Abrams early this week.

"We feel that the court stipulation entered into today is a victory for New York State and a clear signal to the Department of the Interior that the State's concerns must be met in order to proceed with the Federal offshore program," Governor Cuomo said. "We are not opposed to offshore development, but we are vitally concerned about the State's interests and the well-being of the citizens of New York."

"The stipulation signed today by the Department of the Interior, New York State and a number of oil and gas companies specifically prohibits the Department of the Interior from executing leases on 135 tracts," the Governor said. "New York State has consistently recommended over the past six years that these tracts be deleted from offshore oil and gas lease sales."

"In addition, the stipulation provides that the Department of the Interior cannot execute leases on 22 additional tracts where specific geological hazards have been identified. Finally, the stipulation recognizes the importance of the biological resources of the continental shelf and that the Department of the Interior will, in fact, adequately protect these resources," the Governor continued.

"The State of New York will proceed in an expedited hearing on the merits of the case. In effect, the State will continue to press for the claims outlined in our complaint, which include that the Secretary has not properly balanced the well-being of the citizens of the State of New York with the national interest in proposing to lease low interest tracts near Long Island. It is also important to note that the same issues will arise later this year as the Department of the Interior presses for a new lease sale off the coast of Long Island," the Governor said.

Governor Directs Dioxin Study

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 10, 1983

Governor Mario M. Cuomo announced today that he has directed the New York State Department of Environmental Conservation to spearhead an interstate effort to pinpoint sources of dioxin which have been detected in striped bass taken from the Hudson River and to assess coastal distribution of dioxin in striped bass.

"In full cooperation with environmental officials from Rhode Island, New Jersey and Maryland, we hope to be able to locate the source and have necessary corrective action taken. Since striped bass are migratory, the contaminant may be acquired from any number of sources, even beyond the jurisdictional boundaries of New York State," stated the Governor:

The sampling procedures agreed upon among the states are designed to address major potential sources in New York and New Jersey, as well as the prospect that dioxin is presently in territorial waters, ranging from Narragansett Bay in Rhode Island to Chesapeake Bay.

Dioxin was detected in striped bass taken in 1981 from the Hudson River in the vicinity of Poughkeepsie and Montrose Point. Through analyses of other fish, the DEC has determined that the Hudson and Mohawk Rivers appear to contribute minimal amounts of dioxin.

The study will be in two parts. One part will deal with three fish species which are considered good indicators of local water quality because they do not tend to migrate or move about extensively. In New York State, it is planned to collect these fish at several locations on the Hudson River, Kill Van Kull and Arthur Kill. Samples from New Jersey are planned to be taken from Newark Bay and the Passaic, Hackensack and Raritan Rivers.

In a second part of the dioxin study, striped bass will be collected from Narragansett Bay in Rhode Island, Montauk and Orient Points off Long Island, the New York City lower harbor, the Cape May area of southern

New Jersey, Haverstraw Bay on the Hudson River, and a site to be determined in Chesapeake Bay.

Analyses of fish taken for both studies will be conducted by the New York State Department of Health after samples are prepared at DEC's Hale Creek Field Station.

Commercial fishing for striped bass in the Hudson has been prohibited since 1976 because of contamination by PCBs. Testing of fish taken in 1982 from the Hudson by the State Department of Health showed the presence of dioxin also. As a result the Department of Health tightened its advisory on eating fish from the Hudson and recommended that individuals not eat more than one striped bass meal per month, similar to the advisory issued in 1981 concerning consumption of Lake Ontario sport fish containing dioxin.

Governor Directs DEC Dioxin Study (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 9, 1983

Governor Mario M. Cuomo today announced that he has directed Environmental Conservation Commissioner Henry G. Williams to undertake a detailed investigation of certain manufacturing processes that may produce dioxins as an unwanted byproduct.

Governor Cuomo stated:

We have already seen what effects dioxins can have on areas of the State like Love Canal. Now, we are watching as New Jersey deals with the discovery of dioxins contamination of up to 500 parts per billion at a former Agent Orange manufacturing plant in Newark. In view of the potential threat that dioxins can pose, I have asked Commissioner of Environmental Conservation Williams to make every effort to locate any areas of potential dioxins threat in New York. We owe it to all New Yorkers to learn as much as we can, as quickly as we can, about dioxins within our State.

In response to the Governor's request, Commissioner Williams has sent letters to eight New York firms asking for detailed information. The firms are those listed in a research publication entitled "Dioxins" published by the Office of Research and Development of the U.S. Environmental Protection Agency. The manufacturing processes under investigation were also reported in the same publication.

In the letters to the firms, Commissioner Williams asked for the following information:

1. A history and description of processes the companies used to produce any of a list of more than 80 chemical products where dioxins could have been a byproduct of the manufacturing operations.

2. An identification of waste streams from these manufacturing operations and copies of any analyses of these wastes for dioxins.

3. A report of current management practices for waste products from these manufacturing operations, including both on-site treatment or disposal and consignment to off-site treatment, storage or disposal facilities.

4. Identification of firms which transported wastes to off-site treatment, storage or disposal facilities.

5. Identification of locations, both on-site and off-site, where suspect waste products were treated, stored or disposed of.

6. Reports of analyses of the wastes themselves and of groundwater, surface water, air emission or soil samples at each treatment, storage or disposal facility.

Editor's Note: The firms asked to reply by June 24 were the: Olin Corp., Rochester; BASF Wyandotte Corp., Rensselaer; R.S.A. Corp., Ardsley; Occidental Chemical Corp., Niagara Falls; United Guardian, Inc., Smithtown; FMC Corporation, Middleport; Eastman Kodak Co., Rochester; and Aceto Agricultural Chemical Corp., Flushing.

Governor Approves Cleanup of Long Island Sound Harbors

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 17, 1983

Governor Mario M. Cuomo today announced he has

signed legislation that will make the cleanup of Long Island Sound harbors eligible for Federal aid.

The U.S. Army Corps of Engineers, which has been clearing New York Harbor of driftwood and deteriorated vessels the past several years, will expand its activities to clear Hempstead Harbor on Long Island Sound of the remnants of some 70 barges, Governor Cuomo said.

The barges, sunk or left behind a number of years ago from sand mine operations, have broken up or been set afire and the resulting drift threatens navigation in the area.

Under terms of the legislation, the project can begin when non-Federal funding required for the project becomes available.

Editor's Note: Chapter 913 of the Laws of 1983.

Governor Appoints TSC on Returnable Beverage Containers

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 14, 1983

Governor Mario M. Cuomo today announced the appointment of his three members to the nine-member Temporary State Commission on Returnable Beverage Containers established to study the State's two-day-old bottle bill.

They are:

Henry Neale, Jr. of Westchester County, a lawyer and former President of the Environmental Planning Lobby.

Peter Nelson of Rochester, Corporate Secretary, Personnel Director and member of the Board of Directors of the Genesee Brewing Co.

Norman Steisel, New York City Commissioner of Sanitation.

In announcing his appointments, Governor Cuomo said:

Each has extensive knowledge of the issues associated with passage and implementation of the bottle bill. They will bring a perspective from three different sectors affected by the legislation which will provide balance to the Commission and prove valuable as the Commission carries out its work.

The Temporary Commission is to report to the Governor and the Legislature by December 31, 1984, on the application and impact of the State's new bottle bill and make recommendations on whether the returnable container law should be changed or continued. Among the issues the Commission is charged with studying are the effects of the law on littering, reduction in waste disposal costs, use of raw materials and water and energy consumption, the advisability of establishing redemption centers as a viable alternative for returnable containers, and the economic impact on manufacturers, bottlers, distributors and retailers.

Under terms of the legislation creating the Commission, the Governor has three appointments, the Assembly Speaker and the Senate Majority Leader have two each, and the Assembly and Senate minority leaders have one each. The chairman and the vice-chairman of the Commission will be elected by a majority of the members. Members are unsalaried.

Governor Announces Advisory Committee on Low-Level Radioactive Waste Disposal (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 19, 1983

Governor Mario M. Cuomo today announced the membership of the Advisory Committee on Low-Level Radioactive Waste Disposal.

The Committee was created in legislation this year which authorized it and the State Energy office to study the health, environmental and safety aspects of low-level radioactive waste disposal and the responsibilities of various levels of government. The legislation authorizes the Energy Office to conduct a study of the quantity and types of low-level radioactive waste generated in New

York State and the options for its disposal. The Advisory Committee will review the Energy Office report and submit final recommendations to the Governor and the Legislature by March 1, 1984.

Under 1980 Federal legislation the states are given responsibility for developing disposal facilities for low-level nuclear wastes generated within their borders, such as medical research and treatment wastes, industrial waste and radiological pharmaceuticals.

Members of the Committee serve without compensation.

Editor's Note: The members were: Keith W. Amish, Martin V. Chauvin, Senator John R. Dunne, Robert H. Fakundiny, Lisa Finaldi, Assemblyman Maurice D. Hinchey, Jr., William E. Kiker, Carolyn Kobrynski, Letty Lutzker, H. David Maillie, John M. Matuszek, Jr., Donald Milligan, Assemblyman Angelo F. Orazio, Lana Redeye Rozler, Arthur Trappier, Senator Dale M. Volker, and Henry G. Williams.

Governor Announces Pollution Control Projects

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 21, 1983

Governor Mario M. Cuomo announced today that the Town of Clarence, Erie County, has been advanced \$323,200 for the preparation for plans and specifications for the construction of two major pollution abatement projects scheduled for the spring of 1985.

Governor Mario M. Cuomo also announced today that \$68,500 has been advanced to the Town of Royalton, Niagara County, for the preparation of plans and specifications for the construction of a sewage treatment plant and interceptor sewers in its Gasport Sewer District. The project, estimated to cost \$1,726,430, will eliminate a discharge of inadequately treated wastewater to the east branch of the 18-mile creek.

A \$171,700 advance has been made to Clarence Sewer District No. 1 (Clarence Hollow), to plan for the construction of a 150,000 gallons-per-day sewage treatment plant, low-pressure collection sewers and

rehabilitation of on-site systems to eliminate the discharge of inadequately treated wastewater to Ransom Creek. The estimated cost of these facilities is \$4,389,858.

A \$151,500 advance has been made to Sewer District No. 3 (Harris Hill) to plan for the construction of a 75,000 gallons-per-day sewage treatment plant, low-pressure collection sewers and rehabilitation of on-site systems to eliminate the discharge of inadequate wastewater to the groundwater aquifer. Construction of these facilities will cost \$3,865,025.

The Advance Assistance for Small Communities is a federally funded program administered by New York State to advance funds to communities of fewer than 25,000 population which cannot otherwise finance planning and design expenses for wastewater treatment facilities.

Governor Opposes Winter Navigation on St. Lawrence River

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 30, 1983

Citing adverse environmental and economic effects, Governor Mario M. Cuomo today asked the Senate Committee on Environment and Public Works in Washington to defeat proposals currently before the Congress that would allow winter navigation on the St. Lawrence River. The Governor wrote of his opposition to winter navigation in letters to Senator Robert T. Stafford (R., Vt.), Chairman of the Committee; Water Resources Subcommittee Chairman Senator James Abdnor (R., S.D.), and Senator Jennings Randolph (D., W.Va.), Ranking Minority Member of the Committee. Copies were sent to the entire Committee, including Senator Daniel Patrick Moynihan of New York, who has been working diligently on the issue.

Governor Cuomo noted that the House Public Works and Transportation Committee's water resources bill, HR 3678, includes a provision authorizing winter navigation on the Great Lakes-St. Lawrence Seaway System. He said:

Section 1123 of that bill authorizes winter

navigation on the system, despite economic and environmental evidence which strongly argues against extending the navigation season. Existing port facilities, tourism, shoreline property, fish and wildlife habitats, and other considerations would all be adversely affected by season extension. Flooding and hydroelectric losses as well as disposal of any dredged materials have also not been suitably studied.

Governor Cuomo noted that an assessment of the environmental impact of winter navigation, prepared by the DEC and the College of Environmental Science and Forestry at Syracuse University, cited several adverse environmental impacts from additional dredging, increased ship movements, wave and ice actions and placement of new ice booms.

Economic concerns are based upon a winter navigation study prepared by DOT which cited grossly overstated projections of traffic during winter months, grossly understated costs of the project, potential losses of power production and the costs of losses in recreation, tourism, fish and wildlife and additional environmental clean-up costs.

"Based on the results of intensive studies focused on the St. Lawrence River portion of the Seaway System, we in New York have consistently opposed any winter navigation on the St. Lawrence," he said:

I stated very clearly in my *State of the State* message to the Legislature earlier this year that I shall oppose any efforts on the part of the Army Corps of Engineers to open the St. Lawrence Seaway to winter navigation. My position has been to oppose winter navigation and I will continue to do so.

Stating that winter navigation is of concern to several states and many interests, Governor Cuomo said:

I therefore ask for your assistance in defeating any proposal providing for winter navigation on the St. Lawrence. Further, it is absolutely essential that no season extension is even considered on the remainder of the Great Lakes Seaway System until all economic and

environmental impacts are fully explored and a recommendation formulated.

DEC To Investigate Moose Killing

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 8, 1983

Governor Mario M. Cuomo today directed the New York State Police to provide any assistance requested by the Department of Environmental Conservation in its investigation of the killing of a moose in northern Columbia County.

The moose, which had been shot, was found dead last Sunday in a wooded area four miles north of Chatham.

"Moose are fully protected by law in New York State and cannot be hunted," Governor Cuomo said:

The number of moose observed in New York has increased during the past several years and there is great public interest in the well-being of these animals. It is tragic that some unthinking individual saw fit to take the life of this moose.

The investigation is being conducted by environmental conservation police officers from the Department of Environmental Conservation, among the most highly trained wildlife investigative officers in the country, Governor Cuomo said. He noted the ECOs and the Department's endangered species and wildlife pathology units have already spent many hours on the investigation.

Governor Cuomo said that while the investigation is being conducted by environmental conservation police officers, he has directed that facilities such as the State Police Scientific Laboratory in Albany be made available to aid in that investigation.

A law specifically protecting moose was passed in New York in 1980. The law provides a penalty of up to \$2,000 and/or a year in jail for anyone convicted of killing a moose.

WATER**Governor Announces Delaware River Basin Agreement**

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 23, 1983

Governor Mario M. Cuomo today announced New York State approval of an agreement on Interstate Water Management Recommendations for the Delaware River Basin. He noted that the agreement has also been approved by Mayor Koch of New York City and by the other basin state governors from Pennsylvania, New Jersey and Delaware. All are parties to the 1954 United States Supreme Court Decree which governs certain water allocations, diversions and releases in the basin.

"This is an excellent example of interstate cooperation in water management. The agreement benefits New York by assuring an equitable share of Delaware Basin water for the New York City metropolitan area during drought periods. This allows the City to retain larger quantities of water in the Delaware reservoirs by authorizing a reduction in the releases required by the 1954 U. S. Supreme Court decree for the benefit of states downstream," Governor Cuomo said.

"It also makes permanent the New York State reservoir releases program to provide continuing environmental and economic benefits to the Southeastern New York region. These augmented releases, which protect the ecology and aquatic life of some of the State's outstanding trout streams, have been in effect for the past five years on a temporary basis, but will be made permanent by the new agreement," Governor Cuomo noted.

The agreement was reached after more than three years of intensive discussions and negotiations on water management issues in the Delaware Basin. It was developed in response to an invitation by the Delaware River Basin Commission in 1978 to the parties to enter into serious "good faith" discussions to establish the "arrangements, procedures and criteria for management of the waters of the Delaware Basin consistent with the Compact." The Commission was established in 1961 with representatives from the four basin states and the U. S. Government.

The agreement includes 14 interrelated recommendations for water management to meet needs until the year 2000. In addition to provisions for New York City reservoir drought operations and the State reservoir releases program, the recommendations call for the State to conduct feasibility and environmental studies of the enlargement of Canonsville Reservoir in the New York City system in Delaware County. The studies are estimated to cost \$150,000. The State is also required to prepare a drought contingency plan for the Delaware Basin area no later than December 31, 1983, for phased implementation during periods of drought warning and drought in coordination with Commission actions. The agreement puts the controversial Tocks Island project on the Delaware River in Pennsylvania and New Jersey in a reserve status until after the year 2000 for development if needed for water supply.

The chief negotiator for New York State was Mr. Eldred Rich, Assistant Commissioner for Environmental Quality, Department of Environmental Conservation.

Governor Proposes Water Finance Authority

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 14, 1983

Governor Mario M. Cuomo today announced that he has submitted legislation to establish a New York State Water Finance Authority to assist municipalities and private water purveyors in financing water and sewer construction and rehabilitation.

In announcing the Authority, Governor Cuomo stressed, "the importance of our water systems not just for business and economic development, but for life itself." "We in New York have been blessed with abundance in water supplies. Yet, without adequate support systems, we cannot take advantage of this asset. In essence, we have a choice: pay now or pay even more later. By paying now, we will also be able to make our State more attractive both for those of us already here and for industry contemplating doing business here," the Governor noted.

The Authority would have the power to issue \$4

billion in bonds to assist in the construction of or improvement to water and sewer facilities. State taxpayers would not be obligated for payment of the bonds issued, since they would be guaranteed by the revenue generated by the local water or sewer utility. In addition, municipalities and private water companies would retain control over project priorities, operation and maintenance, and their own budgets.

The legislation would give the Authority power to enter into loan agreements and lease agreements with municipalities. In addition, the Authority would have the power to issue revenue bonds to assist municipalities in financing construction of water and sewage facilities, as well as the power to make loans to private water companies for the construction of water projects. The loans would be secured by mortgages or other security with repayment terms to be fixed by the Authority.

The Authority shall have a seven member Board of Directors, consisting of the Commissioner of Environmental Conservation, the Commissioner of Health, the Director of the Division of the Budget, and four directors appointed by the Governor with the advice and consent of the Senate. One of the Governor's appointees must have expertise in the science of water resource development. The Governor shall designate a chairman of the Authority from among the directors; the chairman is authorized to select an executive director.

The bill also requires the Department of Environmental Conservation and the Department of Health to prepare a statewide water resources strategy for submission to a newly created Water Resource Planning Council for review and approval. Development of a statewide water management strategy is expected to encourage State and local government to evaluate existing water facilities and proposed water projects in a regional or statewide context.

"At present, there are no Federal or State programs specifically to aid water system rehabilitation efforts. Rather, existing Federal programs are designed to foster new construction through grants and investment credits. This policy adversely affects the condition of existing capital intensive projects, causing our older urban and rural water systems to suffer as a result," the Governor stated.

Governor Acts To Protect Long Island Aquifer

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 22, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to phase out landfilling as a solid waste management practice and to accelerate the transition to resource recovery on Long Island.

"This measure," the Governor states:

is essential to protect the integrity of Long Island's sole source aquifer. Technology for resource recovery exists, but implementation has proven difficult. This bill is designed to provide cut-off dates beyond which landfilling will be reduced to an essential minimum.

The Governor added that, "the protection and management of the environment are essential to the State's economic health and our own physical well-being." In addition, the Governor praised Senator Ceasar Trunzo and Assemblywoman May Newburger for their "valuable efforts and contributions to this proposed legislation."

The bill, which amends the Environmental Conservation Law, prohibits the operation of any new landfill or the expansion of any existing landfill in the deep-flow recharge zone of Long Island. It also mandates a phase-out of existing landfills in the deep-flow recharge zone. That zone is defined as sensitive recharge areas within the boundaries of three hydrogeologic zones defined by the Long Island Regional Planning Commission. The phase-out of such landfills would proceed in accordance with the operation plans for each landfill as approved by the Commissioner of the State's Department of Environmental Conservation. Landfills would also be restored to a natural condition compatible with the surrounding landscape.

The bill would also provide for a seven year phase-out of existing landfill operations outside the recharge zone except in those landfills where specific operating conditions can be met. These conditions include:

- the owner or operator posts a bond securing the

cost of treatment, compensation, or the development of alternative water sources should the landfill become a source of groundwater, surface water, or air pollution;

— the landfill does not accept industrial, commercial, institutional solid or liquid waste that is either toxic or hazardous in nature;

— the landfill is not located in a freshwater wetland, tidal wetland, or floodplain as identified by the DEC;

— and the facility designates a special area to receive "bypass waste" so as to segregate it and minimize its effect on residents of the surrounding areas. "Bypass waste" is solid waste not treated by incineration, resource recovery, or composting and which is generated during a scheduled or unscheduled downtime of the treatment facilities.

New landfill facilities could be constructed only in conformance with similar specifications provided in the bill. The bill permits the continued landfilling of clean fill materials that cannot be composted or processed in a resource recovery facility.

Governor Announces Agreement on Acid Rain

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 28, 1983

Governor Mario M. Cuomo today announced that New York has reached agreement with Ontario, Canada to pool scientific and informational resources to fight acid rain. The agreement between New York and the Province of Ontario was signed in the Parliament Building in Toronto on Thursday by Environmental Conservation Commissioner Henry G. Williams and two Ontario officials, Minister of the Environment Keith C. Norton, Q.C., and Minister of Intergovernmental Affairs Thomas L. Wells.

In announcing the agreement, Governor Cuomo said:

New York is looking to cooperate with its Canadian neighbors. We know of Canada's deep concern about damage to its waters and forests from having evidence that such damage is taking place in New York as well. We pledge to work mutually with Ontario to combat this threat.

On July 26, 1982, New York concluded a similar agreement with the Province of Quebec. The seven-page agreement provides that New York and Ontario will:

- Standardize investigational methods so that data from New York and Canadian studies will be scientifically comparable.

- Cooperate in the field of atmospheric modeling, and work with other agencies in tracer studies to delineate sources and transport of pollutants that cause acid rain.

- Exchange results of their studies.

- Set up "compatible and complimentary" research programs on both the environmental and the socio-economic consequences of acid rain.

- Promote exchange of scientific information among government agencies, academic institutions and other scientific bodies through publication of reports and through organization of symposia.

- Prepare "coordinated courses of action to influence decisions in favor of emission reductions for pollutants that cause acidification of the environment."

Studies through 1981 by DEC have shown that 199 ponds and lakes in the Adirondacks, comprising 8,796 acres, show a "critical" reading of less than 5.0 ph, indicating severe acidity, while another 264 bodies of water, with 23,346 acres, are classified as "endangered" with ph readings of 5.0 to 6.0. Fish life was reported to have disappeared in 264 ponds and lakes as of several years ago.

The problem is attributed to precipitation that is 100 or more times more acidic than normal precipitation. This is caused in large part by smokestack emissions of sulfur and nitrogen oxides. Substantial parts of the smokestack pollutants appearing over New York and Eastern Canada originate in the Midwest.

Governor Approves Aquifer Protection Measures

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 21, 1983

Governor Mario M. Cuomo today signed legislation to

control the landfilling and disposal of solid waste on Long Island.

Editor's Note: See Approval Memorandum Number 13, Chapter 299 of the Laws of 1983.

Governor Announces Suit Against EPA

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 29, 1983

Governor Mario M. Cuomo and Attorney-General Robert Abrams announced today that the State is suing the Federal Environmental Protection Agency to overturn a December 1981 decision not to allocate \$19 million in available funds to clean the Hudson River of PCB contamination.

The lawsuit charges that former EPA Administrator Anne Gorsuch-Burford failed to fund the clean-up even though two years ago, in October 1980, Congress earmarked money for removing contaminated sediments from the river.

In announcing the lawsuit, Governor Cuomo stated:

The State, working through Department of Environmental Conservation Commissioner Henry Williams, has given the EPA every opportunity to define its position concerning the removal of PCBs from the upper Hudson River. Rather than allocating available money, the EPA first refused to put the project on its Superfund priority list, then in December rejected the State's application for Clean Water Act Funding, and now has refused to make a decision on the State's renewed effort to obtain Superfund money.

I have requested Attorney-General Abrams to commence this lawsuit so as to break the deadlock before authorization for Clean Water Act funding expires on September 30. If we fail to gain clean-up funding by September 30, New York could face the prospect of not receiving any funds at all because the Hudson River clean-up would be in competition for funds with Superfund priority sites throughout the nation.

Governor Cuomo also thanked New York's senior Senator Daniel Patrick Moynihan, a member of the United States Senate Environment and Public Works Committee for his leadership in Hudson River clean-up efforts. "Pat Moynihan has been in the forefront of this environmental crusade to clean our rivers. We are all appreciative of his help."

Attorney-General Robert Abrams stated:

It is disgraceful that once again we must go to court to compel the Reagan Administration to carry out the clearly stated will of Congress. A section of the 1980 Clear Water Act specifically authorizes the funding of the Hudson River clean-up.

Two years have passed since then and PCBs continue to threaten the drinking water of many towns and cities that depend on the river for their public water supply. PCBs also interfere with commercial and sport fishing, because fish are often too contaminated for human consumption. EPA must fund the mandated clean-up immediately.

Polychlorinated biphenyls (PCBs) are an industrial chemical formerly used in transformers and capacitors. Over a period of 25 years, hundreds of thousands of pounds of PCBs were discharged into the Hudson River as industrial wastes. Nearly half of the discharge remains in the sediments of the upper Hudson River. In addition, to contaminating drinking water and fish, PCB-laden sediments interfere with normal dredging of the shipping channels between New York harbor and the Port of Albany. Dredging stirs up sediments and increases the risks to drinking water and those who use the river for recreation.

Since every year thousands of pounds of PCBs migrate down-stream to the lower river where removal of the toxic chemicals is impossible, delaying the clean-up will cause environmental damage to New York State. In the two years since Congress mandated funds for the clean-up, at least 5,000 pounds of these chemicals have already moved downstream.

The proposed clean-up would remove approximately 130,000 pounds of PCBs by dredging 20 "hot spots" in a

40-mile stretch of the upper Hudson between Fort Edward and Troy. In 1978, DEC proposed a dredging and encapsulation plan to isolate the chemical from the environment. Over one million cubic yards of contaminated river sediments, containing 130,000 pounds of PCBs, would be dredged and encapsulated in a clay-lined facility in Washington County. In 1980, Congress authorized EPA to provide \$20 million for this project under Section 116 of the Clean Water Act, drawing on funds already allocated to New York for purposes such as sewage treatment projects.

In 1981, EPA awarded DEC a Step 1 Grant of \$1.7 million and DEC applied for the remaining \$18.3 million upon issuance of the final Federal Environmental Impact Statement in October, 1982. Only \$1 million of the \$1.7 million dollar award was allocated. It is the unallocated \$700,000 along with the remaining \$18.3 million which is in contention. Papers were filed today in the U.S. District Court for the Southern District of New York in Manhattan.

Governor Releases Acid Rain Report (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 11, 1983

Governor Mario M Cuomo today released the results of an economic impact study of acid precipitation in New York State. "This report puts a price tag on why we need a national acid rain policy and indicates how acid rain touches the lives of all New Yorkers. The weight of evidence is compelling — including reports issued by the National Academy of Sciences, the National Acid Precipitation Assessment Program and the President's own Scientific Advisory Committee," Governor Cuomo said.

Governor Cuomo noted that the DEC has just completed public hearings throughout the State as part of a review of the State's sulfur emissions policy. "We, in New York, are the first state in the nation to initiate such a comprehensive review," the Governor stated. "I hope that Congress and other states will take similar actions."

The report was completed by the State University of New York under contract for the DEC. It indicates the

seriousness of acid rain damage to crops, forests, lakes and ponds, buildings and human health concluding that acid rain has a potential to damage New York at a cost of \$160 million to \$1.6 billion annually. Much of this damage is to crops, buildings and tourism.

The report also documents that acid rain is a factor in the population losses of the "acid rain country" in New York's western Adirondacks. There are also indications that land values in this region are being suppressed because of the influence of this pollution.

The study also points out the very high awareness of the acid rain issue. Seventy-five percent of the respondents to a statewide public opinion poll had heard of acid rain and had formed an opinion on the issue. They viewed acid rain as an environmental issue, second only to the disposal of toxic wastes. Sixty percent of the 600 New Yorkers sampled did not favor a relaxation in environmental controls to assist the business community.

Governor Approves Groundwater Protection Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 13, 1983

Governor Mario M. Cuomo today announced his approval of five bills, including a pesticides regulatory bill, which he called, "an important improvement in the legislative program for environmental enforcement."

The pesticides control measure, which was part of the Governor's 1983 legislative program, provides fines of up to \$5,000, and double that for repeat offenders, and jail terms of up to one year for persons or companies violating laws and regulations related to restricted-use pesticides.

"The cases last spring on Long Island and some other counties of misapplication of termite-control pesticides make it apparent that previous law, which provided maximum fines of only \$250, was not adequate to deter violators. This bill will clarify the responsibilities of applicators, commercial dealers and pesticide businessmen to properly control the use of these chemicals. It will also require pesticide applicators to provide those who reside in close proximity to the location where a pesticide will

be applied with a reasonable notice of the pesticide which will be used," Governor Cuomo said.

Governor Cuomo also signed a bill that gives the State, for the first time, regulatory control over storage of petroleum in bulk (1,100 gallons or more) tanks, both in-ground and above-ground. The regulatory program is aimed at protecting groundwater from contamination by leakage from tanks, of which the State has more than 100,000. The program is to be administered by the Department of Environmental Conservation.

Another pair of bills designed to help protect groundwater, especially the sole-source drinking water aquifers on which most of Nassau and Suffolk counties depend, was signed by the Governor. One bill requires anyone applying to DEC for a water discharge permit to identify in the application the public water suppliers within a three-mile radius of the discharging facility. The other bill requires DEC, when there is a violation of any water discharge permit that could have significant impact on water resources, to give notice of the violation to all public water purveyors within three miles of the violating facility.

Governor Cuomo also signed a measure aimed at assuring quality in test results submitted to DEC by private laboratories in connection with air, water and solid waste regulatory programs. The bill requires the laboratories to obtain certification from the State Health Commissioner, similar to the certification already required for laboratories that submit data to the State Department of Health in programs such as those for analysis of drinking water.

"With this quintet of new laws, the people of the State of New York gain important new protections for their health and safety, and for the environment," Governor Cuomo said:

The pesticide article of the Environmental Conservation Law has been improved in several key respects, aside from the provisions that allow more severe penalties. The three aquifer protection bills are further steps towards preventing contamination of groundwater — a disaster that once it occurs, may not be remediable for decades if at all. I congratulate both houses of the Legislature for their actions in these areas.

Both the petroleum bulk storage and the environmental laboratory certification legislation authorize the collection of fees from the regulated industries to meet the expenses of the underlying program. "The pesticides bill, however, lacks the fee schedule which was included in the bill when it was originally forwarded to the Legislature and which was provided to match the programmatic emphasis of the legislation," Governor Cuomo said. "I look forward to working with the Legislature to develop a fee schedule which will generate the resources which the pesticides program requires."

The pesticides bill takes effect immediately. The bills concerning water discharge permits will be effective 90 days from today, and the bill providing for certification of environmental laboratories takes effect next April 1. The bulk storage law takes effect September 1 but requires the appointment of an advisory council and the issuance of regulations by DEC.

Editor's Note: See Approval Memoranda Numbers 47-49, Chapters 612-614 of the Laws of 1983, for pesticides, petroleum storage, and laboratories respectively. See Chapters 662-63 of the Laws of 1983 for groundwater discharge regulation.

Governor Approves Long Island Groundwater Protection Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 17, 1983

Governor Mario M. Cuomo today announced he has signed legislation to protect underground drinking water sources on Long Island and elsewhere from chemical contamination. The bill would apply to any groundwater source that was designated by the U.S. Environmental Protection Agency as a "sole source aquifer."

The State Department of Environmental Conservation is empowered under the new law to promulgate regulations for such aquifers that would restrict or prohibit "incompatible uses" over primary groundwater recharge areas. Industrial and commercial activities which could discharge hazardous substances or wastes into the aquifer would be among the subjects of the regulations.

Governor Cuomo commented:

I am glad to approve this bill, which provides the State with important new regulatory authority to protect a resource that is irreplaceable. Long Island legislators, properly concerned about the drinking water supplies of Nassau and Suffolk counties, took the lead in this legislation as well as another bill that I approved recently to provide regulation of petroleum storage facilities. With these two measures, we take a stride forward in essential protection of the environment.

Governor Cuomo said he is directing the Department of Environmental Conservation to emphasize these management goals in the implementation of the new law:

- High intensity control of existing facilities and activities to prevent environmental mishaps.
- Specific control programs for bulk storage of industrial chemicals and petroleum products.
- Stringent control of the use and disposal of hazardous materials and wastes on land located over aquifer systems.

The new law becomes effective 180 days from its signing by the Governor.

Editor's Note: See Chapter 951 of the Laws of 1983.

Governor Announces Adirondack Lakes Study

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 9, 1983

Governor Mario M. Cuomo today announced a three-year study costing an estimated \$4.2 million to determine the status of fish populations and the chemical make-up of some 1,200 Adirondack lakes. The study is being funded jointly by the Department of Environmental Conservation and the Empire State Electric Energy Research Corporation (ESEERCO).

"We are on the threshold of a very significant

cooperative effort that will establish a broad base of understanding of the status of lake acidification in the Adirondacks," Governor Cuomo said. "This study will create a base of scientific knowledge that will guide environmental conservation work for decades," he said.

"This research project will be the largest state agency/electric utility industry endeavor of this nature ever undertaken in the United States," said H. Clifton Wilson, President of ESEERCO, which is a nonprofit research and development organization funded by Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric and Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation. "Member systems of ESEERCO recognize an immediate need for information that will be developed during the course of this study," said Wilson. "It is anticipated that the results of this project will assist in determining the actual status of the waters of the Adirondack region."

"Although survey efforts are a continuing activity of the Environmental Conservation Department's Division of Fish and Wildlife, the level of intensity of this new study has not occurred since the biological survey efforts of the 1920's and 1930's," said Environmental Conservation Commissioner Henry G. Williams. "Currently, regional fisheries staffs with limited budgets and manpower and a variety of other responsibilities conduct netting surveys and water chemistry on roughly 20 to 30 waters each year. Water quality problems have made it imperative to develop more comprehensive and standardized up-to-date data on a much larger sample of Adirondack waters," he said.

The project will be administered by the Adirondack Lakes Survey Corporation, a not-for-profit research organization established especially for this purpose. Under this arrangement, both DEC and ESEERCO will be able contractually to commit resources to the project. ESEERCO's share of the cost of the study will be \$3.52 million. The DEC share will be approximately \$750,000. The Corporation will function with a board of directors and a management team comprised of DEC and ESEERCO representatives. Administrative and technical services will be provided by an outside contractor.

Initially, fishery efforts will focus on the determination of species presence, relative abundance and other selected population characteristics. Coinciding with the fishery investigations will be the collection of water samples for analysis of key chemical parameters. This information will provide the baseline necessary for developing management strategies and assessing future environmental changes, whether natural or manmade.

Walt Kretser, currently assigned as the survey and inventory unit leader in the DEC Bureau of Fisheries, has been designated as project manager. When actual survey work begins early next year, a staff of at least 22 assigned to the project will be stationed at a central location in the Adirondacks.

In 1926 the New York State Legislature appropriated monies from the Conservation Fund for the first of a series of biological surveys to determine the most practical methods of increasing fish production in New York waters. Based on information generated from these surveys, fish stocking policies were initially developed for Adirondack waters. The new study will provide extensive baseline data which will form a solid basis for assessing environmental changes long into the future.

Commissioner Williams noted that the DEC/ESEERCO project will compliment the planned biological survey of New York waters to be funded by taxpayer contributions under the Return A Gift To Wildlife program. That five-year program would inventory fish populations and habitats statewide and will cost an estimated \$5 million.

Governor Testifies on Acid Rain

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 1, 1983

Governor Mario M. Cuomo today called for early congressional enactment of a strong national acid rain reduction program to avert further damage to New York's lakes and ponds, forests, wildlife and drinking water.

Appearing before the House Subcommittee on Health and the Environment in a special session at the World Trade Center in New York City, the Governor expressed

support for a bill under preparation in Congress that would attack the acid rain problem by cutting sulfur dioxide and nitrogen oxide emissions from power stations and other major sources that burn coal or oil.

While the Governor offered several changes to the proposed bill, he told the Subcommittee Chairman, Representative Henry A. Waxman, D-California, that the hearings are drawing attention to the fact that "a full and final resolution can only be achieved by the Federal government." The Governor said:

What is now beyond debate is the sheer urgency of the question, the necessity of taking action before the effects of acid rain become irreversible and precious preserves of water and woods are condemned to ecological death.

The bill — HR 3400 — is still in draft form and open to revisions. Governor Cuomo proposed three changes for the Subcommittee's consideration.

— Increasing to 12 million tons the bill's present 10 million ton target for reduction of annual emissions of sulfur dioxide.

— Switching the bill's source of funding from the presently proposed nationwide tax on utilities based on the amount of nonnuclear electricity generated, to a tax based on the amount of acid-causing emissions.

— Adding a provision to the bill to protect low-income families from bearing the cost of the emissions reduction program, regardless of which tax method is adopted.

Governor Cuomo said that an emissions tax is a preferable alternative to New Yorkers since the State has already taken significant steps to reduce acid-causing emissions.

"As HR 3400 is presently written, it appears that the \$100 million annual contribution by New Yorkers to the Acid Deposition Control Fund would be spent entirely in other states, with no part of it used to meet the cost of further emissions reductions in New York," he told the Subcommittee. The Fund initially would be used to finance the construction of scrubbers at the 50 "dirtiest" utility plants in the country, none of which is in New York.

The Governor noted that New Yorkers' utility bills are among the highest in the country, largely because of the concerted State effort to reduce sulfur dioxide emissions. From 1968 to 1980, the total annual sulfur dioxide emissions have been reduced from 1.8 million tons to .9 million tons, and annual utility sulfur dioxide emissions have dropped to 480,000 tons from 840,000 tons, he said.

"Yet, while New York believes an emissions tax is a more preferable and equitable approach, our overriding objective is congressional enactment of a national acid rain reduction program," the Governor told the Subcommittee. He pledged to work with Rep. Waxman and other congressional leaders on alternative funding proposals — "perhaps some combination of an emissions tax and a generating tax."

Governor Cuomo noted that the State is now reviewing its entire sulfur-emissions policy, "and over the next several months, we'll develop an environmental impact statement on sulfur emissions in New York." The purpose, he said, "is to evaluate and decide on a sulfur-emissions policy that includes the long-range transport of acid-causing pollutants." Further, the Governor said, he will meet Monday with the Coalition of Northeastern Governors to review the sulfur-emission policies of the seven states and to define a regional approach to acid rain.

Governor Cuomo's testimony gave emphasis to the harm that is occurring in the Adirondacks from acid rain, a problem originating in large measure from outside the State's borders, as documented by studies of the State Department of Environmental Conservation. The latest of these studies, the Governor noted, shows 200 lakes and ponds no longer able to support fish life and hundreds more in danger of losing fish populations.

The Adirondacks damage to waters has appeared mainly in small lakes in remote, high elevation areas. But many authorities consider the acid rain damage problem to be progressive. Many experts also contend that the pronounced evidence found in the Adirondacks is due to the region's special susceptibility in terms of soil and weather conditions, and that Adirondack damage is an early indicator of problems that will become even more widespread geographically unless acid rain is reduced.

Governor Cuomo pointed to a study by the State University of New York which assesses various kinds of acid rain damage across the State — to water, forests, agriculture land and crops, and to buildings and other structures — and said its annual cost could reach \$1.6 billion.

Governor Releases Joint Acid Rain Study

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 16, 1983

New York Governor Mario M. Cuomo and Quebec Prime Minister Rene Levesque today jointly released the first annual report on cooperative acid rain studies by the State and the Province. The report was issued as Governor Cuomo visited the City of Quebec to discuss with Prime Minister Levesque a variety of topics of mutual interest to the State and the Province, including energy and the environment.

Governor Cuomo said the acid rain report presents clear evidence that the environmental agencies of New York and Quebec are working together effectively. "We are building a strong case for the need to reduce smokestack emissions of sulfur and nitrogen oxides from industries and utilities in both Canada and United States," Governor Cuomo said. "New York and the Province of Quebec are jointly committed to the belief that the time to start reducing emissions is now," the Governor added:

We do not favor waiting for further research. As the new joint report states, the cost of such delay could be great in terms of environmental damage. We do favor the completion of ongoing research, but that can happen as we get going with a ten-year program to reduce emissions.

The report outlines the Quebec government's plan to reduce sulfur dioxide emissions by 30 percent. The Province now puts an estimated 1.1 million metric tons of SO₂ into the atmosphere, of which about 70 percent comes from metal smelting. The proposed cut would amount to 330,000 metric tons. The report describes New York State's two-fold approach to SO₂ reductions beyond the 50

percent reduction already accomplished in the State over the last dozen years.

The State, through its Department of Environmental Conservation, is conducting a formal review of its sulfur emissions policy, with a draft environmental impact statement due in early 1984 with public hearings to follow. Economic impact of regulatory changes would then be analyzed through further public hearings and decisions could then be made whether to mandate further reductions.

The second part of the State's effort lies in a campaign for immediate congressional action to reduce sulfur dioxide annual emissions nationally by 12 million U.S. tons. Most of the SO₂ that is causing acid rain damage in the Adirondacks and in Eastern Canada originates in the Midwest states.

Sections of the annual report deal with informational clearinghouses set up by the two governments in Rochester and Quebec City, exchanges of reports and meeting of scientists, air monitoring networks, lake quality monitoring, aquatic organism studies of SO₂ sources in Quebec and New York State. The report and future annual reports are mandated under an agreement signed between the State and Provincial governments July 26, 1982, and reconfirmed early this year.

GENERAL GOVERNMENT

GENERAL

Governor Responds to Senator Anderson

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 4, 1983

This afternoon Governor Cuomo was shown a copy of Senator Anderson's press release containing excerpts from his speech tonight at the pre-session dinner meeting of Republican senators.

Governor Cuomo penned the following response, based on Edwin Markham's poem "Outwitted":

EDWIN MARKHAM
(1852-1940)

THEY DREW A CIRCLE THAT
KEPT ME OUT
HERETIC, REBEL A THING
TO FLOUT.
BUT LOVE AND I HAD THE
WIT TO WIN
WE DREW A CIRCLE THAT
INCLUDED HIM IN.

MARIO CUOMO
(1932-)

THE GOVERNOR DREW A CIRCLE TO
INCLUDE THEM IN,
PARTNERS, BROTHERS THROUGH
THICK AND THIN.
BUT ANDERSON AND DUMAS WERE
AFRAID TO COME
THEY DREW A RELEASE AND
CALLED HIM A BUM!

From his poem "Outwitted".

Governor Orders Special Election

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 21, 1983

Governor Mario M. Cuomo today issued a proclamation setting March 1 as the date for a special election to fill the unexpired term of the late Congressman Benjamin S. Rosenthal in the Seventh Congressional District in the County of Queens.

Governor Announces Loaned Executive Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 27, 1983

Governor Mario M. Cuomo today announced that two New York State corporations and City College of the City University of New York have loaned high-level executives on a "pro bono" basis to aid in his drive to achieve economy and improve efficiency in government. The three executives, Freeman H. Smith of Corning Glass Works, William D. Hales of Eastman Kodak and Stanley Friedlander of City College, will serve as aides to Sidney Schwartz, the Governor's Assistant for Management and Productivity.

"I applaud Corning Glass, Eastman Kodak and CUNY for their public-spirited cooperation in loaning top talent from their organizations for this important effort. I hope

other businesses and organizations will follow suit. It is essential that government cut its costs and improve services within existing financial constraints. We are counting on expertise from the private sector to help us do this," Governor Cuomo said.

Smith, Director of State and Regional Affairs for Corning Glass, and Hales, Market Intelligence Director-Needs Assessment for Eastman Kodak, were recruited through Raymond T. Schuler, President of the Business Council of New York State. Friedlander is a Professor of Economics and Assistant to President Bernard Harleston of City College. Smith and Hales will work on loan to the State for six months. During that time, their salaries will be paid by their corporations. Friedlander will work as a volunteer one day a week for at least a year while continuing on the payroll of City College.

Schwartz also is talking with officials from the State University of New York, the New York Institute of Technology and the New York Partnership; Arthur Levitt, Jr., Chairman of the Board of the American Stock Exchange, and Walter Wriston, Chairman of Citicorp, to help recruit other "pro bono" personnel.

Governor's Statement to the New York Congressional Delegation

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 28, 1983

Let me begin by expressing my appreciation for your support of the Federal Gas Tax legislation last year which incorporated extensive increases in Federal highway and mass transit assistance. Your efforts will provide \$1.5 billion in new transportation funds for New York State. These funds combined with my proposal for a \$1.25 billion Transportation Infrastructure Renewal Fund means we will spend \$7 billion in New York State over the next five years on highways, bridges, and mass transit.

I also want to express my appreciation for the efforts of our two Senators and Congressmen Nowak, Kemp and LaFalce in response to the severe economic difficulties confronting Western New York. As a result of their endeavors, the Federal government recently announced

economic and employment training grants for the area in addition to trade adjustment assistance for steel workers at Bethlehem Steel's Lackawanna plant. I look forward to their continued efforts, in conjunction with my Emergency Task Force, to provide additional assistance to the region.

I am here today principally to discuss our cooperative efforts regarding Federal legislative initiatives of importance to New York and to assure you of my personal commitment to work closely with you in this regard. The effectiveness and diligence of the New York Delegation is well-established and appreciated. I hope to enhance our cooperative efforts, however, through my personal involvement and the total support of my Administration.

The year 1983 will be a critical legislative year for New York as several programs of importance to the State must be reauthorized and many new proposals will be considered.

In this regard, I look forward to working with each of you on issues of mutual concern. In particular, I look forward to working with Senator Moynihan and Congressman Rangel on a program for the homeless, with Congressmen Horton and Weiss on reauthorization of revenue sharing, with Senator D'Amato and Congressmen Green and Mrazek on mass transit assistance, with our Banking Committee members on new housing and community development initiatives, and with Senator Moynihan and Congressmen Ottinger, Scheuer and Lent on a Clean Air Act that addresses the problem of acid rain. I will call upon Congressmen Stratton and Addabbo to assist me in the formulation of a State Defense Contract Procurement Task Force.

I want to work with *all* of you.

There will be times, of course, when I will speak on partisan matters out of personal conviction and concern. However, with regard to the interests of New York, I seek to forge with you a bipartisan agenda. The common agenda I present to you today represents a first step in this endeavor.

Governor Announces Additional Loaned Executive Programs (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 1, 1983

Governor Mario M. Cuomo today announced that Grumman Aerospace Corporation is contributing its first "pro bono" executive to assist in his drive to improve management and productivity in State government.

Edward G. Siebert, Director of the Corporate Productivity Department at Grumman, will serve as an aide to Sidney Schwartz, the Governor's Assistant for Management and Productivity.

Grumman is the third corporation in the State to loan high-level executives to the State and the first from the New York metropolitan area. Corning Glass Works and Eastman Kodak each loaned the State top talent for six months. Siebert also is on loan for six months.

Schwartz said Siebert's first assignment will be the Division for Youth. He also will be asked to define areas where loaned executives can be successfully engaged in the management and productivity effort initiated by the Governor, Schwartz said.

Governor Orders Special Elections

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 4, 1983

Governor Mario M. Cuomo today issued proclamations setting April 12 as the date for special elections for the unexpired terms in the 105th Assembly District and the 12th Senatorial District. The 105th Assembly District seat was vacated by the appointment of Gail Shaffer as Secretary of the State. The 12th Senatorial District seat was vacated by the election of Gary Ackerman to the United States House of Representatives.

Governor Designates Corning Tower

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 11, 1983

Governor Mario M. Cuomo today announced that he has submitted legislation to designate the Tower Building of the Empire State Plaza as the Mayor Erastus Corning II State Office Building.

In making the announcement, the Governor stressed, "Mayor Corning's place as an institution not just in the City of Albany but in the entire State of New York. Mayor Corning, literally towers above us all."

"Mayor Corning has devoted his entire adult life to the people of this State, to public service. His dedication, his devotion to this City and State that he so loves, have blazed a trail which those of us in public service would do well to follow. Yet his greatest contributions have been not merely as Mayor, but as a person. He is indeed a man of strength, stature, and splendid style. We salute and pay tribute to a very special man, a model public servant," the Governor added.

The bill also authorizes the Commissioner of General Services to affix suitable plaques or other markers bearing the name of the Mayor Erastus Corning II State Office Building. The cost for the markers would be considered a part of the maintenance costs for the building.

Governor Submits Primary Election Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 14, 1983

Governor Mario M. Cuomo today submitted a bill to the Legislature that would provide uniform voting hours for primary elections in New York State. The bill would amend the Election Law to allow the polls to be open for voting in a primary election from six o'clock in the morning until nine o'clock in the evening.

"The proposed legislation would provide uniformity

throughout the State. It will also lengthen primary voting hours in most counties to conform with the general election voting hours. This would encourage greater participation by voters in the electoral process. The proposal would provide consistency in voting hours for primary elections, general elections and special elections," Governor Cuomo said.

The current law has the polls open from twelve o'clock noon until nine o'clock in the evening, except in the City of New York and the counties of Nassau, Suffolk, Westchester, Rockland and Erie, where the hours are from six o'clock in the morning until nine o'clock in the evening in primary elections. In a general election, the current law provides for polls to be open from six o'clock in the morning until nine o'clock in the evening.

Governor Sets Special Elections

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 20, 1983

Governor Mario M. Cuomo Tuesday signed proclamations setting May 24, 1983, as the date for special elections for the unexpired terms in the 74th and 26th Assembly Districts.

The vacancy in the 74th Assembly District was caused by the death March 14 of Assemblyman Louis Nine. The 26th Assembly District seat was vacated by the election of Leonard P. Stavisky to the State Senate.

Governor Announces Record Lottery Sales (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 21, 1983

Governor Mario Cuomo today announced that record Lottery sales of \$648.6 million in Fiscal 1982-83 have raised an historic high of \$282.1 million for New York State.

The Governor noted that the best-ever Lottery year also resulted in:

- prizes valued at over \$385.1 million paid to players; and
- \$66.7 million in commissions and fees paid to ticket sellers, distributors, and game contractors.

"Fiscal 1982-83 was the greatest year in New York's 17 years of Lottery operations, since tickets first went on sale on June 1, 1967. Lottery earnings for the State were up by 56.9 percent, or \$102.3 million over 1981-82's \$179.8 million. I am particularly pleased that the Lottery earnings for 1982-83 included \$275.3 million for education and a reimbursement of \$6.8 million for prior administrative deficits. In addition to providing support for local education, the Lottery has 'been good' for business and has helped create more jobs," Governor Cuomo added.

"New York's Lottery agents have earned more than \$125 million since 1976. In Fiscal 1982-83 alone, these ticket sellers, many of them 'Mom and Pop' stores, earned \$39.2 million in commissions. I am pleased that the State, ticket sellers and buyers have been able to work in such a good partnership," the Governor said.

Governor Supports Income Tax Reform

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 22, 1983

Governor Mario M. Cuomo sent the following letter to President Ronald Reagan today:

April 22, 1983

Dear Mr. President:

I have written you several times these past few months requesting your support and assistance for programs for my State.

Today I write to offer my support and assistance to you.

I agree completely with your position on withholding income tax from payments of dividends and interest. This sensible and intelligent policy would substantially

reduce tax evasion and yield \$18 billion of revenue to the Treasury through 1988.

I urge you to stay the course on this most important reform of our income tax system.

Respectfully,

(Signed) **MARIO M. CUOMO**

Governor Proposes Consolidating Financing Agencies

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 29, 1983

Governor Mario M. Cuomo announced today he has submitted legislation to consolidate six separate housing, health and educational facilities financing agencies into two public benefit corporations. One — the New York State Residential Finance Corporation — would be responsible for housing. The other — the New York State Health and Educational Facilities Finance Corporation — would be responsible for health and educational projects.

Governor Cuomo said the reorganization "will eliminate duplication and competition among the existing financing agencies and will achieve efficiencies with respect to program implementation and overall staffing levels." It is estimated the consolidation would save some \$1.5 million annually, largely because of personnel and nonpersonal service cost reductions. "More importantly, the reorganization will allow the State to adopt and implement coherent and rational housing, health and education policies," the Governor said.

The Residential Finance Corporation would have the same power to finance single and multifamily housing as presently is held by the State of New York Mortgage Agency, the State Housing Finance Agency, the State Project Finance Agency and the State Battery Park City Authority. In addition, the Corporation would be given power to use two new financing structures: loans to do deposits with lending institutions on condition they originate residential loans for their own account, and the creation of secondary market activity by acting as conduit

for the sale of loans from lending institutions to purchasers.

All programs of the Corporation, except for the low-rent lease subsidy and secondary market program, must be undertaken based upon a finding that one of several public purposes exists; that there is a general shortage of mortgage credit in the State, that the programs will benefit persons and families of low and moderate income, that the programs will help alleviate blighted areas and that the programs will provide housing in connection with State or local government economic development projects. The secondary market activities may only be conducted after a finding of a shortage of housing funds or a lack of liquidity in the secondary market.

In another important change, the Corporation would be authorized to issue taxable bonds to finance its housing program in connection with government-assisted economic development projects and to fund its secondary market activities. This will allow the Corporation to fill a perceived need without regard to Federal regulations governing tax-exempt financing and without drawing funds from the tax-exempt municipal credit markets.

The New York State Health and Educational Facilities Finance Corporation will have power over most health care and educational facilities programs now financed by the HFA, the Medical Care Facilities Finance Agency and the Dormitory Authority of the State of New York.

Governor Cuomo said the legislation will give the Corporation greater control over hospital and nursing home construction and financing, leading to more effective health planning by the State and enabling the State to better limit the skyrocketing costs of health care.

He noted that the HFA and Dormitory Authority will continue to finance State University and City University of New York projects, since tuition and fees are pledged to these agencies. However, the Corporation will finance independent nonprofit educational institutions and community colleges outside the City of New York.

The boards of directors of the two corporations will automatically serve as directors of the agencies under their jurisdiction, with one exception. That also is the case for chairmen and chief executive officers. The

Battery Park City Authority will retain its own management structure to fulfill its development activities. Only its authority to finance housing would be removed by the legislation.

The affected agencies will continue to exist, but only as shell entities. Legal obligations to bondholders presented difficulties with respect to the merger of the agencies.

Governor Proposes Campaign Contribution Limitation

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 3, 1983

Governor Mario M. Cuomo announced today he has submitted legislation setting a \$1,000 limit on campaign contributions to candidates for statewide office or party position. The limitation would apply to candidates for the offices of Governor, Lieutenant-Governor, Attorney-General and Comptroller and to statewide delegates to the presidential convention.

In announcing the legislation, Governor Cuomo also said he is supporting Assembly Speaker Stanley Fink's proposal for public financing of campaigns of candidates for statewide office.

Governor Cuomo said the \$1,000 limit on campaign contributions "will help assure that the elections for statewide offices are free from corruption, special privilege and unwarranted obligations."

In the 1982 elections for statewide office, individual contributions to candidates could not exceed \$39,347. Members of the candidate's immediate family all told could contribute up to five times that amount.

Governor Announces Credit Card Controls

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 4, 1983

Governor Mario M. Cuomo today announced that the State is substantially reducing the number of credit cards

available to State employees on official business. The Governor also announced that the State is instituting other controls expected both to curtail sharply the incidents of credit card abuse and State vehicle misuse and to protect the rights of operators legitimately using State cars.

In announcing the measures, Governor Cuomo stated:

The vast majority of State employees are honest and do not break the law. These measures serve two purposes. They will reduce the opportunities for any potential abuse of privileges. And, equally important, they will serve to protect the diligent and hard-working State employees who legitimately use State vehicles and credit cards.

Only 5,981 of the 210,000 present State employees have assigned State vehicles.

Among the measures the Governor announced today were:

- the placing of decals identifying cars as official State cars prominently on the doors of State cars;
- the issuing of 21,000 new credit cards to State agencies to replace an estimated 30,000 cards in prior use which will expire on Friday, May 6; and
- the limiting of fuel purchases or repairs of State cars at commercial facilities to \$75.

The new State credit cards come with several restrictions. Slightly less than 8,000 State vehicle operators will be able to buy gasoline at commercial facilities. The majority of users, approximately 13,000, will be required to get their gasoline at State-owned facilities. Of these 13,000 about 3,500 State car drivers will be able to fuel up at specially equipped unattended pumps using cards manufactured under the "Gasboy" trade name. The "Gasboy" dispensing system requires the use of two cards: one assigned to the driver, the other to the car. The dual cards prevent the user from purchasing more fuel than the car assigned can hold. It also precisely monitors card use and fuel purchase.

The 9 3/4 inch decals are expected to be in place on State cars by July.

Governor Supports Affirmative Action

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 6, 1983

Governor Mario M. Cuomo announced today he has submitted legislation to ensure that State agencies and public authorities award contracts only to businesses which have aggressive affirmative action policies. The legislation also asks State agencies to identify 10 percent of the dollar value of the contracts they let each year for which minority and women-owned businesses may best bid.

"This bill constitutes an explicit recognition that minority group members and women and businesses owned by them historically have not been able to fully participate in State contracts. This disparity has continued because of the existence of barriers — rooted in prior discrimination — which impair access by members of these groups to opportunities created by public contracts," Governor Cuomo said.

"This bill utilizes the procurement police powers of the State to address and remedy the inequity. Enactment of this program, coupled with aggressive enforcement of its provisions, will reaffirm the State's commitment to achieving equal opportunity in every phase of the State's activities," the Governor said.

Under terms of the legislation, a State agency or public authority would be required to insert provisions into every contract and bid document directing contractors to undertake programs of affirmative action to insure equal employment and promotional opportunities to minority group members and women.

The agencies would be required to set up procedures, which may take into account the size of the contractor, the dollar value of the contract to be awarded and the number of employees, to monitor contractor compliance. If a contractor fails to comply with the affirmative action provisions of the contract, the contracting agency may cancel, suspend or withhold payment on the contracts. The State Office of General Services would be responsible for monitoring agency and contractor compliance with the requirements, while the Department of Commerce would

assist OGS in advising agencies on the availability of minority and women-owned businesses.

Governor Supports Nuclear Arms Freeze

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 6, 1983

Governor Mario M. Cuomo today called on the State Senate to follow the lead of the Assembly in approving a resolution asking President Reagan and Congress to seek a nuclear arms freeze with the Soviet Union.

"Every major increase in number or size of warheads, and every new weapons system introduced by the United States and the Soviet Union lessens our chances for survival. It is time for this country to take a different course. I am convinced we will not be placed at a military disadvantage if we, along with the Soviet Union, reach agreement on a mutual and verifiable freeze on the testing, production and future deployment of nuclear warheads, missiles and other delivery systems," he said.

"Most defense specialists now agree that the United States and the Soviet Union both have the capacity to destroy each other many times over. Yet each side continues to expand its overkill capacity. The ensuing competition is not only expensive — diverting dollars from education, health care, housing, human services and other needed social programs — but deadly. The potential for nuclear accident or mistake will dramatically increase as each side adds more launchers and more warheads," Governor Cuomo said.

Governor Orders Special Election

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 25, 1983

Governor Mario M. Cuomo announced today that he signed a proclamation setting June 28, 1983, as the date for a special election for the unexpired term in the 14th Senatorial District.

The vacancy in the 14th Senatorial District occurred with the resignation of Anthony V. Gazzara, who Tuesday won State Senate confirmation as Chairman of the State Liquor Authority.

Editor's Note: On December 8, the Governor ordered a special election for County Legislator for the Third Ward in the City of Oswego due to a tie vote.

Governor Announces Management Grant

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 10, 1983

Governor Mario M. Cuomo today announced that the State's management and productivity effort has received a \$25,000 grant from Marine Midland Bank, the first such grant from private industry.

Governor Cuomo also announced that New York Telephone Company has agreed to loan one of its executives to the management and productivity team to study the State's operation and management of its fleet of ground vehicles. The telephone company executive is expected to begin working on June 15, for Sidney Schwartz, the Governor's Assistant for Management and Productivity.

The first half of a total \$25,000 contribution from the Marine Midland Bank was received this week by Schwartz. Marine Midland will submit the remaining \$12,500 to the State next January. In announcing the contribution, Governor Cuomo stated:

This is a meaningful example of partnership between government and business. This generous grant derives from our joint recognition that it is in the interests of us all — business, labor and government alike — for government to operate as efficiently and to work as productively as possible.

I am particularly grateful to John Petty, Chairman and Chief Executive Officer of Marine Midland for his help and generosity. I urge other firms to come forward as well either with people or funding for the project.

When I named Sidney Schwartz as my

Assistant for Management and Productivity, I instructed him to reach out to all segments of the State's economy for their expertise and help. I am pleased that Sid's staff presently includes six people, representing both the public and private sectors, who are working full-time on a pro-bono basis. In addition, Sid has informed me that a similar number have volunteered to help his effort on a part-time basis.

The funds from Marine Midland will be used to cover travel expenses for people working on the management and productivity team on a pro-bono basis. The expenses of executives loaned by corporations are funded by their individual companies.

Since his appointment by the Governor, Schwartz has worked to decrease waste in government on numerous fronts, including limiting the use of outside consultants, more effective use of State automobiles, reduction in charges to the State for late payment of bills, and decreases in cost for telephone service.

Governor Announces Five-Year Capital Plan

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 22, 1983

Governor Mario M. Cuomo today announced that agreement has been reached with legislative leaders on bills to institute a five-year capital planning process and to further protect the State's credit rating by strengthening State oversight of public authorities. Governor Cuomo expressed his thanks to Assembly Speaker Fink, Senate Majority Leader Anderson and Comptroller Regan for their early work in developing the elements of the legislation.

The agreement on legislation to require five-year capital planning for all State agency capital programs and all public authority public capital programs, would require the Governor to submit, annually, a plan on or before the date the Governor submits his budget to the Legislature. The first capital plan will be submitted in January, 1984, and will include spending projections for all projects contained in the Capital Budget.

The bill also modifies transfer powers for capital appropriations in a way that will facilitate a more consistent structure for capital appropriations. Legislative leaders and Governor Cuomo also reached agreement on the Governor's proposal to safeguard the State's credit rating through expanded oversight of the finances and investment practices and personal service contracts of public authorities.

The bill would bring to ten the number of authorities covered under the Public Authorities Control Board Act with the addition of the Energy Research and Development Authority (ERDA) and the State of New York Mortgage Agency (SONYMA). It also would add two nonvoting PACB members to be appointed by the Governor, one each upon the recommendation of the minority leaders of the Assembly and the Senate. PACB currently has jurisdiction over the Environmental Facilities Corporation, Housing Finance Agency, Medical Care Facilities Financing Agency, Dormitory Authority, Job Development Authority, Battery Park City Authority, Project Finance Agency and Urban Development Corporation.

For the first time, the legislation would require public authorities of local governments, as well as the State, to adopt comprehensive guidelines spelling out their policies and instructions regarding investing, monitoring and reporting of funds. Authorities would be required to issue quarterly and annual reports on investments.

In another significant change, State public authorities or public benefit corporations, in cases where the Governor appoints a majority of board members, would be required to adopt comprehensive guidelines on the use, awarding, monitoring and reporting of personal service contracts. The bill also would require authorities to promote and assist minority business enterprises to ensure a fair share of personal service contracts.

Governor Announces Personal Privacy Protection Law

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 24, 1983

Governor Mario M. Cuomo, Senate Majority Leader

Warren Anderson and Assembly Speaker Stanley Fink today announced agreement on a comprehensive bill to ensure the protection of personal information contained in State agencies' computer systems. The bill, which creates a new article of the Public Officers Law titled the "Personal Privacy Protection Law," will:

- establish standards regarding the nature of the information which State agencies may collect and maintain on individuals;
- provide individuals the right to gain access to, and correct, their records; and
- set forth circumstances under which a State agency may disclose information about an individual.

Technological advances of the last quarter century have enhanced the ability of government to serve the people of New York State. The intelligent use of data systems and computer resources permits government to respond to people's needs much more efficiently and effectively than in the past.

"In accepting the benefits provided by these new technologies, government must also accept the responsibility for their intelligent use. There is an inherent danger in permitting the unchecked use of high-speed data systems which contain personal information about millions of New York State citizens. By enacting the Personal Privacy Protection Law, the State will address this concern," the Governor said.

The Governor and legislative leaders noted that New York State took the first step in 1980 in protecting privacy by enacting a law enabling the Governor and the Legislature to determine the nature of systems of records maintained by State agencies. It required each agency to file with the Committee on Open Government a notice describing each system of records it maintained. Under the 1980 law, 1,776 notices were filed. Included in those systems of records were 10,799 categories of information. This data argued strongly in favor of further progress in this area.

To date only nine states and the Federal government have passed privacy bills. This bill builds upon the experiences of sister states and the Federal government and New York's experience with the legal predecessor to this bill.

Governor Applauds Legislative Efforts

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 28, 1983

I congratulate and thank the members of the Legislature on their excellent efforts. In six months they have produced more than a normal session's quota of progressive legislation. Their leaders: Stanley Fink, Warren Anderson, Manfred Ohrenstein and Clarence Rappleyea deserve special praise for their innovative and intelligent willingness to allow for reasonable and honorable compromise.

Many of the major portions of the program for "Jobs and Justice" that I laid out in the *State of the State* have either been signed or now await my signature. Bills like the Omnibus Workers Benefit Package, Aid for the Homeless, Medicaid Pick-Up, Determinate Sentencing, Capital Budget Review and Tier III are only a few examples of the extraordinary number of solid initiatives this Legislature has been able to agree on. Insurance and pension investment reform, as well as negotiated bid legislation for manufacturing busses provide us with many of the implements we need to create new jobs, as do programs already in place like the Job Training Partnership Act. And the new sentencing laws, tougher sentences for those convicted of committing multiple crimes, alternatives to incarceration and the prison program (including 1,000 proposed new beds in New York City) demonstrate a strong commitment to improving our criminal justice system.

Deliberations have not yet been concluded on the important "Rebuild New York" Bond proposal. I'm confident, however, that the single remaining issue, involving minority set-asides, is not too great a challenge for a legislative leadership that, all through the Session, has proven its extraordinary innovativeness and intelligence. I expect we will complete work on the Bond Issue well before the legal deadline in August.

Of course the Session did not produce everything we wanted. I was disappointed at the inability to convince the Legislature to restructure the MTA, although I am grateful for the Inspector General and other transportation pieces that the Legislature adopted.

Our health agenda also deserves, I believe, more attention than it has received in this Session.

Some of the issues on which agreement was not achieved have for some time now been virtually non-negotiable. Just as it seems clear that a death penalty veto will not be overridden in the Assembly if it remains as presently constituted, it is clear that the present majority in the Senate refuses serious consideration on campaign financing reform, Public Service Commission reformation, the establishment of a Citizen Utility Board, abolition of mandatory retirement in the private sector, and life imprisonment without parole. While we will continue to press these points of view, it is probably true that we must find ways to accomplish the objectives outside of the legislative process and encourage public expression of support for our positions.

On the other hand, the wisdom of persistence is demonstrated by the adoption of several items previously regarded to be almost unattainable. Certainly, restructuring of our oil tax laws, Medicaid pick-up, Tier III, and comprehensive tenant legislation fall into this category. In past years these items were perceived as nonnegotiable. I am pleased that we were able to reach agreement on such vital legislation and reform.

I'm also particularly grateful to the Senate for confirming so many of my appointments to executive positions.

The highlight of the early part of the Session, in my judgement was the adoption of a soundly balanced budget — despite a potential \$1.8 billion deficit — on time, and credibly. The legislative program already adopted assures that the budget will remain in balance for the rest of the year, so that the promise of fiscal stability and prudence has been fulfilled by this Legislature.

The highlight of the latter part of the Session was our success in resolving issues which had previously been deemed insoluble.

Thanks to an extraordinarily capable executive staff, we were able to involve ourselves in, and deal, I think, satisfactorily — with a number of other initiatives that did not require the Legislature's participation. The crisis in Ossining and Metro North, recommendations for change

in the Federal law with respect to nuclear power plants, a precedent-setting agreement on the Port Authority and a \$555 million settlement with the oil companies were all dealt with during this 1983 Legislative Session.

Of course, the record of the last six months is not perfect: none ever has been and none ever will be. I think it's true, however, that the Legislature of this State and the people of the executive branch have worked diligently and with good results over the last six months. All of us look forward to building on and improving that record. But all of us, I think, can look back with some small satisfaction at having begun to demonstrate that when we work together for the good of all, good things happen.

Governor Comments on SIC Appointments

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 14, 1983

I'm sure that Senator Anderson and I seek the same objective — the most capable, honest and effective SIC possible.

I appreciate Senator Anderson's written attempt to explain his comments of yesterday. He offered me the explanation on the telephone earlier today.

Senator Anderson indicates that the law creating the SIC requires "balance" between parties and between the Legislature and the Executive. With the appointment of two distinguished former United States attorneys, David Trager and Edward Korman, one a Republican and one a Democrat, one appointed by President Nixon, one appointed by President Carter, we achieved perfect balance on both scores. There will be two Democrats and two Republicans: there will be two legislative selections and two executive selections.

Senator Anderson's real complaint is that he thought that he had changed the statute by private "agreement" between him and my predecessor.

He says that by virtue of that arrangement only a Republican known personally to him and deemed

sufficiently partisan by the State Republican Party could be selected by a Governor.

I was aware of no such agreement. I have made no such agreement. I have no such understanding. I have applied the law as it is written. I have added two of the most extraordinarily well-qualified, objective and credible individuals ever appointed to the SIC and even Senator Anderson does not question that.

I will continue to discuss the matter with Senator Anderson, confident it will be satisfactorily resolved, as have so many even more difficult differences of opinion over the last six months.

Governor Holds a Cabinet Meeting

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 25, 1983

Governor Mario M. Cuomo today held a cabinet meeting in the former Court of Appeals Room (Room 250) on the second floor of the Capitol Building. The use of the room conforms with the 1982 Master Plan for the New York State Capitol which recommends that the room "be allocated for a more public use, such as conferences and hearings, commensurate with its dignity and appearance."

Governor Cuomo praised Office of General Services Commissioner John Egan, Capitol Architect Albert Brevetti "and the marvelous craftsmen who worked to make this room accommodate so many uses and restore it to its former grandeur." In addition to cabinet meetings and conferences, Governor Cuomo will, henceforth, meet with the press corps in the Court of Appeals Room.

Governor Dedicates Fire Training Facility

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 29, 1983

Terming arson's cost to New Yorkers "a tragic waste of money and precious lives," Governor Mario M. Cuomo today dedicated the Fire Investigation Training Facility

at the Senator Frederick L. Warder Academy of Fire Science in Montour Falls.

Governor Cuomo, who as Secretary of State from 1975 through 1978 oversaw the Division of Fire Prevention and Control within the Department of State, said that "with this new facility, trainees will be able to combine intensive classroom study with actual practice in detecting simulated cases of arson."

"Such hands-on experience will provide communities with law enforcement and fire protection investigators who are able to identify probable arson situations, initiate procedures to detect arson accurately, and collect physical evidence in a proper manner," the Governor said.

"Since January we have said a great deal about the family of New York. There is no group which better exemplifies, nor performs a more valued service to our State's entire family, than our professional and volunteer firemen. They do not just speak about family — they live it. They risk their own lives so that we and our parents, children, and friends may live. We all owe them a very special debt," Governor Cuomo added.

Governor Cuomo also dedicated eight commemorative plaques to the Fire Academy on behalf of the New York State Fire Service Council. The plaques, which will be prominently displayed along the walls of the entrance rotunda, "recognize the support of the State's principal fire service organizations for the Fire Academy and its programs," Governor Cuomo said. In dedicating the plaques, Governor Cuomo expressed his thanks to the following organizations for their continuing support: Association of Fire Districts; County Fire Coordinators of NYS; Firemen's Association of the State of New York; NYS Association of Fire Chiefs; NYS Chapter, International Association of Arson Investigators; NYS Fire Instructors Association; NYS Fire Marshalls and Inspectors Association; and NYS Professional Firefighters Association.

The primary purpose of the Training Center is to instruct private fire investigators, police, and fire personnel in incendiary detection, collection of evidence, and the successful presentation of evidence in a court of law. Last year there were 235,000 fires in New York State. Of these, 24,000 were arson related and had a

direct cost of between \$150 and \$200 million; the indirect costs exceeded \$1 billion.

There are 20,000 professional and 100,000 volunteer firefighters throughout the State.

**Governor Signs Personal Privacy Legislation
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 31, 1983

Governor Mario M. Cuomo announced today he has signed legislation ensuring the protection of personal information contained in State agencies' computer systems.

The bill, part of the Governor's 1983 legislative program, creates a new article of the Public Officers Law titled the "Personal Privacy Protection Law."

Editor's Note: See Approval Memorandum No. 53.

Governor Approves Arts Bills

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 14, 1983

Governor Mario M. Cuomo announced today his approval of a package of five bills affecting the arts in New York State.

"The arts play an important role in adding to the quality of life for the family of New York," the Governor said. "The arts contribute as well to the economic development of the Empire State because of the business activity and tourism they generate."

The first bill recodifies arts legislation already on the books. It brings together the relevant, but now scattered sections of law relating to the arts and cultural affairs into a single uniform chapter of law.

"A single chapter serves as an invaluable tool for the

increasing number of practitioners dealing with legalistic matters, and will serve as a model for other states, none of which has enacted a comparable statute," Governor Cuomo said. Creation of such a law is a definitive legal statement recognizing the arts as a vital and significant resource of this State, he said.

The second bill creates the Empire State Plaza Art Commission. "The Governor Nelson A. Rockefeller Empire State Plaza in Albany is a unique architectural entity and is the repository for a number of significant works of art of great value to the family of New York. The Commission will ensure the presentation of these items for future generations by providing curatorial services. The Commission also will enhance the accessibility of these works of art and serve as a source of expertise to other State agencies on matters related to works of art," he noted.

The third measure creates the New York State Musical Instrument Revolving Fund allowing symphony, orchestral and other nonprofit musical entities to obtain quality instruments and other equipment. Because the cost of obtaining instruments is often prohibitive, a revolving fund as created under this act, provides financial assistance to symphony orchestras and not-for-profit musical entities. The acquisition of higher quality instruments will not only enhance performance, but will also allow the State's symphonies to attract and retain musicians of high caliber," Governor Cuomo said. The fund will be administered by the New York State Council on the Arts.

The final two bills deal with the rights of individual artists regarding legal protection for their work.

One establishes that contracts conveying reproduction rights in works of art must be clearly written, and signed by all parties. "This is to help equalize an often unbalanced business situation in the visual arts field. A person will frequently make an oral agreement with an organization for reproduction rights to an artwork. The seller of the reproduction finds that he or she cannot get the original artwork back after it has been reproduced if the agreement was oral or the contract was complex and signed without benefit of counsel. This act overcomes these problems and protects the interests of the individual artists involved," the Governor said.

The other measure protects the individual artist's professional reputation by giving grounds for legal redress in cases where artwork has been altered, defaced or mutilated or where the author would like to claim or disclaim authorship. When a work of art is sold in New York, the author loses all rights to that work. There are cases where a work has been altered, mutilated or defaced by the owner without consulting the creator. This legislation would give artists grounds to allow the courts to decide whether the artist's reputation has been damaged when a work of art is intentionally defaced or mutilated by the owner, Governor Cuomo said.

The Governor thanked Senator Lombardi and Assemblymen Murphy, Passannante and Gottfried for their efforts on these measures. "This legislation continues a record of sensitivity and support for the arts in New York State. We should dedicate ourselves to continue this effort in the future and ensure that New York State will always be the Empire State of the Arts," the Governor said.

Editor's Note: See Chapters 851, 876, 993 and 994 of the Laws of 1983.

Governor Meets with Youth Council

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 23, 1983

Governor Mario M. Cuomo today discussed the role of the executive branch of State government at a meeting of the New York State Youth Council.

The Youth Council, meeting at Union College in Schenectady, is composed of 33 young persons ages 15 to 21 from diverse backgrounds and representative of youth in New York State. The Council acts as an advisory body to the State Division for Youth on issues where the viewpoints of youth are properly sought. It is an outgrowth of the 1982 New York State Conference on Children and Youth sponsored by the State Council on Children and Families.

Editor's Note: The members were Robin Bean, Herbert Block, Ellen Braitman, Debbie Bryant, Elaine Caine, John Cardot, Eric Caron, Thomas Cole, Michelle Collins, Robert Colon, Catherine Curvin, Matthew Delson, Edwin Estrada, Roy

Holzer, Don Johnson, Calvin Kader, Thomas Keane, John Kerin, Mark Krieger, Karen Les-Pierre, Elizabeth Logsdon, Nadege Longchamp, Mary Maher, Steven Marchese, Margarita Martinez, Mary Mason, Curtis Murray, Victoria O'Neill, Nina Pan, Stephanie Putnam, John Rivera, Brian Thompson, and Christine Triano.

Governor Extends TSC on Lobbying

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 28, 1983

Governor Mario M. Cuomo today announced his approval of legislation extending the life of the Temporary State Commission on Lobbying through 1987 and clarifying registration requirements for public corporations. The Lobbying Commission, first established January 1, 1978, would continue to December 31, 1987 under terms of the legislation. It was due to expire December 31, 1983.

The bill also makes clear that public corporations such as municipalities, school districts and public authorities must register and file periodic reports if they spend more than \$2,000 a year on lobbying activities. Confusion over this requirement arose because of 1981 legislation exempting officers and employees of public corporations from registration requirements.

Another provision of the bill imposes, for the first time, a \$50 registration fee for lobbyists except for public corporations. Last year, 1,624 lobbyists, representing 596 clients, were registered with the Commission with reported spending of \$9.6 million.

Editor's Note: See Chapter 946 of the Laws of 1983.

Governor Announces Consultant Reduction Policy (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 14, 1983

Governor Mario M. Cuomo today announced a plan

designed to reduce the State's reliance on outside consultant contracts for personal services, and to encourage increased contracting, when outside services are required, with women and minority-owned enterprises. The policy will be implemented in a memorandum from Michael J. Del Giudice, Secretary to the Governor, to the heads of all State departments and agencies.

"State government cannot afford to employ experts in every field in which detailed professional services may be required. However, such services are often costly, and we must make every effort to maximize the use of State employees whenever possible, and to get the best services for the best price when we must hire consultants," Governor Cuomo said.

The new policy applies to all consultant contracts worth \$25,000 or more by all State agencies in the Executive Department, and will supplement the policies of the Comptroller, who reviews and must give prior approval to all contracts worth \$5,000 or more.

Agencies are directed to keep the use of outside consultants and contracts "to the minimum level necessary to the efficient and effective conduct of State operations," to assure reasonable costs, and to monitor the work of consultants.

All agencies will be required to submit to the Division of the Budget, comprehensive plans and justification for the use of consultants and other such services during the course of the fiscal year. Until amendments to the plan have been submitted to the Budget Division and approved, the Comptroller's Office will be asked to withhold approval of a contract, and agencies will not be authorized to solicit bids or proposals until the proposed contract or plan amendment has been approved by the Budget Division.

Agencies will also be required to submit explanations of their plans to involve women and minority-owned firms and when competitive proposals are being sought, descriptions of the weighted criteria by which contractors will be selected. The policy urges the use of competitive bidding and competitive proposals whenever possible. It also stresses that agencies should compile the largest possible list of qualified bidders to be solicited, and to develop outreach plans to involve minority and women-

owned enterprises. The policy also will require additional efforts to monitor and report on the performance of contractors.

Editor's Note: The eight-page Executive Branch Policy Statement Governing Issuance of Contracts to Individuals and Firms To Provide Consultant and Miscellaneous Services is not reproduced.

Governor Announces Relocation of State Offices (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 17, 1983

Governor Mario M. Cuomo today announced a Community Business District Revitalization program to relocate State agencies from the World Trade Center to several locations throughout all five boroughs of New York City, including downtown Brooklyn; Jamaica, Queens; Fordham Plaza in the Bronx; Staten Island and parts of Manhattan.

The moves, under a five-phase plan, will distribute the economic benefits of having State office space throughout the communities as well as encourage and make possible more private sector expansion and job creation in lower Manhattan. Further, Governor Cuomo noted, rental of the World Trade Center space to private sector companies will generate funds to help finance a \$500 million New York-New Jersey economic development fund to develop projects located in the Port Authority region.

"Already many State offices and facilities are spread throughout boroughs of New York City. However, it is vital to many communities around the City that State offices be located so that their potential to generate other economic activity is fulfilled in areas most in need of such a boost. And the prime office space now held by State agencies could be rented at much higher, yet fair, rates to the private sector, increasing Port Authority income and resources for economic development projects while infusing downtown Manhattan with new private sector activity such as back-office operations," Governor Cuomo said.

Under the plan, most of the current State office space

in the World Trade Center will be vacated over the next five years, with 11 agencies moving from the World Trade Center by the end of January. About two-thirds of the State's leasehold will be vacated by the end of 1984 under the plan now being executed by the State Office of General Services. Governor Cuomo said OGS will also examine the possibility, in later phases of the plan, of moving some State offices to Corona, Queens, where the Federal government recently removed the offices of the Social Security Administration.

The State currently occupies more than two million square feet of prime office space on 49 floors in Two World Trade Center, plus additional space for storage and other nonoffice needs in the sublevels, and substantial underground parking. Governor Cuomo also noted that the sale of the World Trade Center complex to private investors, one option explored in a 1981 report, was still under review.

The State pays about \$12 per square foot in rent, according to a formula agreed upon in the 1960's. Privately occupied space in the World Trade Center currently rents for about \$35 per square foot.

Governor Cuomo said the move of State agencies will be cost-effective for several reasons. State agencies would face rate increases if they were to stay in the World Trade Center. Further, the Port Authority will pay the State a one-time \$10 per-square-foot payment and \$14 per-square-foot annually for six years for space vacated in the World Trade Center, and the total amount of space required will be reduced over the five year period.

As part of the plan, three floors of the Labor Department's offices were already returned to the Port Authority last year through internal consolidations. The State has also vacated five floors for rental to EBASCO, Inc., and plans further space to be rented to that firm for its planned expansion.

In the second phase of the plan, to be completed by January 1985, another 30 agencies will have moved from the building. Eight more will leave during 1985. The State originally located 50 agencies, boards, bureaus and commissions in the World Trade Center, occupying 2.2 million square feet on 51 floors. Forty-nine agencies now occupy a total of 2,003,615 rentable square feet on 48 floors.

Under the plan all but two floors will be vacated over the next five years. The remaining two, housing the offices of the Governor, Lieutenant-Governor and Attorney-General, will be returned to the Port Authority at the end of 1990 or rented at the then prevailing Port Authority/World Trade Center rental rate.

Editor's Note: The five-page move schedule is not reproduced.

**Governor Cuomo and Prime Minister Levesque
Issue a Joint Press Release**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 16, 1983

On the occasion of the first official visit to Quebec by a Governor of the State of New York, the Honorable Mario M. Cuomo and Prime Minister Levesque met today to review a range of topics related to the strong economic and cultural ties linking the people of New York and Quebec. The talks served to underline the unique nature of those "good neighbor" ties, and enabled both leaders to reaffirm their intention to increase the level of cross-border cooperation, particularly in the fields of energy and the environment.

Among the participants in the meeting were, on the New York side, Mr. Timothy J. Russert, Counselor to the Governor, William D. Cotter, Commissioner of Energy, Henry G. Williams, Commissioner of Environmental Conservation and John S. Dyson, Chairman of the New York Power Authority and, on the Quebec side, Yves L. Duhaime, Minister of Energy and Resources, Adrien Ouellett, Minister of the Environment and Joseph Bourbeau, Chairman of the Board of Hydro-Quebec.

Mr. Cuomo and Mr. Levesque began the talks with a thorough review of the sales of electricity by Hydro-Quebec to the New York Power Authority. A contract signed in New York in March, 1982 provides for the sale of 111 billion kilowatt/hours of electricity over a 13-year period. The two government leaders expressed their satisfaction with the rapid development of these energy transactions. They noted that the technical and regulatory aspects of the project are being completed on

schedule and that the transmission of electricity to New York would occur in September, 1984, as stipulated in the contract. They also noted that the undertaking of such major projects stand as testimony to the level of cooperation which exists between various partners within the public and private sectors, as well as to the deep commitment of all parties to overcome highly complex problems to the benefit of the people on both sides of the border. For the future, Governor Cuomo and Prime Minister Levesque today asked their experts to look into the concrete possibilities of furthering electricity sales to New York, and to submit a complete report in the coming months.

The two leaders also examined Quebec/New York cooperative ventures in environmental matters, especially the issue of acid rain. In 1982, New York and Quebec agreed formally to search jointly for ways to increase efforts designed to help solve the problem. Mr. Levesque and Mr. Cuomo received and approved the committee report prepared by Mr. Williams and Mr. Ouellett on the progress achieved during the first year of the agreement. The report is now being made public.

In addition, the two leaders were brought up-to-date on the feasibility studies presently being done on the potential rapid rail link-up between Montreal and New York. Both were satisfied with the progress achieved so far, and will await the results of the jointly funded studies before proceeding further.

In the field of transportation, Governor Cuomo and Prime Minister Levesque also agreed to ask their respective departments to accelerate the implementation of a new reciprocal agreement in the area of commercial vehicle registration and licensing so that it may come into effect early in 1984. The new agreement will facilitate the transportation of goods and people between Quebec and New York.

After having reviewed activities undertaken jointly in other sectors such as trade, commerce, tourism and education, Mr. Cuomo and Mr. Levesque agreed on the need to consult at various levels on a regular basis. In order to ensure that end, the two leaders agreed to hold an annual meeting between the Governor and the Prime Minister which would be held alternatively in New York and Quebec. Mr. Raymond Gosselin, Quebec's Delegate

General in New York, and Mr. Timothy J. Russert, Counselor to the Governor, were asked to coordinate future meetings.

PUBLIC EMPLOYEES

Governor Proposes Retirement Incentive Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 25, 1983

Governor Mario M. Cuomo today sent to the Legislature a bill designed to encourage eligible employees to retire from State service.

The measure is part of the Governor's overall effort to balance the 1983-84 State Financial Plan. Coupled with other efforts including voluntary furloughs, the retirement incentive program is designed to encourage employees to take voluntary action to assist in reducing State personnel costs, thus reducing the need for additional layoff of State employees. Retirement incentives are used by a number of other states and by many private sector businesses and corporations.

The bill calls for providing an additional three years of retirement credit to State employees: (1) who are currently eligible to retire from the New York State Employees' Retirement System; (2) who are on the payroll on January 31, 1983; (3) who are at least 55 years old; and (4) who retire on or after March 1 and on or before May 31, 1983. Excluded from the provisions of the bill are elected officials and judges or justices, top State officials such as agency and department heads and appointed salaried members of boards or commissions.

The top administrator for four other groups of employees would be given the option of allowing them to participate in the retirement incentive program: the Chief Administrative Judge for nonjudicial employees in the Office of Court Administration, the Temporary President of the Senate for nonelected employees of the Senate, the Speaker of the Assembly for nonelected Assembly employees and the Temporary President and Speaker deciding jointly for employees of joint legislative committees.

The bill will encourage senior employees who are, generally, at the higher levels of the salary scale to leave the State's payroll. Based on an estimate that 3,400 employees would leave the payroll under this program, the State is expected to save \$54 million in salaries during State fiscal year 1983-84.

The Actuary of the State Employees Retirement System estimates the incentive program will cost approximately \$16,200 for each employee who participates. The additional cost of this program, estimated to be \$14.3 million annually, will be spread over a five-year period beginning in State fiscal year 1984-85.

In releasing the proposal, the Governor expressed his gratitude to State Comptroller Edward V. Regan for his support of the plan and to Deputy Comptroller John S. Mauhs and the staff of the Employees' Retirement System for their cooperation and assistance in drafting the legislation. The Governor indicated that similar retirement incentive programs for State employees in other public retirement systems and authorization for participation by localities were under consideration for introduction later in the Legislative Session.

Governor Proposes Agency Shop Fee Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 26, 1983

Governor Mario M. Cuomo today proposed legislation to make permanent the State's six-year-old agency shop fee deduction for State employees and to permanently make it a mandatory subject of bargaining in negotiations with local government employees.

"If public employee unions are to give effective and fair representation they should receive the support of all employees who benefit from the efforts of the organization which represents them, whether or not they are members of the union," Governor Cuomo said.

The State's agency shop law, which is mandatory for State employees and optional for local government employees, expires October 1, 1983. The law, which has been renewed every two years since first enacted in 1977,

would be made permanent under the legislation proposed by Governor Cuomo.

Under the State's Taylor Law, a public employee union is obligated to bargain for all employees in a bargaining unit and to represent them in contract, noncontract, out-of-title work and disciplinary disputes, regardless of whether they are union members. The agency shop provision, which permits deductions from a nonmember's paycheck for an amount equivalent to dues paid by union members permits distribution of the unions' cost of collective bargaining among all employees who benefit from it, both union and nonunion alike.

Governor Announces Layoffs (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 10, 1983

Governor Mario M. Cuomo announced today that the employee layoffs required to balance the 1983-84 State financial plan would take effect at the close of business on Thursday, April 7, 1983. Letters of notification to affected employees are being prepared for distribution tomorrow.

The Governor directed the postponement of the effective date from the previously announced date of April 1 in order to provide more equitable treatment of the final salary basis on which employees' accrued vacation credits will be paid. This action was taken to forestall the possibility that some employees would receive the benefit of the general salary increases in their final checks while others would not.

The Governor was appraised of a potential inequity in the layoff process by William McGowan, President of CSEA, and Elizabeth Hoke, President of PEF. Copies of their letters to the Governor are attached.

The State's workforce is almost evenly divided between the institutional payroll and the administrative payroll. The pay periods for these payrolls commence on alternate Thursdays.

In keeping with previous practice, the statutes that

implement the State's collective bargaining agreements provide that the April 1, 1983, general salary increase will be added to employees' compensation at the beginning of the pay period, the first day of which is closest to April 1. Therefore, pay increases would take effect in the pay period beginning March 31 for employees paid on the institutional payroll, but not until April 7 for employees paid on the administrative payroll. By delaying the layoffs until April 7, all affected employees will receive the benefit of the general salary increases.

The estimated \$3 million cost of the extension will be accommodated in the State's financial plan by reducing the State Operations reserve from \$15 million to \$12 million. In announcing the postponement, the Governor stated that:

The State can achieve the savings necessary to balance the financial plan without depriving laid off employees of the full value of salary increases which have been negotiated for vacation credits which have been earned.

Editor's Note: The letters to the Governor and his reply are not reproduced.

Governor Releases Layoff Letter (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 10, 1983

Attached are copies of:

1. The layoff letter which will be sent to 7,587 State employees tomorrow.
2. A memo from Budget Director Michael Finnerty to Governor Cuomo advising him on the status of agency implementation plans.
3. An agency by agency summary of layoffs and attrited positions.

* * *

**COPY OF NOTIFICATION LETTER TO BE SENT BY
AGENCY HEADS TO TERMINATED EMPLOYEES**

March 11, 1983

Dear _____:

As you know, New York State is in the midst of a serious fiscal problem. In order to close an enormous gap between revenues and expenditures, the State has been required to propose a number of drastic steps.

The proposed Budget suggests raising approximately \$900 million in revenues. That meets about half the problem. The difference is to be made up by reducing requests for expenditures and reducing our work force. The largest part of our expense for State purposes is spent on personnel. This year's Budget contains more than \$300 million for the negotiated salary increase. That funding remains intact because the State will honor the collective bargaining agreement.

No one wants layoffs. Unfortunately, closing the budget gap requires some layoffs. The number has been calculated at about 4 percent of the work force. The State government would prefer that reductions be done by attrition and voluntary retirements. As of the moment, however, it has not been established that sufficient voluntary retirements can be achieved or that other actions are possible to make layoffs unnecessary. The State continues to work to that end; in the meantime the process for layoffs must continue.

Accordingly, this formal notice of layoff is being sent to advise you that your service with the State must be terminated effective close of business April 7, 1983.

You will receive preference for reappointment to positions in your title or comparable titles in accordance with applicable provisions of the Civil Service Law or negotiated agreements. In addition, the Governor has proposed that \$5 million be appropriated for the establishment of a retraining program, and if the funding of such a program is approved by the Legislature you will be eligible to participate in appropriate retraining opportunities.

As a result of the recently implemented lag payroll and vacation payment process, you will be eligible to receive a paycheck reflecting the appropriate amount of salary withheld during that process, and also will receive

a paycheck for any vacation days up to 30 days, that you may have accrued up to the day of termination.

Sincerely,

Agency Head

Editor's Note: The memorandum and agency summary appear in Summary of Agency Workforce Reduction Implementation Plans (March 1983, 97 pp.), available at the State Library.

Laid-Off Employees To Receive First Preference (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 16, 1983

Governor Mario M. Cuomo has instructed his task force overseeing layoffs to promulgate as official policy that first consideration for future job openings should be given to State Civil Service employees being laid off.

In a memorandum to heads of all departments and agencies, the task group declared:

No agency will be permitted to hire staff . . . in competitive, noncompetitive or labor class positions . . . from outside the existing work force until it has shown . . . that it is not possible to find or develop a qualified candidate from within the existing workforce.

An agency proposing hiring from outside would have to submit proof that no laid-off employee was suitable to the Governor's Office of Employee Relations, Division of the Budget and Department of Civil Service. Chiefs of those three agencies are among task force members.

Agencies are being asked to promptly assemble detailed information on projected hirings, and to identify areas where training efforts will help qualify those laid off to assume jobs which will be filled later. Such training will be given priority consideration.

Employee layoffs are among elements of the Administration plan to balance the State budget.

Editor's Note: The March 16 memorandum from the Governor's Office of Employee Relations, excerpted above, is not reproduced.

Governor Withholds Certain Salary Increases (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 12, 1983

Governor Mario M. Cuomo announced today that, consistent with his continuing effort to reduce the overall cost of government, he has instructed Budget Director Michael Finnerty to withhold the April 1, 1983 general salary increase from all exempt employees earning more than \$23,065 annually. This will affect more than 1,200 appointees. In order to avoid situations where senior managers would be paid more than their supervisors who are exempt, it will also be necessary to withhold part or all of the increase from certain classified Management/Confidential employees. These employees, who number more than 200, earn in excess of \$55,000 annually.

The Budget Director is legally authorized to withhold salary increases for classified Civil Service M/C positions in order to preserve appropriate salary relationships within agency management structures. The directive issued today will, in most cases, prohibit any management employee from making more than 98 percent of the salary of their superior.

The Governor indicated that he was aware that this action would require a sacrifice on the part of the State's management staff, but he hoped that managers would recognize the necessity of such action to increase the long-term competitiveness of New York. "I sincerely believe that my appointed commissioners, together with their appointed and upper management classified staff, represent the finest management cadre ever assembled, and I am confident of their understanding that this action I have directed, while painful, is in the best long-term interest of the State," the Governor noted.

The State and City Universities of New York and public benefit corporations and public authorities funded in the Executive Budget are also subject to the provisions.

Editor's Note: Budget Bulletin D-1052, dated April 11 and outlined above, is not reproduced.

Governor Submits Retirement Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 26, 1983

Governor Mario M. Cuomo today announced that he is submitting to the Legislature three bills to allow public employers to participate in programs designed to encourage eligible employees to retire from service.

Eligible employees would be those who: (1) have completed adequate service time in order to be eligible for retirement under existing regulations; (2) will be at least 55 years old at the time of retirement; and (3) retire during the three months that the employer elects the program to be available.

"When we introduced the legislation to permit early retirements during the budget process negotiations, we indicated our intention to submit similar legislation for State employees in other public retirement systems. This fulfills that commitment. I am pleased that Comptroller Regan's staff assisted us in the preparation of this bill, which is in substantial agreement with the concepts released by the Comptroller last week," Governor Cuomo stated.

The bills, which are patterned after the retirement incentive program for State employees in the New York State Employees' Retirement System enacted earlier this year by Chapter 17 would authorize programs for:

- employees of participating employers in the New York State Employees' Retirement System (ERS)
- members of the State Teachers' Retirement System (TRS) and
- members of the Teachers' Insurance Annuity Association and the College Retirement Equities Fund (TIAA-CREF).

Eligible members of the State ERS and TRS would receive three additional years retirement credit while

members of the TIAA-CREF would receive an annuity comparable to the value of the three additional years service credit provided by Chapter 17.

Participating employers of ERS and TRS would be able to provide the benefit on a one-time basis to their employees by adopting and filing resolutions with the applicable retirement system by December 31, 1984. Such resolutions must indicate that the retirement incentive program will be implemented in conjunction with a workforce reduction program and the savings which are expected to result. The bill requires electing employers to specify a three-month period which shall end no later than December 30, 1985 during which the program would be available to their employees.

Employees who have elected TIAA-CREF would be able to elect early retirement by filing an application within 60 days after the enactment of the legislation for actual retirement between June 1 and August 31, 1983.

Governor Releases Pension Reform Memorandum

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 14, 1983

Governor Mario Cuomo today sent the attached memo to Assembly Speaker Stanley Fink and Senate Majority Leader Warren Anderson.

* * *

DIVISION OF THE BUDGET

June 13, 1983

TO: The Governor

FROM: Michael Finnerty/Thomas Hartnett

SUBJECT: Reform of Tier III

I. *Personnel Policy Background*

During the last five months you have directed us to undertake a comprehensive review of the State's workforce. We have since initiated the most dramatic

reduction in the size of the workforce in the State's history. These actions were required in order to maximize the State's ability to meet its most pressing obligations within available financial resources.

The combined effect of program reductions, layoffs, a hiring freeze, early retirements, and normal attrition will generate full annual savings to the New York State taxpayer of more than \$300 million. We have made major progress in securing your objective of a workforce reduction of 14,100 positions from the March 31, 1983 approved target.

This memo both makes suggestions for the revision of Tier III and identifies programs through which local governments can undertake similar efforts to reduce the size of their workforce and lower the cost of their operations.

II. *Review of Senator Anderson's Tier III Proposal*

We have analyzed the principal proposals which have been made for the revision of the Tier III retirement program within the context of the State's overall personnel policy. The State as an employer must be concerned not only with the near-term and long-term costs associated with revisions in its fringe benefit program, but also with equity and consistency for its employees and retirement system members. The savings generated by the success of our workforce reduction program, in our judgment, have placed the State in a position to contemplate the necessary marginal increases in Tier III pension costs which equity and consistency demand. It would not be productive to avoid addressing equity issues raised since passage of the present law.

Of all the proposals which have been advanced to date, Senator Anderson's draft bill appears to us to meet the standards of cost effectiveness, equity and consistency. Indeed, the cost of Senator Anderson's draft bill is significantly below the cost of the 1983 Pension Commission recommendation. Particularly important is the recommendation for the elimination of the present Social Security offset which has generated inequities for pension recipients. The proposed changes in the basic formula would provide greater consistency of treatment among all of the State's employees, and disability benefits would be improved and standardized.

Most importantly — with the elimination of the guaranteed escalation of retirement benefits and the previously authorized provision for employee self-funding of pension supplementation through voluntary individual retirement accounts — the cost of Senator Anderson's proposal would be only slightly more than that of the present Tier III program.

There are, however, certain modifications to Senator Anderson's proposal which we believe are worthy of consideration. As presently drafted, there would be no limit on the maximum retirement benefit which would be available. We do not believe an opportunity for unlimited benefits is justifiable, when both the continued availability of Social Security benefits and constitutionally State guaranteed tax exemption of such income as a means of maintaining effective preretirement income levels is taken into account. We would recommend that the proposal be amended to establish a maximum retirement benefit of 60 percent. As a corollary measure, since the employee's ability to earn additional credit would be capped, the mandatory employee contribution should be discontinued after 30 years of service.

Police and fire members in 20 and 25 year plans have been excluded from Tier III coverage altogether. Tier III removed State and New York City correction officers from similar plans. The law was subsequently amended to permit these correction officers full retirement at 25 years, with the Social Security offset being applied at age 62. The Senate proposal would place State correction officers under the Social Security offset of the present Tier III. We believe it would be inappropriate to treat State correction officers differently than other State employees by keeping only the State corrections officers in the present Tier III. We anticipate the additional cost would be negligible. The same question should be addressed as to City correction officers in relation to the rest of the City employees.

The Senate proposal would bar early retirement prior to age 62. Although we are in basic agreement with this approach, we believe that there should be some relief for employees who achieve long service prior to age 62. Under the present Tier III plan, it is possible to retire as early as age 55. Although there would seem to be no need to provide such a benefit to employees who begin their public careers late in life, it may be in the best interests

of both the employer and the employee to permit retirement at age 55 with no reduction in benefit for those who have devoted 30 or more years of their lives to the public service. For example, employees who have devoted their entire careers to rigorous demands of mental health and education programs should at least have the option of surrendering their responsibilities prior to age 62. This would increase the cost to employers in the State Employees' Retirement System by approximately 0.1 percent and to those in the State Teachers' Retirement System by approximately 0.2 percent.

The proposal to retain the contributions of former employees until they die or attain age 62 should be examined further. This provision may be construed as inequitably requiring employees to "lend" funds to the retirement systems at low interest rates for lengthy periods of time, and it carries the possibility of imposing an enormous administrative burden upon the public retirement systems to maintain contact with these employees and to keep track of the contributions and earned interest. We need to explore the implications of this proposal in the light of the precedents it may set and its comparability with other public retirement systems throughout the nation.

Lastly, we note that the proposal provides for a two year trial period. This is not long enough to permit the type of review necessary for such a major piece of legislation. A four year lifespan would be much more appropriate, permitting review in 1987. This is especially true since there needs to be sufficient experience to permit any evaluation of costing to be conducted.

III. *Corollary Personnel Legislation for Local Governments*

We believe that these reforms would also be both advantageous and affordable to municipalities which establish a policy of permanent workforce reductions similar to that adopted by the State. Toward that end, this Administration has proposed legislation to permit incentive retirement programs for participating employers in the State Employees' Retirement System and the State Teachers' Retirement System. If enacted, this optional program will permit municipalities to achieve savings from permanent workforce reductions which will more than offset the marginal additional cost of the reform of

Tier III which is necessary to compensate their workforce equitably.

The Financial Emergency Act, which was enacted to respond to the New York City fiscal crisis, contained an "ability to pay" provision. It requires that the City's ability to pay wages and benefits be a threshold issue for a determination in any factfinding, arbitration or impasse procedure. The "ability to pay" test is defined as the City's ability to fund any increase without the necessity of increasing taxes. We recommend that this provision be continued. Although not applicable, we believe that the proposed reform of Tier III can satisfy that standard. In our opinion the advantages of achieving an equitable solution to the long-standing problems associated with Tier III far outweigh the marginal additional cost for the City.

Governor Endorses Tier III Reforms

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 23, 1983

Governor Mario M. Cuomo announced today that he had asked the legislative leaders to enact the modifications to the Tier III Retirement System initially recommended by Senator Warren M. Anderson and to consider as well a series of individual amendments proposed by the Governor and included in the bill adopted last week by the Assembly.

Governor Cuomo said:

I believe the case for reform of the existing Tier III system is persuasive. The cost of the proposed modifications is modest when considered as one element of a comprehensive public employee compensation package, particularly in light of the personnel actions already undertaken by the State which will produce in excess of \$420 million in annual tax savings to the taxpayer.

I have reviewed the current status of the negotiations on this issue at length with the leaders of the public employee organizations. They share my view that several of the

amendments which I have recommended are of great importance to the affected employees whom they represent, but we also agree that the necessity of reform is so imperative that they should not preclude adoption of the basic changes reflected in the Senate bill.

Therefore, I have determined to send to the Legislature a package of program bills, incorporating the basic program contained in the Senate bill and a series of separate chapter amendments reflecting the individual modifications which I recommended and which were adopted by the Assembly last week.

The specific chapter amendments recommended by the Governor are as follows:

- The elimination of the Social Security offset for corrections officers.
- The provision of a retirement option at age 55 for all employees with 30 years of service and the enactment of a 30-year cap on both contributions and benefits.
- The extension of the revised Tier III program until 1987 rather than 1985.

"I have been assured by the legislative leaders that they will give this proposal their serious consideration, and I am confident that agreement can be reached on at least some portion of this package in the immediate days ahead," Governor Cuomo said.

Governor Approves Tier III Reforms

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 2, 1983

Governor Mario M. Cuomo announced today he has signed legislation reforming the Tier III employee retirement plan.

Editor's Note: See Approval Memorandum No. 21, Chapter 414 of the Laws of 1983.

STATE BUDGET

Governor Cuts Staffing Budget

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 12, 1983

Governor Mario M. Cuomo today announced that he has ordered the budget for the Executive Chamber staff, currently \$6.1 million, to be cut by a minimum of 10 percent. In addition, the Governor has reduced the salaries of his top aides. He said:

In my upcoming budget message, I will ask all State agencies and departments to curtail the rate of expenditure growth. I believe my action today sets an example that will be followed throughout the entire State government.

The salaries of his top aides are as follows: \$76,709 - Michael J. Del Giudice as Secretary to the Governor, \$75,000 - Alice Daniel as Counsel to the Governor, \$75,000 - Fabian Palomino as Special Counsel to the Governor, \$75,000 - Michael Finnerty as Director of the Division of the Budget, \$75,000 - Timothy J. Russert as Counselor to the Governor, \$75,000 - Lawrence T. Kurlander as Director of Criminal Justice, \$75,000 - Sidney Schwartz as Assistant to the Governor for Management and Productivity, \$70,000 - Henrik N. Dullea as Director of State Operations, \$55,000 - Tonio Burgos as Appointments Officer to the Governor, \$55,000 - Alexander A. Levine as Administrative Assistant to the Governor, \$42,000 - Richard J. Starkey as Press Officer to the Governor, \$40,000 - Betsy Buechner as Press Officer to the Governor, \$65,000 - William B. Eimicke as Deputy Secretary to the Governor for Policy and Program, \$45,000 - Ellen Conovitz as Director of the Governor's New York City Office, \$70,000 - R. Wayne Diesel as First Deputy Budget Director, \$50,000 - Peter A. Drago as Director of Scheduling and Advance for the Governor, \$60,648 - Hugh O'Neill, assigned to the Council on Economic Affairs, \$45,000 - Timothy P. Sheridan as Director of Intergovernmental Affairs, \$63,000 - Ronnie Eldridge as Director of the Women's Division, and \$45,000 - Dr. Israel Moshowitz as Assistant to the Governor for Community Affairs.

Previously, the salary for the Secretary to the Governor was \$79,200, while the salaries for Budget Director, Counsel to the Governor and Director of State Operations were \$76,709.

Governor Submits Deficiency Budget

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 17, 1983

Governor Mario M. Cuomo today submitted to the Legislature a Deficiency Budget Bill which, in total, reduces authorized appropriations to the executive branch by \$24.8 million for the remainder of the 1982-83 fiscal year. No additional spending for State agencies is authorized by the proposed bill and only previously planned disbursements for Aid to Localities are included.

This is the first time in history the executive branch has asked for an overall *reduction* in its authorized appropriations in a Deficiency Budget Bill.

Governor Cuomo stated "Today's submission to the Legislature is literally unprecedented in that no additional spending authorization is requested. It is a reflection of our uniquely dire fiscal situation."

The reduction of appropriations proposed by the bill represents technical adjustments correcting certain funding sources as well as additional income from the Lottery previously counted in the State financial plan. All executive branch appropriation increases and decreases were included in the latest State financial plan issued in October and therefore represent no change to the projected deficit.

In addition to the executive branch appropriations, the Governor transmitted, as required by Constitution, deficiency appropriations requested by the Legislature and Judiciary.

The proposed bill also includes a number of requested appropriations from other than the General Fund. These "all funds" appropriations provide funds for the current year salary increase already paid to State employees whose positions are paid by Federal or other fund sources.

A variety of technical adjustments are also made to these appropriations.

The latest complete report on the status of the current year's receipts and disbursements, is contained in the Mid-Year Report issued in October, 1982.

Governor Releases Projections

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 3, 1983

Governor Cuomo today released the "Five-Year Projection of Receipts and Disbursements," which portray projected financial operations of the State's major governmental funds for fiscal years 1984-85 through 1987-88.

The volume, an annual supplement to the Executive Budget, sketches out the longer-term implications of the major recommendations contained in the Budget. This year's projections show the multiyear impact of the recommended takeover of a major share of local Medicaid costs, the changes in the State workforce, the operation of the State expenditure limitation and the suggested revisions to the State's revenue structure.

This year's projections show that the yield of the recommended revenue structure is sufficient to maintain recurring budget balance within the expenditure cap. In fact, small, but growing, positive margins are generated in each of the projection years. The projections also display one possible application of such margins — reduction of the spring borrowing. In combination with required repayments to the tax stabilization reserve funds, more than three-quarters of a billion dollars can be generated to begin to drastically reduce our short-term borrowing requirements, while still leaving amounts available for tax reduction or infrastructure investment throughout the period.

Governor Comments on Senator Anderson's Letter

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 3, 1983

Our budget was prepared in such a way as to balance

the needs of this State against its resources. It resists the political temptation to divide people by race, by sex, by religion or by region. The only question we asked in allocating the State's resources is not "where do our people live?" but "what is their legitimate need?"

This budget put an engineering school in Binghamton but not in Rochester because Binghamton is where the greatest need is. It puts millions of dollars into upstate to improve our agricultural potential because that's where the need is. So too, with roads, bridges, schools, hospitals and mental institutions.

And it gives money to the poor people and the homeless wherever they live. To eliminate the poor and homeless from our concern because they happen to live in one of our cities would be to cheapen ourselves in the process. We didn't do that and we won't.

Governor Proposes Expenditure Cap

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 3, 1983

Governor Mario M. Cuomo today proposed legislation committing New York State to a policy of permanent budget restraint through enactment of a cap on State expenditures.

"This legislation, which I promised in my *State of the State* address to the Legislature, will guarantee that our spending remains under control while also allowing for the flexibility we must have to meet emergencies and legitimate demands for services. Enactment of a cap is essential if this State is to restore fiscal balance, strengthen the economy and create new jobs. Given the weakened national economy which has contributed to the State's current fiscal woes, it is even more essential. Without a mechanism to limit base State spending, the State's credit rating, its economic stability and important program initiatives will be jeopardized," Governor Cuomo said.

The cap would be applied to the State General Fund and tied to the State's personal income base, starting at 8.25 percent next fiscal year and gradually declining over

the next six years to 8 percent. For fiscal year 1983-84, capping General Fund spending at 8.25 percent of a personal income base of \$210.025 billion yields a spending limit of \$17.3 billion. Currently, spending is at approximately 8.732 percent.

This amount would cover all General Fund spending which, under the definition of Generally Accepted Accounting Principles (GAAP), covers State purposes, local assistance and other formerly off-budget accounts.

Under terms of the legislation, spending in excess of the cap limit would be prohibited except in an emergency situation. This would be defined as a natural disaster, a Federal government mandate or other extraordinary situation requiring immediate and unanticipated expenditures as determined by the Governor and endorsed by both houses of the Legislature.

Once the 8 percent limit is reached in fiscal year 1988-89, a constitutional amendment would be proposed to establish guidelines for the establishment of a permanent cap on State spending.

The legislation also provides that any surplus would be put into a new Expenditure Limitation Tax Reduction and Capital Financing Fund which would be used to reduce taxes, retire debt, improve the infrastructure and pay emergency expenditures. Surplus funds also could be temporarily loaned to the General Fund to reduce seasonal borrowing.

Governor Releases Quarterly Updates

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 1, 1983

Governor Mario M. Cuomo today released the quarterly financial plan updates required by Chapter 405 of the Laws of 1981 reflecting actual operating results over the first quarter of the fiscal year.

Governor Cuomo stated, "The first quarter results are consistent with our original projections of receipts and disbursements. The budget remains tightly balanced."

Under the revised plan, net collections from the personal income tax are projected to be reduced by about \$125 million because of the failure of the Federal interest and dividend withholding initiative. The Governor noted that since receipts from the newly enacted realty tax are running somewhat ahead of earlier projections, attainment of the revenue target for this source appears more certain. Additionally, oil company payments under the recently negotiated gross receipts tax settlement will increase business tax collections. In the aggregate, financial plan balance will be maintained.

Sounding a note of caution, the Governor stated:

Although the performance of the economy over the first three months of the fiscal year has met our expectations, the State remains without reserves to cushion the effect of possible adverse Federal actions or surges in the social services caseload which may result from continued structural effects of the recession.

The Governor credited success of the Workforce Reduction Program as a prime factor in maintaining balance between receipts and disbursements. This program has already produced the largest reduction in the State's workforce in history. Because of the program's success, the State will save \$140 million this year, and will obtain recurring annual savings of \$215 million.

As set forth in the 1983-84 Executive Budget, the Governor's program called for a reduction of some 14,000 positions over the course of the fiscal year. Agencies then developed implementation plans for the reduction that called for the elimination of 13,000 positions to achieve the necessary permanent savings. Under the plans, 1,000 positions were allowed to be restored as agencies identified alternative recurring expenditure reductions, revenue enhancements, or transfers of positions out of the General Fund.

Although legislative action on the budget resulted in the restoration of nearly 4,000 positions, the greater-than-anticipated success of the early retirement program, coupled with other personnel actions, resulted in a reduction in the size of the State workforce by some 10,500 positions since January 1.

"The success of the early retirement program, and the judicious use of attrition and layoffs have allowed us to maintain our spending goals for the year. At the same time, careful management of preferred lists has minimized dislocation among State employees," the Governor said. Noting that because responses to the early retirement program had exceeded expectations, the Governor indicated that certain agencies now would be given limited authority to fill positions necessary to meet essential operational needs.

"In this manner we can avoid service disruption while meeting a permanent workforce reduction goal of 9,100 positions this fiscal year. We will continue to seek management opportunities to reduce the size of the State workforce," the Governor said.

Governor Releases Budget Summary

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 1, 1983

Governor Mario M. Cuomo today released the *1983-84 Budget Summary* on developments in the economy and State programs during the first six months of the current fiscal year.

This year the *Summary* also included the second quarterly update to the Legislature on the annual financial plan, which was transmitted on October 31 as required by law.

The report indicates that the State's finances closely track original projections made in April, with revenues and expenditures for the fiscal year in balance at \$18.615 billion. This projection, up \$4 million from the July estimate, excludes the revenue required to finance last year's deficit. Although some individual components of receipts and disbursements show minor changes, the differences are comparatively small and in the aggregate consistent with the original forecast.

Governor Cuomo said he was especially gratified by the mid-year report for three reasons:

- The mid-year budget balance testifies to the

accuracy and integrity of the financial plan and confirms the wisdom of conservative budgeting and cost-conscious management.

— Further, the strict balance is in stark contrast to last year's *Summary*, which projected a current year deficit of \$500 million and a \$1.8 billion deficit for 1983-84.

— The budget balance results from the diligent efforts of the legislative leadership, who operated within an agreed-upon spending level and adopted a balanced, timely budget, and the Comptroller, whose verification of the financial plan helped reach an early agreement on the resources available to the State.

"When all parties devote their energies to cooperatively designing a budget and financial plan, the State proves its ability to manage its resources carefully and prudently," the Governor said.

The updated forecast reflects the relative accuracy of the national economic forecast on which the financial plan was based, and indicates that, as predicted, the national economic recovery is affecting the State later, and to a lesser extent, than other parts of the country. The State's economy has, however, experienced measurable gains.

"While the indications of a recovery are encouraging, real interest rates remain at historic highs and continue to threaten our economic gains. Moreover, adverse actions at the Federal level or the inability of some State authorities to market bonds required to finance critically needed facilities could undermine the financial plan," the Governor cautioned.

Governor Cuomo also noted that the plan continues to be balanced without any reserves which could be used to mitigate against adverse situations during the remainder of the year.

Governor Announces Regional Forums (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 25, 1983

Governor Mario M. Cuomo today announced he will

hold a series of five regional community forums around the State beginning next Tuesday, November 29, in Albany.

The forums "will provide an opportunity for a dialogue with New Yorkers in every area of the State, so that we may exchange views on the budget situation the State will face as we enter 1984, and on the State's priority needs," the Governor said.

The two-hour forums will include a brief presentation by the Governor and question-and-answer sessions.

Editor's Note: Forums were scheduled for Mineola (November 30), the Southern Tier and Western New York (both on December 13), and the Mid-Hudson Region (December 14).

Governor Commends Comptroller Regan

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 5, 1983

Governor Mario M. Cuomo today commended State Comptroller Edward V. Regan on his intention to again play a valuable and constructive role in the State's budget deliberations and the annual spring borrowing. Governor Cuomo said that:

Comptroller Regan's review and certification of the validity and appropriateness of the Executive's revenue projections at my request last year greatly assisted the budget deliberations between the legislative and executive branches. The Comptroller's certification that the financial plan presented to the Legislature was, indeed, "tightly balanced" was instrumental in securing, for the first time in several years, timely passage of the State budget and an orderly and successful spring borrowing.

We expect that the Comptroller's participation and public analysis of the forthcoming financial plan at our request this year will again prove valuable in keeping next year's budget debate focused on the difficult policy choices facing the State, rather than on lengthy disagreements over the resources available.

The Comptroller's review should ensure that we are able to continue to meet our financial responsibilities to the people of New York in a timely and responsible fashion.

HEALTH

GENERAL

Governor Proclaims United Cerebral Palsy Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 21, 1983

Governor Mario M. Cuomo has proclaimed Sunday, January 23, 1983 as United Cerebral Palsy Day in New York State. "In New York State alone more than 10,000 United employees and volunteers work night and day to improve the lives of the 25,000 people in New York afflicted by cerebral palsy and other developmental disabilities," he said. "We must support the efforts of these steadfast workers and the courageous community they serve so well."

Mrs. Matilda Cuomo will present the proclamation on behalf of her husband at the annual United Cerebral Palsy Telethon "Weekend With The Stars" this Sunday afternoon at about 1:20 P.M., CBS Television, Studio 41, 524 West 57th Street.

Governor Presents Health Awards

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 23, 1983

Governor Mario M. Cuomo presented six special health education awards in a Red Room ceremony to highlight Health Education Week in New York State today.

Declaring that "decent health care must not be the prerogative of the few," the Governor honored individuals and programs instrumental in health education. "With imagination, compassion and dedication," the Governor said, "these people and programs are helping create a

revolution in health care, making prevention as much a presumption of health as fresh air or first aid."

The Governor awarded Special Citations for achievements in health education to the Floating Hospital of New York City and the Montgomery County 4-H Summer Youth Program, "Health and You." The Floating Hospital provided health education services to over 80,000 disadvantaged New Yorkers in 1982. The 12 teen-aged members of "Health and You" conducted health education programs at day camps, parks, and playgrounds for over 800 youngsters between the ages of eight and twelve.

Three other programs were honored with an Award of Merit. They are the Arden Hill Hospital in Goshen, which conducts a comprehensive health education program; the Erie County Health Department's "Health Education for Mature Citizens" project; and St. Mary's Hospital of Amsterdam and its special health educator, "Beltman."

In addition, Mrs. Marjorie Guthrie was awarded a Special Citation in recognition of her efforts as an advocate for the victims of genetic disorders and her dedication to improving the quality of life for all people. Mrs. Guthrie, founder of the Committee to Combat Huntington's Disease, was absent from the ceremonies due to serious illness.

In making the awards, the Governor said that:

these people and programs are educating New Yorkers to the science of staying healthy, of avoiding the mistakes and habits that cost us millions of dollars and, far more important, thousands of lives.

Governor Proposes Alcoholism Insurance Coverage

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 21, 1983

Governor Mario M. Cuomo today submitted legislation to require coverage for the diagnosis, treatment, and rehabilitation of alcoholism and alcohol abuse in school blanket and group health insurance written by commercial

insurers, nonprofit health insurers and health maintenance organizations.

"Alcohol abuse and alcoholism cost American society upwards of \$65 billion last year, costs caused by: absenteeism and lost productivity; alcohol-related health care costs; deaths; injuries and property damage due to alcohol-related crashes; and costs to the criminal justice system and to families. New York State accounted for more than \$4 billion of that amount," the Governor said.

In submitting the legislation, Governor Cuomo said:

treatment often depends largely on the availability of adequate health insurance coverage. Unfortunately, adequate health insurance coverage for alcoholism remains the exception and not the rule.

To expand insurance coverage, New York adopted a "make available" law in 1981 that requires commercial insurers to issue group coverage, if requested, for the diagnosis and treatment of alcoholism. Current law applies only to commercial insurers; the Blue Cross companies are exempt.

The cost of the benefits package required may vary but is not likely to exceed sixty cents per month per covered adult. Some commercial carriers, such as Kemper Insurance, have incorporated alcoholism benefits at no additional charge.

"By making insurance coverage more widely available it will encourage people to seek treatment. A decade of public funding has shown that treatment and rehabilitation can be successful. Group health insurance can assure the revenue needed for these services at a time of severe constraints on State and Federal funding for alcoholism programs," said Governor Cuomo.

Governor Announces Cost Containment Measures

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 14, 1983

Governor Mario M. Cuomo today announced that he

has submitted legislation to place a cap on new capital construction and adopt a new capital budgeting process for hospitals, nursing homes and clinics, and to reform the State Hospital Review and Planning Council.

In announcing the legislation the legislation, Governor Cuomo said:

Our challenge today is to maintain New York's traditional commitment to quality health care in the face of growing needs and demands for services without a corresponding increase in the resources with which to fund them. In order to use our resources most effectively, we must be able to analyze relative need among projects objectively.

It is estimated that statewide requests for capital projects through 1984 will exceed \$5 billion. An application no longer should be approved merely because it meets the existing criteria of need, character, competence, and financial feasibility. It should also pass a relative need screen and be affordable within a rational planning system which recognizes that although needs may be virtually unlimited, the resources to meet those needs are not.

The present certificate of need system is seriously deficient in that it does not include the test of relative need and affordability and, therefore, cannot adequately control escalating health care costs.

The health care cost containment package of seven bills proposed by the Governor would:

- require that new capital construction be reviewed as to its relative need and affordability, subject to a statewide cap on capital approvals;
- subject capital projects intended for hospital inpatients to the certificate of need process;
- restructure the State Hospital Review and Planning Council to ensure broader consumer, business and payor representation;
- streamline the certificate of need process by eliminating the requirement that the State Hospital Review and Planning Council provide a health systems agency with a hearing prior to issuing a recommendation that differs with the health systems agency's recommendation;

— prevent windfall profits to owners of nursing homes by continuing for one year past the December 31, 1983 deadline the provisions of the Public Health Law relating to reimbursement of residential health care facilities for capital costs;

— require the prior approval of the Commissioner of Health for certain acquisitions of major medical equipment which will be utilized for hospital inpatients in order to ensure quality of patient care, conserve fiscal resources, and comply with Federal provisions under the National Health Planning and Resources Development Act;

— make technical changes in last year's "Medicare Waiver" bill to conform to the Federal approvals that were necessary to enact that bill.

The bill to limit hospital establishment and construction costs would establish a statewide medical facilities plan with a proposed target for future hospital construction. The plan, which would be adopted by the Commissioner of Health with the advice of the State Hospital Review and Planning Council, would create a long-term planning target and process which emphasizes regional health care priorities and cost-saving solutions.

As well as placing an annual expenditure limit for applications that may be approved, the bill would add new criteria of relative need. Under the new criteria, a project could not be approved if its annual operating and capital costs exceeded that portion of the annual expenditure limit allocated to the health systems agency geographical area in which the proposed construction would occur. Allocations to health systems agency geographical areas would be based on the ratio of the total operating and capital costs or expenses incurred by all medical facilities within a respective area to the sum total of all such costs or expenses incurred by all medical facilities within the State.

Governor Supports HMO's

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 17, 1983

Governor Mario M. Cuomo announced today he has submitted two bills that reinforce State government

support for health maintenance organizations (HMOs), which provide comprehensive medical service to enrolled subscribers on a prepaid basis.

The first measure — designed to encourage expansion of HMOs — would, among other things, exempt diagnostic and treatment centers of the HMO type from having to meet construction requirements applicable to hospitals.

The second — to encourage Medicaid recipients to join HMOs — would permit a selected group of federally qualified HMOs to provide extended Medicaid eligibility to applicants who, under present law, lose eligibility for the first six months of their enrollment.

Governor Cuomo said:

HMOs and other types of prepaid health plans are generally considered to be among the most efficient and cost-effective alternatives to the conventional fee-for-service health care delivery system. Various studies have indicated that total costs for enrollees in such plans may be from 10-40 percent lower than costs for comparable populations receiving care in more traditional settings.

Studies have shown that the quality of care offered under most plans is equal to or better than that provided in fee-for-service delivery systems. Thus, cost savings are achieved without sacrificing quality of care. Expansion of HMOs is, accordingly, an important objective of the State health system.

Governor's Comments on Funeral Directors' Actions

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 17, 1983

I consider most unfortunate the action by the New York State Funeral Directors Association to encourage members not to embalm the bodies of AIDS victims for 60 days. Bereaved family members who have already witnessed the premature death of a loved one should not be subjected to unnecessary added turmoil. To deny full funeral services to AIDS victims is an affront to their

human dignity and their families.

I have directed State Health Commissioner Dr. David Axelrod to investigate all legal remedies available — including a new statute if necessary — to ensure that the civil rights and human dignity of AIDS victims' families are not compromised by this or any other action in New York State. Today, the Public Health Council took action to make AIDS a reportable disease under State law so that all cases may be thoroughly investigated.

I have also asked Dr. Axelrod to seek immediate clarification from the Federal Centers for Disease Control on recommendations, if any, they might issue on a national basis regarding the embalming or burial of AIDS victims.

I am expecting an initial report next week from the recently appointed State AIDS Task Force, including recommendations on the funeral directors' concerns and other issues associated with AIDS. One of my primary objectives in establishing this Task Force was to ensure that all their respective jurisdictions take all appropriate steps to safeguard the human rights and dignity of AIDS victims. I should point out that not a single health care worker or employee of a funeral home has contracted the symptoms of AIDS.

New York State, with more than half of the AIDS cases in the nation, has a particular responsibility to set an example for the nation in ensuring that inaccurate information does not generate or reinforce prejudicial attitudes toward any of the groups which appear susceptible to this syndrome.

Our goal, and responsibility, is to shed light on the cause or causes of this devastating condition, and to help find a cure. Our responsibility is also to stop the proliferation of irrational fears.

Editor's Note: See Executive Order No. 15 and accompanying press release for additional information.

Governor Announces AIDS Program (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 22, 1983

Governor Mario M. Cuomo announced today a ten-point program to ensure appropriate care for and protect the civil rights of AIDS victims and their families.

The initiatives, including legislation the Governor submitted today that would subject funeral directors to penalties for acts of misconduct if they refuse services to AIDS victims, were contained in recommendations by the Interagency Task Force on Acquired Immune Deficiency Syndrome (AIDS) in its first report. The Governor appointed the Task Force May 17.

The legislation would clarify the role of the State Commissioner of Health by specifically defining a funeral director's refusal to provide services based on the nature of the deceased person's disease as misconduct. Penalties for misconduct range from reprimand to fines to suspension or revocation of a funeral director's license to practice.

"Recently, there have been instances of families who have been denied services by funeral directors solely because of the nature of the disease from which their family members succumbed. Although adequate precautions can, of course, be taken by funeral directors in the public interest to protect themselves from certain diseases, the outright refusal of services to persons based on the nature of their disease is not in the public interest," the Governor said.

Governor Cuomo said, "The families of the terminally ill are burdened enough with other concerns and should not have to worry about whether their loved ones will receive a decent burial."

In addition to submission of the legislation, Governor Cuomo announced a series of other administrative actions and initiatives to further understanding of this serious health program, ensure proper care for AIDS patients and protect the civil rights and human dignity of AIDS victims and their families.

"I am satisfied that the Task Force recommendations on which the initiatives are based are sound and will meet the State's responsibility to provide assistance to those members of the family of New York who are suffering from this disease," the Governor said.

These initiatives call for:

1. Institution of mandatory reporting of all AIDS cases within 24 hours. These records, to be kept strictly confidential, will help us monitor the disease and identify epidemiologic factors, relative to its cause and prevention.

2. Issuance of recommendations for funeral directors who are handling AIDS victims, drawing on guidelines previously issued for health care workers. These common sense guidelines were promulgated by the National Funeral Directors Association, and approved by the Federal Center for Disease Control.

3. Expansion of information and education programs, for the public, press, and professional and occupational groups. This will expand on the effort already mounted to provide accurate information to health care workers and corrections officers. Outreach efforts will be directed to such groups as ambulance drivers, EMTs, laundry workers.

4. Identification of appropriate acute care facilities within the existing municipal and voluntary hospital sector to ensure appropriate care for members of the State's institutionalized populations who are stricken with AIDS.

5. Establishment of a labor/management subcommittee within the State AIDS Task Force to address specific concerns among State agency employees and unions.

6. Expansion of the State's laboratory service capability to provide special diagnostic tests and laboratory evaluations not otherwise available for institutions, physicians and local governments dealing with AIDS cases.

7. Institution of coordinated research efforts to determine AIDS risk factors, to identify early symptoms and to develop screening techniques to provide early warning and perhaps prevention.

8. Continued careful monitoring of the State's blood supply through the special task force I established last January. This group, made up of top immunologists, has concluded that current evidence indicates there is no significant risk of AIDS from transfusion.

9. Continued support of counseling for high risk groups and AIDS victims and families through agencies such as the Gay Men's Health Crisis of New York City and the Office of Drug Abuse Services.

* * *

Attached are copies of a statement by the Governor and the first report of the AIDS Task Force.

Statement by Governor Mario M. Cuomo

Throughout the recorded history of civilization, disease has been mankind's constant companion. One of our century's wisest and most profound scientists, the late Rene Dubos, reminded us that as we conquer one disease, invariably another, perhaps more complex malady comes along to take its place. Man and his environment are ever changing, and as these changes occur, so also does the nature of the human organism and its response and susceptibility to disease.

We need to bring this historical and statesmanlike perspective to the fear-ridden and often unreasoned dialogue that currently surrounds the immune-suppressive disorder known as Acquired Immune Deficiency Syndrome, or AIDS.

Each new disease that is discovered brings with it not only public health concerns, but problems affecting the civil rights of those who are afflicted and their families. While we must do everything necessary to protect the general public and those health-care personnel and others charged with the care and custody of AIDS victims, we must not permit AIDS sufferers and their families to be subjected to irrational and unscientific behavior born out of fear rather than fact.

I believe it appropriate at this time to review the actions undertaken by the State in response to the spread of the AIDS disorder and to recommend additional steps necessary to protect the public health and the rights of patients and their families.

One of our greatest concerns was that AIDS might be spread by means of blood transfusions. In January, I instructed the State Health Commissioner, Dr. David Axelrod, to inquire into the potential of donated human

blood as a source of exposure to AIDS. He reported back to me that the State Blood Council had studied the available evidence and found that the public faced no significant risk of AIDS from blood transfusions.

Five weeks ago I established a State Interagency Task Force on AIDS, and named Dr. Axelrod as its Chairman. Today I received the first report of the Task Force and I would like to share with you their primary findings.

The Task Force has reported that while there is much that we still do not know about AIDS, there is a good deal we do know.

People who suffer from AIDS develop an unexplained failure of their immune system, leaving them prey to rare opportunistic infections and/or an unusual form of cancer. There is no clear-cut evidence that AIDS is an infectious disease or even that it is a discrete disease with a common causative agent or factor.

In the two years since the syndrome was first discovered, about 1,500 AIDS cases have been reported in the nation, and almost half of these are from New York State. Of the 700 cases involving New York State residents, 651 occurred in New York City. Of the remaining 49 cases, 36 occurred in the State prison system, with only a dozen or so cases of AIDS occurring in the general population of the State outside of New York City.

AIDS is characteristically a disease of men, and tragically, most of them are young men. Ninety-three percent of the cases reported thus far involved men, and over 90 percent of these were among men in the 20 to 49 age group. The mortality rate is high — almost 40 percent and climbing.

There is a common thread in the case histories of AIDS victims. About 70 percent of all AIDS sufferers are homosexuals or bisexuals. Another 17 percent are admitted IV drug users. A few cases have been detected among Haitian immigrants and a few others involved hemophiliacs who receive clotting compounds derived from blood given by many different donors.

All current medical and epidemiologic information indicates that AIDS can be spread only by intimate sexual

contact or through the use of shared needles for injection of drugs. There is no evidence that AIDS can be contracted through casual, even daily contact with a person who has the disease, or even by eating or drinking from the same utensils as AIDS victims.

Is there significant risk to the general population? Not on the basis of current evidence. No hospital or laboratory worker or funeral home employee has contracted the disease. In fact, AIDS may not even be a disease in the classical sense; it may represent an innate defect in, or a wearing out of, the body's immune system.

What can we do about AIDS? First, we must show understanding and compassion for the victims and their families. Second we must recognize our best allies in dealing with this problem, just as they have been in facing all previous health challenges, are science and reason. Medical science presently has no cure for AIDS, so we must learn more about the disorder — what it is and how it is transmitted. To this end, the State Public Health Council on Friday mandated that doctors and hospitals must report cases of AIDS to their local health departments. This will help health officials in their quest to monitor the nature and spread of AIDS.

While there is no evidence that AIDS is a communicable disease, the State Health Department has recommended that hospitals concerned with the application of normal treatment procedures to AIDS patients utilize the precautionary steps currently in place for patients suffering from a transmissible illness. Strict infection control procedures will serve to protect the safety of hospital patients and personnel, and also protect highly susceptible AIDS patients from exposure to infectious organisms that may be present in the hospital. Similar precautions will be conveyed to funeral home directors. Blood banks are voluntarily using screening methods to prevent donations by people who are at risk of developing AIDS.

I have directed Dr. Axelrod to coordinate a multi-faceted educational program on the subject of AIDS, directed primarily to high-risk groups, such as the homosexual community and known drug users. Similar efforts will be undertaken in the prisons, the State mental health centers, in the health-care community, and among the public at large. Our goal should be to prevent the

further spread of this disorder, which appears to have a one- to two-year incubation period following exposure.

Similarly, I have directed Dr. Axelrod to recommend to me such steps as are required to ensure that families of AIDS victims who have died from this disease are able to avail themselves of appropriate funeral services. On the recommendation of the State Health Commissioner, I am today submitting to the Legislature a program bill which will clarify and underscore the ability of the State to penalize a funeral director for misconduct for refusal to provide services solely on the basis of the disease from which the person has died.

At the same time, Dr. Axelrod will immediately issue to all funeral directors in the State a series of guidelines for handling the bodies of AIDS victims. These guidelines are based on the most recent advice of the Center for Disease Control (CDC) of the United States Public Health Service in Atlanta, and the recommendations of the State Health Department's scientific staff. I believe these guidelines will provide the full protection necessary for the employees of this industry.

Our goal, indeed our responsibility, is to shed light on the cause or causes of this devastating condition, and to help find a cure. At the same time, we will set an example for the rest of the nation by taking all appropriate steps to safeguard the human rights and dignity of AIDS victims and their families.

Editor's Note: The Initial Report to the Governor by the NYS AIDS Task Force (June 21, 1983; 20pp) is available at the State Library.

Governor Announces Guidelines for Funeral Directors

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 29, 1983

Governor Mario M. Cuomo announced that AIDS safety precautions for funeral personnel, developed jointly by the State Health Department and the New York State Funeral Directors Association, will be issued today to all funeral firms in New York State.

Based on issuance of these guidelines, the State Funeral Directors Association has waived a prior resolution (adopted on June 17, 1983) calling for a 60-day moratorium on embalming of the bodies of AIDS victims.

"I am pleased that swift, cooperative efforts by the State and the funeral directing industry has resulted in appropriate measures to adequately safeguard funeral service personnel and ensure the availability of full funeral services for AIDS victims and their families," Governor Cuomo said.

In support of the guidelines, Lester R. Grummons, President of the NYS Funeral Directors Association said:

During the past two weeks, the New York State Funeral Directors Association has taken an active role in addressing itself to AIDS, and its ultimate effect on its members. Today, the New York State Department of Health is issuing practitioner guides as to how to handle deceased AIDS victims. Therefore, so as to protect our membership, and to safeguard the human rights and dignity of AIDS victims and their families, we are endorsing these guidelines.

The State guidelines include recommendations for protective clothing, safe handling of blood products and other materials, and cleansing of instruments and equipment. (See attached Department of Health memorandum.)

Prior to issuance of the guidelines, the Health Department conferred with the Federal Centers for Disease Control which concurred in the recommendations.

"While there is no current evidence that AIDS poses a risk to the general population or to health care workers, the Health Department has recommended that hospitals and funeral firms take precautions similar to those recommended for diseases potentially transmitted by blood contact. Occupational groups that may have concerns about AIDS should confer with the State Health Department for guidance and advice," the Governor said.

Editor's Note: The Health Department memorandum, which is technical in nature, is not reproduced.

Governor Approves AIDS Research Programs

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 5, 1983

Governor Mario M. Cuomo announced today he has signed legislation authorizing a \$4.5 million research program on AIDS. In addition the bill expands education and treatment programs for the victims of this tragedy, the workers who care for them, and an unjustifiably frightened public.

"Since so much of what is known about AIDS is based on incomplete research reports, thumbnail sketches and inadequate data, funding of thorough scientific research is vitally important," the Governor said. "New York is taking the lead in research as well as in counselling victims and workers affected by the syndrome."

"Unfortunately, AIDS has been responsible for far more than suffering on the part of its victims, which is tragic enough. It has also caused an irrational public fear and mindless persecution of those groups identified as high-risk members of the population," the Governor said.

"These additional funds as well as our continuing efforts to educate the public must, therefore, serve a number of purposes. First, of course, we must strive to find better treatments and a cure for this disease. But, at the same time, we must educate the public to understand that AIDS is only transmitted through limited types of contact and all members of at-risk populations should not be discriminated against or shunned," he said.

A labor-management committee, established by the Governor's Task Force on AIDS, has been at work for weeks briefing unions and workers on the facts and myths about AIDS. This effort will be enhanced by the \$600,000 appropriation contained in the legislation signed by the Governor. The existing public education program, aimed primarily at dispelling fear of blood transfusions, and at combating discrimination against homosexuals and Haitians, to name two particular groups, will be aided by a \$150,000 appropriation in the legislation.

The AIDS Institute being established in the Department of Health will coordinate these programs under

the leadership of Dr. David Axelrod, the State Health Commissioner. Dr. Axelrod has already assembled a panel of eminent scientists from around the country to serve on the seven-member research advisory panel which is to review research proposals.

"Our initiatives in New York will set an example for the rest of the nation in that we will take all appropriate steps to safeguard the human rights and dignity of AIDS victims and their families. Compassion and understanding will be our guiding principles," the Governor said. "And, to our elected leaders in Washington, I issue the call: join us in this humanitarian quest, because the health of our people is vital to the strength of our nation," he said.

Governor Cuomo pointed out that health officials from around the country — New Jersey and California are two examples — are turning to New York for advice on how to deal with AIDS, both the disease and the resulting fear. In addition to labor-management counseling, New York has investigated and acted to protect the blood stocks used daily all over the State and nation, coordinated, developed and disseminated safety protocols for health care workers, laboratory technicians, funeral directors and ambulance personnel. The Department of Health has also expanded its laboratory capabilities to assist local government and hospitals in testing necessary for diagnosis and treatment.

New Yorkers, for still unknown reasons, are victimized disproportionately by AIDS, with 921, or 47.9 percent, of the 1,922 cases reported nationally as of mid-July. New York's prison system now has a total of 44 reported cases. New York and New Jersey are still the only prison systems with reported cases of AIDS.

"Compared with the national effort — essentially a diversion of \$12 million in already earmarked research funds — New York's research and education programs stand as a symbol of our concern and a blueprint for action," the Governor said.

Earlier this year, the State approved a grant of nearly \$200,000 to Gay Men's Health Crisis for a statewide counseling and educational outreach program.

Governor Cuomo praised Senator Roy Goodman and Assemblyman James Tallon for their efforts in sponsoring

this necessary legislation. Among those in attendance for the bill signing ceremony in the Governor's New York City office were: Monsignor James Cassidy, Chief of Hospitals for the Archdiocese of New York; Jean-Claude Compas, Chairman of the Haitian Medical Committee on AIDS; Roger McFarlane, Executive Director of the Gay Men's Health Crisis, Inc.; New York City Health Commissioner Dr. David Sencer; Philip Seelig, President of the New York City Corrections Officers Association; representatives of other unions, and a number of AIDS patients.

Editor's Note: See Approval Memoranda Numbers 76-77, Chapters 822-823 of the Laws of 1983. See also September 1 announcement of AIDS research panel and November 18 announcement of AIDS Advisory Council.

Governor Approves Alcoholism Insurance Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 8, 1983

Governor Mario M. Cuomo today signed into law a bill insuring that millions of New Yorkers suffering from alcoholism receive the care they require.

The measure mandates expanded insurance coverage for alcoholism and alcohol abuse. It requires all insurers offering group plans to provide outpatient coverage of at least 60 days for people with drinking problems. Up to a third of the outpatient days may be made available to members of the alcoholics' families who have to cope with the impact of the disease. In approving the bill, Mr. Cuomo noted that traditionally the chronic drinker's need for medical care has been ignored. "The overwhelming majority of alcoholics do not receive treatment for their alcoholism," he said, "although most alcoholics will eventually receive very expensive hospital treatment for their alcohol-related illnesses."

Under the measure, Blue Cross and Blue Shield, which provide coverage for most group plans in the State, will also have to make available inpatient alcoholism programs, if requested.

The Governor said he believed the preventive

medicine aspect of the measure would mean an eventual reduction in health care costs. He pointed out that, as of now, the annual cost of alcohol-related health care and the consequences of the disease — absenteeism, accidents, injuries and deaths — is \$4 billion in New York. He added that damage done to family and professional relationships could not be measured in monetary terms.

The new law further requires that plans for new alcoholism treatment facilities be strictly monitored in accordance with this Administration's commitment to health care cost containment. Construction of the facilities will be permitted only if legitimate need in the immediate area has been demonstrated and the project's financial feasibility is established. The law will take effect September 1, 1984.

Editor's Note: See Approval Memorandum No. 43, Chapter 595 of the Laws of 1983.

Governor Announces Maternal and Child Health Block Grant

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 10, 1983

Governor Mario M. Cuomo today announced that \$7.74 million is available for local governments and agencies addressing high priority maternal and child health needs in New York State.

"This extra block grant funding, provided by the Federal Emergency Jobs Bill, is designed to assist those New Yorkers who are in need of preventive and basic health care. Undernourished mothers with undernourished babies, school children with no dental care, and children with high lead levels in their blood can all benefit from this money," the Governor said.

The added Maternal and Child Health Block Grant, on top of \$23 million allocated to New York previously, is being administered in nine different programs by the State Health Department. The Department is seeking applications from approximately 900 public and nonprofit agencies, and has mailed formal "requests for proposals" to each. For example:

— One seeks proposals for programs to identify and provide health care, nutritional and educational services to pregnant women at risk of delivering low birth weight infants. Low birth weight is the single most important contributor to infant death and disability; each year 75 percent of all infant deaths occur among low birth weight infants, who comprise 10 percent of all live births.

— Another asks for proposals to provide preventive and primary health care services to children in grades 9 through 12 in three underserved inner city areas where school health services are not the responsibility of the local school districts; New York City, Buffalo, and Rochester.

— A third requests proposals for programs to identify and serve children at high risk for dental disease.

— Another calls for proposals to establish screening programs for children aged one to five years at high risk for excessive blood lead levels and iron deficiency anemia. They will provide lead screening tests and follow-up treatment and will also remove sources of lead in the children's environment.

The deadline for submission of proposals to the Health Department is September 15 with award of funds anticipated approximately October 15. Continued funding is dependent on the availability of funds and the success of the programs.

The Federal Emergency Jobs Bill was enacted this spring in recognition of the hardships associated with the recent recession. A total of \$4.6 billion in Federal funds will be provided nationally through this bill, to create productive jobs and to provide assistance to the indigent and homeless.

Governor Approves Hospice Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 15, 1983

Governor Mario M. Cuomo announced today his approval of legislation which officially recognizes hospice care as a unique and important alternative for the terminally ill and authorizes the expansion of hospice programs in New York State.

"The bill also provides for certification of hospice programs by the State Health Department and makes hospice services eligible for reimbursement under the State's Medicaid program. In today's cure-oriented, high-technology medical culture, hospice emerges as an attractive alternative for those who cannot benefit from further medical intervention. It allows the terminally ill to die with integrity and dignity, surrounded by family, friends, familiar possessions and compassionate caregivers," Governor Cuomo said.

Hospice is a coordinated program of home, outpatient and inpatient care which treats the terminally ill patient and family as a unit. It offers palliative and supportive services to meet the special needs of dying persons and their families in coping with the physical, psychological, spiritual, social and economic stresses that may be experienced during the final stages of illness, death and bereavement.

"The goal of hospice is to enable a patient to live the remaining days as comfortably and peacefully as possible. This is fostered by maximizing home care and volunteer services as opposed to hospital care. Many patients request to be taken home from a hospital once their condition has been diagnosed as terminal. Hospice provides the support services to allow the family to care for a loved one at home and also deal with their own fears and grief," the Governor said.

Fourteen hospice programs have been operating in New York State under a demonstration program authorized by the State Legislature in 1979. An in-depth evaluation of these pilot projects by the State Health Department in 1982 has shown hospice to be a very satisfying and cost-effective method of care for terminally ill patients. "By officially recognizing hospice as a distinct category of health care service, we hope to encourage the expansion of hospice programs in New York State," the Governor said.

The new legislation authorizes the Commissioner of Health to certify hospice programs, develop standards and regulations governing hospice care and survey the quality of care provided. The legislation also amends the Social Services Law making hospice services eligible for medical assistance reimbursement up to the amount authorized by the Federal government.

The 14 existing hospice programs will be authorized to continue to operate and become certified under the Public Health Law. Existing hospice programs are operated by: Genesee Region Home Care Association (Rochester); Hospice Buffalo, Inc. (Buffalo); Hospice Care Inc. (Utica); Capital District Hospice Inc. (Schenectady); Long Island Jewish/Hillside Medical Center Hospice (New Hyde Park); North Shore University Hospital Hospice (Manhasset); St. Luke's Roosevelt Hospital Center (New York City); United Hospital Hospice (Port Chester); Cabrini Medical Center (New York City); Our Lady of Lourdes Memorial Hospital (Binghamton); St. Peter's Hospital (Albany); Beth Abraham Hospital (Bronx); Mercy Hospital Association (Rockville Centre) and Metropolitan Jewish Geriatric Center (Brooklyn).

Editor's Note: See Approval Memorandum No. 24, Chapter 416 of the Laws of 1983.

Governor Comments on Family Shelter Situation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 22, 1983

I am informed by the Department of Health that no one denies the existence of intolerable conditions at the Martinique and Granada Hotels in New York City.

On Saturday I ordered State Health Commissioner David Axelrod to investigate the situation and to provide relief to the families in those hotels. Further, I have asked Dr. Axelrod and his staff to cooperate fully with City officials in dealing with this problem.

An increase in the shelter allowance is certainly a valid subject of concern, which will be discussed in the context of next year's budget.

Governor Announces AIDS Research Panel (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 1, 1983

Governor Mario M. Cuomo today announced appointment of a scientific research panel to guide the State's

new \$4.4 million AIDS research effort. The research council will help the newly formed AIDS Institute in the State Health Department choose which research proposals and projects to fund.

"We are fortunate to have the services of internationally known scientists in immunology, epidemiology, virology and other related fields. They will give New York the opportunity to sponsor the most vital, relevant and important research on causes and treatment of this puzzling syndrome," Governor Cuomo said.

Members of the panel were selected by Health Commissioner David Axelrod.

The research panel was established by Chapter 823 of the Laws of 1983, which called for a State-funded and coordinated research and public education campaign on AIDS. An AIDS Institute and an AIDS Advisory Council, with members to be named by the Governor and legislative leaders, were also established by the legislation. Senior officials of the AIDS Institute, previously announced, include Dr. Herbert Dickerman, Deputy Director of the Health Department's Center for Laboratories and Research, as Director; Mel Rosen, founder and former Executive Director of the Gay Men's Health Crisis, as Program Director; and Paul Moore, Director of the Health Department's Bureau of Budget Management, as Administrative Director.

Potential research grantees will be solicited with a formal request for proposal by mid-September. The AIDS Institute expects to receive formal applications by November 1 and to review them with the research panel named today. Grants are expected to be awarded by January 1.

Editor's Note: The members were Harold S. Ginsberg, M.D.; Beatrix Hamburg, M.D.; Abraham M. Lilienfeld, M.D.; Richard A. Rifkind, M.D.; Matthew Scharff, M.D.; Gene M. Shearer, M.D.; G. Jeanette Thorbecke, M.D.; and Daniel C. William, M.D.;

Governor Commends Research Efforts

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 18, 1983

The accomplishment of these young Department of Health research scientists demonstrates the vitality of scientific and technological expertise in New York State, which can serve as a major resource to foster industrial development, create new jobs, and spur technological innovation.

The State will continue to focus its scientific resources on public issues of increasing societal concern. It leaves to industry the task of developing the knowledge and technological bases created by our research institutions. One of the brightest possibilities of this discovery lies in the agricultural field. For it may give us a technique for immunizing New York's prize dairy herds against disease.

I commend Dr. Enzo Paoletti and Dr. Dennis Panicali, as well as their laboratory assistants and technicians, for their dedication and persistence in pursuing this important public health initiative.

Governor Announces AIDS Advisory Council (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 18, 1983

Governor Mario M. Cuomo today announced the members of the State's new AIDS Advisory Council, and named the Right Reverend Paul Moore, Episcopal Bishop of New York, to chair the group.

"We are delighted that such a diverse and capable group has agreed to advise the State on this major public health concern, and I am particularly pleased that Bishop Moore, whose advocacy for the protection of basic human rights has been a hallmark of his teachings, is willing to lead the Council," the Governor said.

The AIDS Council, created by Chapter 823 of the Laws of 1983, is charged with advising State Health

Commissioner David Axelrod on AIDS outreach activities, education and counseling programs for AIDS victims and their families, and affected employee groups such as nurses and corrections officers. A newly formed AIDS Institute in the Department of Health is responsible for overseeing a \$4.5 million scientific investigation of AIDS, with the guidance of a special Scientific Council, as well as a program of education, outreach and counseling, under the oversight of the Advisory Council.

"I shall look to Bishop Moore and his fellow Council members, including Senator Roy Goodman who sponsored the legislation, for guidance on how best to deal with the human tragedies and dislocation of the lives of those affected by AIDS. I am determined that our government's efforts will be directed to help and protect the victims, get accurate information to the public, to service workers who care for the victims, and to prevent discriminatory action against people with AIDS or at high risk of getting AIDS," the Governor said.

The most recent statistics from State and national sources demonstrate that New York continues to have nearly half of all cases nationally. As of late October, there were 2,577 cases reported in the United States, and 1,270 of those were here in New York. (Of those, all but 132 were reported in New York City.)

A Scientific Advisory Council on AIDS, also created by this year's legislation, has already met once and is now in the process of reviewing more than 250 research proposals submitted. That Council is chaired by Dr. Richard Rifkind, chair of the Memorial Sloan-Kettering Institute.

"While there is no evidence, one way or the other, that this syndrome, which has stricken so many young members of our community, is a contagious disease, special precautions are being taken to guard both the victims and the individuals who serve them. That is why I have instructed Employee Relations Director Thomas Hartnett, who has already established a joint management-labor committee on AIDS, to join this Advisory Council's deliberations and make known the concerns of our corrections officers, and other service employees," the Governor said.

Under Dr. Axelrod's direction, the AIDS Institute has

already organized meetings with community groups, local officials and concerned citizens in most sections of the State. The Institute is helping localities to identify necessary educational and outreach programs for each community, and to apply for State funding.

Editor's Note: The Governor named Bishop Moore; Diego Lopez; Doris Turner; David Leven; Peter Vogel; Lola Poisson; Robert Cecchi; and Dr. James Mohn. Senate Majority Leader Anderson named State Senator Roy Goodman, and Edward Mirand. Speaker Fink named Michael Callen, and Irving Copperburg. Senate Minority Leader Manfred Ohrenstein named Ernest Raugh. Assembly Minority Leader Rappleyea named Dr. Duncan Clark.

MENTAL HEALTH

Governor Proposes Advocacy Restructuring

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 7, 1983

Governor Mario M. Cuomo today submitted legislation to restructure the Mental Health Information Service as an independent legal advocacy agency for the mentally disabled and rename it the Mental Hygiene Legal Service.

"The fundamental reform I am seeking would eliminate the current conflict inherent in MHIS serving at once as legal representative for the client and as advisor to the court. To eliminate this dual loyalty, the new MHLS would be responsible for providing legal services and assistance only to patients, residents and their families. My proposal also recognizes statutory and program changes which have occurred since MHIS was created in 1964 to protect the legal rights of mentally disabled or allegedly mentally disabled persons," Governor Cuomo said.

Civil rights legislation and litigation over the last 20 years has expanded the rights of the mentally disabled, and this in turn has increased the demand for legal services to protect these legal rights. In response, the Legislature has taken a variety of actions, including expanding the Service's functions, strengthening the advocacy and oversight responsibilities of boards of visitors and creating the Commission on Quality of Care

for the Mentally Disabled. The establishment of that body in 1978 has provided a new systemic advocacy for patients and residents that now allows the Service to concentrate its attention on the need for individual legal advocacy, to focus its efforts in the area of greatest need, the Governor said.

The proposal also would remove the obligation of the Service to make routine and periodic clinical determinations of patients' suitability for medical and programmatic treatment, although Service lawyers would continue to dispute any clinical determination in court or otherwise. Instead, the Service must periodically ascertain their clients willingness to accept the treatment offered, with suitability determinations made by the facility director.

Under the proposed legislation, the presiding justices of the four judicial departments of State Supreme Court would remain as appointing authorities for their respective jurisdictions.

Governor Proposes Strengthened Family Care Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 15, 1983

Governor Mario M. Cuomo announced today that he has submitted two bills to strengthen the State's family care program for the mentally disabled.

One bill would permit mentally disabled individuals to be placed into family care homes without first having to be admitted to a State-operated institution. Presently, the State cannot pay the full non-Federal share of the cost of medical assistance to family care clients unless they have been conditionally released from a State Department of Mental Hygiene institution.

"Because family care has become an alternative to institutionalization, it is no longer appropriate to require individuals to be institutionalized prior to placement in family care before they can be eligible for State aid," the Governor said. "By eliminating the conditional release requirement, the process of placing disabled persons in family care will be streamlined," he said.

The second bill calls for demonstration projects testing the effectiveness of family support services and a study of existing and needed services to enhance a family's capacity to care for a developmentally disabled member at home. A report based on the study and developed in conjunction with local mental hygiene directors is to be made to the Governor and Legislature by January 1, 1985.

Governor Cuomo noted that legislation approved last year makes available \$200,000 for respite services for families who care for a developmentally disabled member at home. This appropriation will provide financing for the demonstration projects. The legislation also appropriates \$75,000 for a statewide conference on family support services.

Family support services include programs such as comprehensive assessments services, parent training, crisis stabilization, home care, mental health counseling and in-home respite. But little is known about the nature of the delivery of these services, their organization, funding, planning and coordination.

"The State must focus its attention on these low-cost initiatives to help families offset the need to place their family member in expensive long-term care beds and to make a range of cost-effective family support services more widely available and accessible," Cuomo said.

Governor Proposes "Aging-Out" Coverage

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 21, 1983

Governor Mario M. Cuomo today announced that he has submitted legislation to create a planning and referral process for handicapped children placed in residential facilities located in New York State who will require services after the age of 21.

The package of bills would also provide for home relief payments for residents of residential facilities licensed by the Office of Mental Health at the same rate established for payments under the Supplemental Security Income program. In addition, the legislation would

expand the access of minors to Mental Health services by specifying circumstances when the consent and involvement of the parent or guardian for outpatient treatment of a minor would not be required.

"Presently, funding for residential placements terminates when the child attains the age of 21. This period of 'aging out' is often a chaotic time as parents struggle to find acceptable services for their children. Further, adult-service providers do not have adequate lead time to plan for these now adult placements. This bill can ease the transition for children placed in residential facilities located in New York State as they 'age out' of the child care and education systems and require adult services," Governor Cuomo stated.

The bill would require that the parent of a handicapped child placed in an in-State residential facility or residing in a State or State-supported school be notified when the child reaches the age of 18 that the child will not be entitled to receive tuition-free educational services after the age of 21. The notice would offer assistance in determining whether the child will need adult services, and would offer assistance in planning and coordinating a referral to adult services.

The bill also provides that the local committee on the handicapped forward all existing information and reports regarding the child's need for services to the Commissioner of Mental Health, Mental Retardation and Developmental Disabilities, Social Services or Education. The determination of which agency should receive the information and reports would depend upon the committee's consideration of the child's physical, mental, emotional and social needs, as well as the child's handicapping condition.

The Education Department and the Council on Children and Families would monitor the referral process. The appropriate Commissioners would be required to determine if a child will need adult services and to recommend available services.

The legislation amending home relief payments would remove the great variation in home relief payment rates which range from under \$200 per month to the SSI rate applicable to OMH licensed residential facilities (between \$581 and \$612). In so doing, the legislation would enable

facilities to establish operating budgets at a level sufficient to permit the provision of needed services, enhance the financial viability of residential facilities serving the mentally ill, and eliminate a disincentive to placement of home relief clients in such facilities.

The bill in relation to mental health services for minors would establish a requirement that the consent of the minor's parent or guardian be obtained before a physician or a facility provides outpatient services (other than in a medical emergency). The bill would, however, allow for an exception when a physician determines both that the treatment is essential to the child's well-being and that requiring parental or guardian consent or involvement would be detrimental. In addition, a second exception would permit the physician or facility to provide a minor an initial evaluation to determine whether the requirement of parental consent may be dispensed with.

Governor Proclaims Special Olympics Week

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 31, 1983

Governor Mario M. Cuomo attended the opening of the Special Olympics today. At the ceremony, the Governor proclaimed it Special Olympics Week.

Governor Approves Community Residence Grants

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 1, 1983

Governor Mario M. Cuomo announced today he has signed legislation making State grants available to reimburse local governmental units and voluntary agencies for start-up costs for community residences.

"By helping not-for-profit organizations overcome their initial cash-flow problems in the developmental stage, the State will take a major step to encourage voluntary agencies and county mental health agencies expand their efforts to provide needed community residence beds. This legislation helps fulfill the State's

commitment to establish community residences for the mentally ill and developmentally disabled as an alternative to institutional care," Governor Cuomo said.

The legislation authorizes the Office of Mental Retardation and Developmental Disabilities and the Office of Mental Health to award grants covering 100 percent of the costs associated with buying furniture and minor rehabilitation of community residences and 80 percent of reasonable legal fees, initial staffing costs and up to two months rent.

Commissioners of the two agencies, subject to the approval of the State Budget Director, will establish maximum development costs per bed for community residences as a yardstick for reimbursement.

Currently, not-for-profit organizations provide 6,600 beds in community residences.

Governor Approves State Medicaid Pick-Up (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 3, 1983

Governor Mario M. Cuomo today signed legislation providing for a State pick-up of Medicaid costs for the mentally disabled and a reduction of the local share of long-term care over the next three years.

Under the legislation, the State will permanently assume the total non-Federal cost for Medicaid to the mentally disabled beginning January 1, 1984. In addition, the local share of Medicaid will be reduced over a three-year period to 10 percent for all long-term care services provided to Medicaid recipients. Specifically, the local share for long-term costs will go down to 14 percent starting in January, 1984 and decrease to 12 and 10 percent respectively in January, 1985 and January, 1986.

In signing the legislation, Governor Cuomo said:

This is an historic occasion, one we have worked toward for years, one that many said we would never see.

Today the State lifts from the shoulders of our counties an immense financial burden. Today the Medicaid share of New York City and the 57 counties is \$1.5 billion and growing. It has forced many municipalities to impose higher property taxes, increasing the most oppressive of all our tax devices. Indeed the Medicaid load now, on the average, eats up \$1 out of every \$3 from the property tax levies of counties outside of New York City.

Long-term care represents, as you all know, the largest single component in the Medicaid plan statewide, amounting to almost 46 percent of all Medicaid expenses.

The legislation should, by 1984, save counties over \$400 million out of an expected cost to them of \$1.7 billion. By 1988, the State should take responsibility for over \$900 million out of an anticipated price-tag to counties of \$3 billion.

In addition, we expect, I think reasonably, that this new fiscal restructuring, by offering counties a larger reimbursement for longer-term care, should give local officials an incentive to work harder to place patients, now situated in hospitals unnecessarily, into nursing homes or family homes. This would spur, in turn, an expansion in home-based services and reduce costs overall for long-term care.

I am, as is everyone here, greatly pleased that this bill has passed. Frankly I hope that we can in all things set our sights as high as we did here and settle for progress as substantial as the progress we have settled for here.

The ultimate measure of all our striving is the result achieved. The result here is the single most dramatic relief to local governments by the State in its history.

Governor Cuomo also offered special thanks to Lieutenant-Governor Al DelBello, Speaker Stanley Fink, Senate Majority Leader Warren Anderson, Senator Tarky Lombardi, Jr. and the New York State Association of Counties for their efforts.

Long-term care, as a category, is the single largest component in the Medicaid program statewide and constitutes the vast majority of local Medicaid expenditures in many counties in the State. Long-term care

consists of nursing home care, home health service, intermediate care facilities, and personal care. These services account for about 44 percent of all Medicaid costs.

Governor Announces Select Commission (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 7, 1983

Governor Mario M. Cuomo today announced the appointment of a 16-member Select Commission on the Future of the State-Local Mental Health System as a first step in statewide restructuring of the program.

"The time is now for a systematic review of the traditional roles and responsibilities of the State, local government and other providers that will advance solutions for a total overhaul of the system," he explained. The Select Commission, will be chaired by Jerome Goldsmith, Ph.D., Executive Vice President of the Jewish Board of Children and Family Services. The Commission is charged with developing policy options that will improve the coordination of programs offered by the State, counties and other providers. It also will evaluate financing mechanisms to permit an orderly, comprehensive restructuring of services and relationships between State and county government. The Commission will also review the current roles and responsibilities of the State and local governments in the planning, regulation and provisions of mental health services and recommend to the Governor ways to strengthen community care services and establish a new relationship between levels of government.

As part of its overall mission, the Governor directed the Select Commission to immediately establish a special subcommittee to develop short-term recommendations to ease overcrowding in municipal and State psychiatric inpatient units in New York City. "Any solutions recommended by the subcommittee must reflect a recognition on the interdependence of municipal, State and voluntary psychiatric services in the provision of a continuum of mental health care," Governor Cuomo said. The subcommittee will evaluate the extent to which acute care beds are inappropriately occupied by individuals in

need of intermediate or longer term care and the extent to which intermediate and longer term beds are, in turn, inappropriately occupied by individuals in need of safe and adequate housing in the community.

The group also will consider the need, if any, for modifications in the "Tripwire" agreement between the City and State that, since November 1981, has provided for the transfer of patients from two municipal hospitals to State-operated facilities in order to provide relief from actual or imminent overcrowding.

The Governor has asked for an interim report by November 1, 1983, on short-term actions that can be taken to ease overcrowding in New York City. Longer term recommendations would be included in the Select Commission's final statewide report to the Governor on February 1, 1984.

Editor's Note: The members named were: Jerome M. Goldsmith, Ed.D. — Chairman; Robert L. Schiffer; Chester Burrell; Peter Regan, M.D.; Leslie Brower; Phyllis Harrison-Ross; Edward Levine, Esq.; Dick Netzer, Ph.D.; Martin S. Begun; Jaime Inclan, Ph.D.; Ellen Grant, Ph.D.; Eugene Aronowitz, Ph.D.; Mary Seigle; Thomas A. DeStefano; Martin Kesselman, M.D.; and Irving Berkowitz.

Governor Approves Mental Health Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 8, 1983

Governor Mario M. Cuomo announced his approval today of a package of bills designed to improve the State's programs for mental health services. "These bills, along with others I have proposed and signed this year, will aid in the delivery of effective mental health services to those who need them," Governor Cuomo said.

One bill would eliminate the requirement that mentally disabled individuals must be released from State institutions before they qualify for fully State-funded public assistance and Medicaid benefits in family care homes. The bill will allow these individuals to be admitted directly to family care homes, and receive the benefits, without admission to a State institution.

A second bill strengthens the enforcement powers of the Office of Mental Retardation and Developmental Disabilities over the regulation of noninstitutional services for the mentally retarded. The law insures that immediate action can be taken against programs that threaten the well-being of the mentally retarded.

The third bill eliminates the requirement of parental consent for mental health services for minors in cases in which parental consent would be detrimental. For example, parental consent would not be sought for treatment of emotional problems caused by child abuse.

The bills are effective immediately.

Governor Announces Mental Health Services Council (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 7, 1983

Governor Mario M. Cuomo today announced formation of the new State Mental Health Services Council. The Council, the result of 1982 legislation which replaced the Advisory Council on Mental Health, was created to advise the Commissioner and Office of Mental Health on such issues as the service needs and services available to the chronically mentally ill, elderly, multiply disabled, children and adolescents, financing of community based services and other issues related to mental health, as well as the Office's rules and regulations for the provision of these services.

Council members serve without compensation, and already have been confirmed by the Senate. Governor Cuomo noted that the Council includes "a distinguished group of persons expert in the field of mental health and dedicated to the provision of quality service to our mentally ill and other persons in need."

Eleanor Mallach Bromberg, 50, New Rochelle, will serve as Chairman of the Council, in a term expiring March 31, 1986. Dr. Bromberg is a graduate of Brooklyn College with a master's degree in social work from Smith College and doctorate in social work from Columbia University, and is a Professor at Hunter College and, until

recently, Chairman of the State Mental Health Advisory Council and Westchester County Mental Health Services Board.

Editor's Note: State Mental Health Commissioner Steven Katz serves ex-officio. Other members are Martin S. Begun; Chester E. Burrell; Robert E. Detor, Jr.; Ernesto Ferran, Jr., M.D.; Jerome M. Goldsmith, Ed.D.; Carol P. Horn; Hamilton F. Kean; Mary Margaret Litzenberger; Beverly McClure, D.S.W.; John P. McCrea; Sister Mary Rose McGeady; Lynn Ohrenstein; Bert Pepper, M.D.; James E. Ramseur; William J. Serafin; Muriel D. Shepherd; Bernice Skirboll; John A. Talbott, M.D.; Philip L. Toia; and Joseph Wagman.

HOUSING

GENERAL

Governor Proposes J-51 Program Extension

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 4, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to extend and reform New York City's J-51 tax abatement program.

"The purpose of this legislation," Governor Cuomo stated:

is to extend the positive impact of the J-51 program while reforming those parts that have been misused. Clearly, there is an important place for tax abatements for certain types of rehabilitation. However, we must make sure that these abatements are targeted so that they do the greatest good for those who need them most. This bill provides a reasonable compromise, which makes clear that our commitment in using J-51 is to promote decent, safe and affordable housing for New York City residents.

Under the J-51 program individuals rehabilitating residential property are allowed an abatement on current taxes due and are generally allowed to exempt from taxation the increased assessed valuation resulting from the rehabilitation activity.

The legislation submitted by the Governor today would extend for an additional three years (to December 1987) the termination date by which rehabilitation must be completed in order to be eligible for J-51 assistance. In addition, the legislation would place limits on allowable tax exemptions based on assessed valuation and would target J-51 aid toward the most needy individuals and neighborhoods.

The bill would allow only the first \$15,000 per unit of rehabilitation costs to be abated. In addition, the bill creates a schedule allowing for percentages of increased valuation due to rehabilitation to be exempt from taxation, based upon the postrehabilitation assessment of the building. Thus, buildings with units assessed at \$15,000 and below would be allowed a 100 percent exemption; buildings with units assessed at \$34,000 and above would be allowed no exemption.

In addition, the bill provides for a 50 percent enrichment of J-51 abatement benefits for rehabilitation activity that would benefit the most needy individuals and neighborhoods and prohibits J-51 benefits with respect to SRO's, except those buildings vacant as of December 31, 1982. Individuals found to have harassed or to have illegally evicted tenants would be barred entirely from the J-51 program.

Governor Announces J-51 Legislation Agreement (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 27, 1983

Governor Mario M. Cuomo today announced that agreement has been reached on proposed legislation to modify and extend for three years New York City's authority to grant tax abatements and exemptions pursuant to Section J-51 of NYC's Administrative Code.

In announcing the agreement, Governor Cuomo stated:

This agreement achieves a major reform: providing benefits where they are needed particularly in the outer boroughs of New York City, without granting benefits to developers who would proceed even without receiving favorable

tax treatment. These revisions will increase City tax receipts without discouraging the needed rehabilitation of residential housing.

The Governor praised New York's Mayor Ed Koch as "an indispensable element in reaching agreement. I am pleased," the Governor added, "that the Mayor and I have been able to work together again so successfully." In addition, the Governor praised Assembly Speaker Stanley Fink, Senate Majority Leader Warren Anderson, Senate Minority Leader Manfred Ohrenstein, Assemblymen Alexander "Pete" Grannis and Richard Gottfried, and Senator John Daly for their contributions to the agreement.

According to the agreement, a limitation would be placed on benefits available for the conversion of single room occupancy housing. Abatements under the program would be limited to the first \$15,000 of certified reasonable cost. Greater abatements would be available only if the local housing agency certifies that improvements were necessary to correct dangerous conditions.

The proposed legislation would create a schedule allowing for percentages of increased valuation due to rehabilitation to be exempt from taxation, based upon the postrehabilitation assessment of the building. The schedule would range from 100 percent of the increase on the first \$20,000 of assessed valuation down to 0 percent of the increase above \$32,000. However, incremental benefits would be carried over for projects whose added value increases up to \$40,000 per unit. Above \$40,000, no benefits would be provided.

The bill would also include special provisions for governmentally assisted moderate rehabilitation and rehabilitation projects in low and middle income areas.

Governor Announces Grant Awards (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 31, 1983

Governor Mario M. Cuomo announced today the

funding of \$5,213,595 to 104 nonprofit community-based groups for housing and revitalization activities in New York State. The grants, which were approved by State Housing Commissioner Yvonne Scruggs-Leftwich, are part of the Neighborhood Preservation Companies (NPC) Program and the Rural Areas Preservation Companies (RPC) Program.

In announcing the grants, Governor Cuomo said:

Today we are helping our communities to help themselves. These are the same communities which gave comfort and shelter to our immigrant families and became havens for other diverse cultural and ethnic groups when our economy brought about their dislocation. The work they do continues through these programs.

Commissioner Leftwich said:

The Division of Housing and Community Renewal will work together with these local groups to help develop a consistent plan that will reshape and restructure their areas. Together we can bring about those neighborhood improvements and foster conditions with local government and the private sector to make a difference in the quality of life of New Yorkers.

The NPC and RPC programs finance administrative expenses of nonprofit organizations involved in community revitalization efforts. Although the funds can only be used for administrative expenses, NPC and RPC groups are involved in a variety of activities, such as: rehabilitating or improving residential buildings and restoring abandoned housing to habitable condition; sealing and demolishing unsafe or abandoned structures; helping tenants obtain improvements in maintenance or physical conditions of their housing; managing housing; developing new housing, and providing staff support for overall community development activities. Program grants are made to eligible groups on a yearly basis. The maximum annual grant is \$100,000, renewable to a total of \$300,000.

Both programs are administered by the Division of Housing and Community Renewal. Nonprofit groups that may be eligible for funding must be in existence for one

year with a demonstrated capability to perform preservation activities, representative of the area in which they propose to operate and meet all other statutory requirements.

Governor Submits Mitchell-Lama Reform

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 3, 1983

Governor Mario M. Cuomo today announced he has submitted legislation to speed foreclosure proceedings against housing companies that are delinquent in meeting mortgage payments for State-subsidized Mitchell-Lama projects.

A second bill would give the Commissioner of Housing and Community Renewal or the supervising agency more control over limited-profit housing companies which are in arrears on mortgages held by the State, its public benefit corporations or municipalities or in violation of the law or rules of the Commissioner.

The expedited foreclosure procedure would prevent defendants in court suits from delaying foreclosures for years through unrelated claims against the State or public authorities holding mortgages. At the same time, the bill would preserve the rights of defendant companies or limited partners to press claims dismissed through the expedited procedure in a separate court action.

Because of the speeded-up procedure, public entities that grant mortgages would be able to recover their projects promptly and improve them through infusions of fresh capital from new investors. Improvements are needed at many Mitchell-Lama projects, Governor Cuomo noted, because housing companies have little incentive to efficiently manage the projects. There is little incentive because, among other things, tax benefits continue after default.

"The goal of the Mitchell-Lama law is to provide an adequate supply of 'safe and sanitary dwelling accommodations' at rents that low-income people and their families can afford," the Governor said:

Unfortunately, the effectiveness of this program is seriously threatened by inadequate management and tax incentives which encourage housing companies to fail to meet their obligations. The availability of expedited foreclosure would . . . allow the agencies to accomplish the public policy of the Mitchell-Lama law by deterring project owners from defaulting on their managerial, as well as their financial obligations, thereby improving conditions for tenants through improved project management.

The Governor said the procedural change was justified to protect both the State's investment and the projects' tenants. The latter, he said, "should be spared the inevitable deterioration of their living environment."

Since 1975, the Legislature has appropriated more than \$120 million for the Urban Development Corporation and the Housing Finance Agency to cover housing company arrearages in debt service.

Addressing the second bill, the Governor noted that under current law, only two avenues are available to the Commissioner of Housing and Community Renewal and supervising agencies in the event that a limited-profit housing corporation fails to comply with the law or meet its debt service: the removal of members of the board and replacement with new members or court action to enforce orders in the face of a failure to comply.

The legislation would give the Commissioner additional powers to help insure that housing companies comply with the law and meet their debt service requirements by placing liability for civil penalties up to \$1,000 on those actually in control — the officers and directors, the managing agent and those who through partnerships or similar arrangements are the actual owners of a project.

Additionally, in the event a project is 60 days in arrears on a mortgage, the legislation gives the Commissioner or supervising agency the power to require all revenue received by the project to be deposited into a special account. Any withdrawals from the account would be subject to the written approval of the Commissioner or supervising agency.

The legislation permits "an intermediate level response to a failure by a housing company to meet its obligations that is not as drastic as removal of housing company board members or foreclosure. It also provides a significant deterrent to those who would seek to avoid compliance with their legal obligations, and would promote the safe and efficient management of housing projects," the Governor said.

Governor Announces CDBG Program (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 6, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to establish a \$45 million Community Development Block Grant (CDBG) program to be administered by Secretary of State Gail Shaffer. The \$45 million represents New York State's \$39.4 million share of the Federal CDBG program plus the \$5.7 million allocated to New York as part of the Federal Jobs Bill (PL98-8).

In announcing the legislation at a press conference with Secretary of State Shaffer, Governor Cuomo said:

It is imperative that we not overlook the economic development needs of our State's smaller communities and cities. This \$45 million provides us with an opportunity to bring additional jobs and housing to these areas of New York. In order to insure that the smallest units of local government receive assistance from this program, this legislation provides for a rural set-aside of at least 15 percent to be targeted to units of local government with populations less than 2,500. Secretary of State Shaffer has also agreed to provide technical assistance in order to enhance award opportunities to these small oftentimes rural communities.

In addition, the bill would establish a discretionary fund which could be used by the Secretary to respond to unanticipated or emergency situations by awarding grants for the alleviation of imminent threats to the public

health or safety or for sudden and severe economic dislocation.

Earlier this year, Governor Cuomo notified the U.S. Department of Housing and Urban Development that, unlike last year, the State would exercise its option to administer the CDBG program in FY 83. The bill would identify the Secretary of State as the entity administering the program.

"The Department of State should be particularly effective in handling this program both because of its ability to provide technical assistance to the small communities targeted by this funding and due to its involvement in numerous other Federal programs," Governor Cuomo added.

Secretary of State Shaffer announced that, as part of the Department's plan to administer the program fairly and efficiently, she has scheduled a series of public forums in 14 communities across the State, beginning in Batavia on Wednesday, June 8. The Secretary stated that:

These forums will provide an opportunity for local government officials and other interested parties to express their ideas on how the program should be administered. We intend to tour the State and listen and be sensitive to the needs of local governments, to be helpful in their implementation of the program. The Department of State intends to work closely with the Division of Housing and Community Renewal, SONYMA, the Department of Agriculture and Markets, the Department of Commerce and others so as to provide communities with as broad a base of technical assistance as possible.

The primary objective of the CDBG funds is to develop viable urban communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low and moderate income. Major activities that could be funded under the program include rehabilitation and preservation projects, improvements to public facilities, and economic development and business financing.

Cities under 50,000 population and rural counties under 200,000 persons are eligible to apply for funding.

It is estimated that approximately 1,250 communities across the State fall under these guidelines.

Governor Approves Housing Bills

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 3, 1983

Governor Mario M. Cuomo today signed into law a series of bills in the housing area aimed at increasing tenant protections and stimulating rehabilitation of housing for low- and moderate-income persons.

Among the most significant bills signed by the Governor were a two year extension and additions to the Emergency Tenant Protection Act and reformation of the J-51 housing program. In signing the legislation, Governor Cuomo said:

The ETPA and J-51 legislation that I am signing today are particularly important steps in our policy both toward housing and economic development. ETPA provides important protection for tenants in their relations with landlords. The J-51 bill insures that tax benefits are used to promote low- and middle-income housing rather than luxury apartments.

Clearly, these bills do not complete the tenants' agenda. However, I am pleased that we have been able to take such a major step forward in securing tenants' rights.

I would like to thank the legislative leaders for their cooperation in obtaining passage of this needed legislation. I am also grateful to Senator John Daly and Assemblymen Alexander "Pete" Grannis and Richard Gottfried for their sponsorship of these bills.

Under the legislation signed by Governor Cuomo, the Emergency Tenant Protection Act is extended for two additional years, until May 15, 1985. In addition, the legislation also creates a number of significant tenant protections, including rent registration for all covered units, treble damages for willful overcharging, elimination of mid-year rent surcharges, extension of stabilization to

units owned by institutional landlords, and the right of related tenants to share the same apartment.

In addition, tenants will no longer be able to assign leases, and three-year leases will be abolished. A provision allowing for eviction from an apartment which the landlord intends to use personally was restored after being inadvertently dropped from rent legislation last year.

The bill also transfers administration of the rent control and rent stabilization systems to the State Division of Housing and Community Renewal. Currently, rent control and rent stabilization are administered, respectively, by the NYC Department of Housing, Preservation and Development and the Conciliations and Appeals Board. Affected personnel and functions will be transferred to the State on April 1, 1984.

The J-51 program, which was extended and reformed by legislation signed by the Governor today, provides tax benefits for rehabilitation of multifamily housing. The program reduces and, in some cases, completely eliminates property taxes otherwise due, thereby allowing for the rehabilitation of housing at more affordable rents.

The bill specifically provides for full benefits for projects in which the postrehabilitation assessment per unit is under \$18,000. Partial benefits are available on a sliding scale up to \$38,000 per unit. Units assessed over \$38,000 will receive no benefits. Additionally, the bill allows the City housing commissioner to precertify projects for benefits in order to provide assurances to prospective lenders as to the level of incentives and rents. As-of-right benefits are also continued in Neighborhood Preservation Areas, designated by the City as requiring special housing assistance, after local review and City Council action.

The J-51 measure also enhances benefits in specified geographic areas and for certain types of projects, targeting the incentives in order to aid low- and moderate-income persons.

Governor Cuomo also signed legislation that would make it more difficult for landlords to evict tenants as part of the process of converting rental housing to cooperative or condominium housing. Similar provisions

were enacted last year with respect to New York City; the bill signed today generally conforms the provisions of Westchester, Nassau, and Suffolk to those of New York City.

Finally, the Governor signed into law a bill that temporarily lifts a statutory funding cap imposed on neighborhood preservation companies funded by the State Division of Housing and Community Renewal. The legislation also provides \$750,000 to the Division to establish a rural initiatives program. The funds will be used to make small capital grants to rural preservation companies for the rehabilitation and production of housing in rural areas.

Editor's Note: See Approval Memoranda Numbers 19, 20 and 23, Chapters 401-403 respectively of the Laws of 1983.

Governor Announces Affordable Housing Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 5, 1983

Governor Mario M. Cuomo today announced a new Affordable Housing Program under which \$150 million in mortgage funds will be made available for low-interest home mortgages in New York State. The program, administered by the State of New York Mortgage Agency (SONYMA), will provide mortgages with a maximum term of 30 years at a fixed-interest rate of 9.9 percent to qualified low- and middle-income residents.

The mortgage funds will be made available as a result of SONYMA's recent sale of \$170 million of tax-exempt bonds; \$20 million of the sale is dedicated to required debt reserves and administrative costs. In announcing the Affordable Housing Program, Governor Cuomo said:

This is a perfect example of how government can work with private business to help people. We all realize how difficult it is for young families, for middle- and low-income people to find affordable housing. This program gives New Yorkers the opportunity to purchase their homes without having to mortgage their futures.

I am pleased that we are now making it possible for New Yorkers to buy homes at mortgages below 10 percent. In fact, this 9.9 percent SONYMA mortgage is the lowest currently being offered by a State agency anywhere in the United States.

I would also like to thank Merrill Lynch, represented here today by Edmond Moriarty, Jr. for their willingness to serve as lead underwriter of the bond sale.

Funds from the bond sale will allow 2,500 to 3,000 families to buy or build new homes. In addition, 20 percent of these funds are directed to specially targeted areas, which are hard-pressed economically. One third of the funds, or \$50 million, will be used for new housing construction, thereby producing approximately 1,000 construction jobs.

Governor Cuomo also announced that of the \$170 million bond issue, \$4 million would be committed to expand the Charlotte Gardens Project in the South Bronx. In addition, SONYMA has committed an eventual \$7.5 million to aid the Nehemiah Plan in building houses for low- and moderate-income families in East Brooklyn.

Approximately \$1 billion in bonds over the past 13 years have been issued under SONYMA's Mortgage Program. Through the issuance of these bonds, the Agency has generated about 30,000 mortgage loans for New York State residents. Under the Affordable Housing Program the Agency will use the proceeds from the upcoming bond issue to purchase newly originated mortgages from financial institutions.

This program will enable the Agency to target funds to specific areas for specified development projects throughout the State. In turn, lenders will be able to provide below market mortgages to first-time homebuyers and to targeted neighborhoods at virtually no risk. Pursuant to the provisions of the new Federal Mortgage Subsidy Bond Tax Act, the following requirements for the new mortgages must be observed:

1. Mortgages may be written for new single family and existing one- to four-family homes.
2. Borrowers cannot have had an ownership interest in their principal residence for three years prior to

closing. (This requirement is waived in target areas.)

3. The actual purchase price of an eligible home must be at or below the purchase price limits set for each county.

The bonds were extremely well received on Wall Street at their sale on June 30, and received a Double AA rating by Moody's, reflecting SONYMA's strong credit.

Governor Announces Loans for the Nehemiah Plan

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 19, 1983

Governor Mario M. Cuomo tonight announced to the Delegate Assembly of East Brooklyn Churches \$7.5 million in low-interest loans from the State of New York Mortgage Association.

The East Brooklyn Churches is a group of 40 churches from East New York, Ocean Hill-Brownsville, and Bushwick; it represents about 40,000 people. The group is sponsoring the "Nehemiah Plan" to provide Brooklyn residents with low-cost housing.

"You conceived the dream. You secured the land, labor, the no-interest construction funds and capital grants. The one remaining stumbling block was long-term, low-interest, fixed-rate mortgage funds, and now the State is privileged to help remove it. To help you build the walls and raise high the roof beam," said Governor Cuomo.

The Nehemiah Plan will provide low-cost housing in several ways:

- A \$12 million pool of non-interest construction loans provided by the Churches;
- \$7.5 million SONYMA long-term mortgage money;
- capital grants provided by New York City, repayable on sale; and
- efficiencies in land assemblage and construction.

"The Nehemiah Plan or the State's commitment of \$7.5 million isn't going to solve Brooklyn's housing problems nor make much of a dent in the immense number of

people who have watched the dream of ever owning a home fade out of reach and in the millions for whom slums and broken plumbing and crumbling ceilings are a simple fact of life. But it tells us the way we must go. In the most eloquent language of all — the language of brick, and plaster board, and glass — it refutes the naysayers, the negativists, those who say our cities are dying and that this part of an historical process beyond our ability to control," said Governor Cuomo.

The Nehemiah Plan will be making homes available for approximately \$35,000. The State's provision of low-cost mortgage financing allows for monthly payments of about \$300 opening up homeownership for families earning \$20,000 a year.

Governor Approves Antidiscrimination Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 27, 1983

Governor Mario M. Cuomo today signed two bills banning discrimination against the elderly and persons with children in the rental of housing. In signing the legislation, the Governor said the bills attack "two of the most pernicious forms of discrimination."

"Age discrimination has become a serious problem in the area of housing accommodation rentals. The conversion of growing numbers of rental units to cooperative and condominium status has exacerbated this problem. Landlords interested in converting often refuse to rent to the elderly, who cannot be evicted after conversion in many areas of the State," the Governor said.

"Discrimination against persons with children has also markedly increased, and this has had a particularly deleterious effect on minority households and households headed by women," the Governor said.

Governor Cuomo noted that this bill permits aggrieved persons to sue owners, agents or brokers who discriminate against persons with children and to recover attorneys' fees if successful.

The Governor commended Attorney-General Robert

Abrams for proposing the bills. Mr. Abrams, in commenting on the bills, said:

The lack of available housing is an acute problem in New York State, particularly for the elderly and for single-parent families with children. These laws will provide these groups with every possible access to decent housing.

Editor's Note: See Approval Memoranda 55-56, Chapter 657-658 of the Laws of 1983.

Governor Approves Elderly and Handicapped Protection Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 7, 1983

Governor Mario M. Cuomo announced today that he has signed legislation to extend protection statewide to elderly and handicapped tenants facing eviction from buildings being converted to cooperatives and condominiums. The bill also forbids unconscionable rent increases upon conversion.

"Because of housing shortages and their limited financial resources, elderly and handicapped tenants who cannot afford the price of cooperative apartments or condominium units, often suffer hardship as a result of eviction or exorbitant rental increases upon conversion. The trauma of moving from apartments that have been occupied for long periods of time increases the likelihood that many of these tenants will become prematurely institutionalized or need government housing assistance upon eviction," Governor Cuomo said in the approval message.

The bill authorizes cities, towns and villages, at their option, to adopt regulations to protect senior citizens and handicapped tenants in condominium and cooperative conversions. The bill applies outside of New York City and certain communities in Nassau, Westchester and Rockland counties, where similar protection already is available. The bill is effective immediately.

Editor's Note: See Approval Memorandum No. 71, Chapter 771 of the Laws of 1983.

Governor Announces Rural Housing Grants (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 14, 1983

Governor Mario M. Cuomo announced today that 15 housing companies in rural New York will receive letters of conditional commitment for \$2,712,400 in State rent subsidy funds.

The funds from the State's Rural Rental Assistance Program will subsidize the rents of 303 low-income families in housing developments to be built under the United States Farm Home Administration (FmHA) Section 415 Program.

"These grants are a continuation of our commitment to improve housing conditions in those often unnoticed pockets of rural poverty," Governor Cuomo said. "I am especially pleased that State Housing Commissioner Yvonne Scruggs-Leftwich has moved this program so swiftly this early in our Administration."

The Rural Rental Assistance Program, which was signed into law in 1982, provides \$7.6 million in State funds for rent subsidies. The funds are earmarked for a limited five-year term. The program is administered by the New York State Division of Housing and Community Renewal in conjunction with the FmHA Section 415 Program that provides mortgage loans at 1 percent interest to build housing for low-income rural families and the elderly.

To be eligible for the program, housing companies must meet all the Federal and State criteria, including:

- Evidence of need in the community must be demonstrated by a survey.
- Project must have support of community residents.
- Developer must have control of the construction site.
- Development plan must be financially feasible.

- Construction must meet FMHA design standards.
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Governor Approves Rural Area Revitalization Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 14, 1983

Governor Mario M. Cuomo today announced approval of legislation to establish the Rural Area Revitalization Program to help finance housing projects in rural areas of New York State.

"With this program, we take one more step toward remedying the problem of inadequate housing in rural areas. The unfortunate abandonment by the Federal government of a substantial role in housing production has had tragic consequences for the rural areas of New York. Local community groups find themselves in an increasingly desperate situation. Our existing Rural Preservation program provides planning and technical assistance funds to get projects moving. Today's legislation provides funds for actual housing production. It will be a rural counterpart to the Urban Initiatives Program that provides project development funding to neighborhood preservation companies in urban areas," Governor Cuomo said.

The program is financed by a \$750,000 appropriation. Under terms of the program, local, not-for-profit corporations may apply for contracts of up to \$100,000 for each project.

Another part of the bill lifts the cap on the amount of State funds that may be distributed to neighborhood and rural preservation companies across the State for administrative costs. Currently, the companies may receive up to \$300,000 in State funds, generally in aggregates of up to \$50,000 each year. The bill would allow one more year of funding of up to 75 percent of the largest previous annual grant.

"In passing this important measure, the Legislature correctly recognized that an artificial cap on groups' expenses is an awkward and inefficient method of controlling and managing local housing efforts. Self sufficiency for local groups is increasingly difficult,

given the reduced Federal presence in the housing area. We must do more to aid local housing efforts to become more effective, but a cap is not the answer. This legislation provides for an important transitional period for the Division of Housing and Community Renewal, working with local groups, to reformulate the program's goals and objectives," the Governor said.

The bill is effective immediately.

Editor's Note: See Approval Memoranda No. 66, Chapter 725 of the Laws of 1983.

Governor Approves NYC Housing Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 21, 1983

Governor Mario M. Cuomo today announced he has signed into law two housing-related measures affecting New York City and other municipalities.

The first bill changes the New York City Senior Citizen Rent Increase Exemption (SCRIE) program, under which the City forgoes property tax payments from building owners in return for owners' exempting senior citizens from rent increases. Under previous law, the owners' benefit was limited to taxes due. If qualifying rent increases exceeded this amount, owners were not entitled to any additional benefit. The new law provides for the City to make direct payments to owners under such circumstances.

"The previous law unfairly distinguished between owners on the basis of the extent of the tax liability of each, often with adverse effects for buildings with greater number of senior citizens," Governor Cuomo said. "The bill I have signed into law rectifies this unfair and counterproductive situation."

Governor Cuomo also signed into law a bill which provides New York City and other municipalities with greater flexibility in administering a multifamily housing loan program. The program, called the VIII-A program because it is authorized by Article VIII-A of the Private

Housing Finance law, allows municipalities to make loans to owners of multiple dwellings for the removal of substandard or unsanitary conditions that constitute building code violations or for the replacement of major building systems.

The legislation clarifies the program to provide that loans may be made for any improvement that would prolong the useful life of the building, such as masonry repairs or structural improvements. The legislation also removes certain requirements for Federal funding, a change that is necessary in light of the reduction in Federal funds available and that will allow the program to continue with local tax levy or private funds. The bill also allows municipalities to make loans to pay prior liens, such as mortgages, to protect a lien held by a municipality.

Editor's Note: See Chapters 895 and 923 of the Laws of 1983.

Governor Announces HUDC Project

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 9, 1983

Governor Mario M. Cuomo announced today during a visit to East Harlem that the Harlem Urban Development Corporation (HUDC) will undertake additional commercial revitalization work at La Marquetta, a unique complex of local merchants and vendors in East Harlem. The New York State Urban Development Corporation (UDC) is completing \$800,000 worth of spruce-work on one block of La Marquetta. The additional work will be sponsored by HUDC, which is a subsidiary of UDC.

"New York State can only be of assistance if it builds on the desires, aspirations and vision of its citizens, its families and its communities. La Marquetta is truly a superb example of the kind of cooperation that is necessary to revitalize East Harlem," he said.

Governor Cuomo said the State will continue to support community-based efforts which have led to the development of such projects as:

— The Taller Boricua Center, an art gallery and cooperative apartment building to be located on 106th Street and Lexington Avenue. This building will include space for an artists' workshop, exhibition center and six co-op apartments.

— The creation of a \$1 million Mental Health Clinic at 107th Street and Lexington Avenue. This project is financed through the State Offices of Mental Health and Mental Retardation and Developmental Disabilities and Federal funding.

The Governor also participated in the groundbreaking ceremony for Lexington Garden, a Section 8 housing development to be constructed on Lexington Avenue between 107th and 108th Streets, and visited the future site of Quarto/Lexington Homestead Condominiums (157-162-164 East 104th Street). These condominiums will be renovated and sold to members of the East Harlem community. Both projects are sponsored by local housing groups funded by the NYS Division of Housing and Community Renewal.

Governor Announces Major Programs (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 24, 1983

Governor Mario M. Cuomo today announced two major housing programs — one awarding approximately \$6.3 million for construction or rehabilitation of housing for the State's homeless population and the other providing \$184.5 million in home mortgage financing at a fixed-interest rate of 9.75 percent for low- and middle-income residents.

Twenty-one not-for-profit corporations, charitable organizations and municipalities will receive funds in the first round of awards made under the State's Homeless Housing and Assistance Program proposed by Governor Cuomo to the Legislature in January and signed into law in April. Additional awards of approximately \$6 million will be announced next month, to complete the initial year of funding for the four-year, \$50 million program, Governor Cuomo said.

"With the disbursement of this money, we in New York State, aided by nonprofit organizations, are strengthening our efforts to provide permanent residences and support services as well as emergency shelters for the homeless. As I have said repeatedly since taking office, our response to the needs of the homeless is a measure of our compassion and a test of our commitment to the ideals of justice, fairness and human dignity. I am proud of this first step to provide permanent housing and services for the homeless and even more proud that requests from community organizations and local governments exceeded the funds available by more than \$40 million," the Governor said.

The awards, subject to contract approval, have been granted to applicants from across the State who will offer a variety of programs — emergency, transitional and permanent housing — for the elderly, young persons, families, battered women and the mentally disabled with priority given to housing or capital improvements. Grantees must agree to operate the facility for a minimum of seven years.

A total of 144 applications for more than \$56 million were submitted through a competitive Request for Proposal process administered by the State Department of Social Services. The Department received proposals from housing development corporations, established social service providers and traditional providers for the homeless such as the American Red Cross.

Joining the Governor in making the announcement were William B. Eimicke, Chairman of the Governor's Emergency Task Force on the Homeless, and State Social Services Commissioner Cesar A. Perales, the Task Force's Vice-Chairman and administrator of the program.

It is estimated that expenditure of the \$6.2 million will result in the establishment of 411 new housing units and the preservation or upgrading of 582 units. Approximately 1,300 will be housed in these units.

The \$184.5 million in new low-interest home mortgage funds is available under the Affordable Housing Program administered by the State of New York Mortgage Agency (SONYMA).

The bond issue will provide mortgages with a

maximum term of 30 years and a minimum 5 percent downpayment to qualified low- and middle-income residents. This rate is four percentage points below the current conventional market rate. These mortgage funds are made available through SONYMA's recent successful sale of \$205,593,500 of tax-exempt bonds.

"SONYMA, with its ability to issue tax-exempt bonds, has become a significant source of mortgage capital and supplements the banking and construction industries. The success of the Agency's first bond sale, held this past July, fortifies the State's commitment to provide the necessary assistance to New Yorkers who are in need of decent affordable housing," Governor Cuomo said. SONYMA's first issue made available \$150 million in home mortgage funds at a fixed interest rate of 9.7 percent.

Funds from the new bond sale will allow 3,500 to 3,700 families to buy or build new homes, Governor Cuomo said. In addition, 20 percent of these funds will be directed to targeted areas that are hard pressed economically. One-third of the proceeds, \$61.5 million, will be utilized for new construction creating approximately 1,230 new construction jobs statewide.

Wallace L. Ford II, Executive Director and Chief Executive Officer of SONYMA, said:

This Agency has made available \$334.5 million for home mortgages in 1983 through bond sales totaling \$376 million. The overwhelming response the Agency received from the last bond issue underscores both the need for low-interest mortgages and the necessity for SONYMA to continue its ability to provide liquidity and stability to the mortgage market.

SONYMA has issued \$1.6 billion in bonds over the past 13 years. Through the issuance of these bonds, the Agency has generated about 38,000 mortgage loans for New York State residents. Under the Affordable Housing Program, the Agency will use the proceeds from the upcoming bond issue to purchase newly originated mortgages from financial institutions.

The program enables the Agency to target funds to specific areas for specified development projects throughout the State. SONYMA has set aside funds for

several diverse projects which encompass a vacant house rehabilitation program in Syracuse, a scattered housing site in Albany, a condominium project in Plattsburgh, a scattered housing program in Freeport, a condominium rehabilitation project in the South Bronx and a scattered housing site in Niagara Falls. In turn, lenders will be able to provide below market mortgages to first time homebuyers and to targeted neighborhoods at virtually no risk.

Under the provisions of the new Federal Mortgage Subsidy Bond Tax Act, the following requirements for the new mortgages must be observed:

1. Mortgages may be written for new single-family and existing one-to-four-family homes.
2. Borrowers must be first time homebuyers — a first time homebuyer is an individual who has not had an ownership interest in his/her principal residence for the past three years. (This requirement is waived in target areas).
3. The actual purchase price of an eligible home must be at or below the purchase price limits set for each county.

The bonds received Double AA rating by Moody's Investors Service.

Applications will be available at participating lenders on October 25, and will be accepted on a "first come, first served" basis on October 31. Ford noted that there is flexibility within the "first come, first served" requirement to allow banks to minimize lines. He advised interested persons to telephone lending institutions listed in local newspapers for the exact procedures.

Governor Announces Affordable Housing Efforts

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 9, 1983

Governor Mario M. Cuomo today presented a \$669,895 check to the Charlotte Gardens Housing Development Fund Company to begin construction of the first of 88 new factory-manufactured homes on Crotona Park East and Charlotte Streets in the South Bronx. Governor

Cuomo also announced that the State of New York Mortgage Agency has provided \$4 million in 9.9 percent 30-year mortgage financing for the project out of its July bond issue.

"This is an important day for the people of the South Bronx, in an area which was once said to symbolize the hopelessness of urban disintegration. Through a combination of Federal, State and local programs, these new homes will be made available at the price of \$50,000, well within the affordability of middle-income families in the area. Making quality housing available to low- and middle-income households is essential to our effort to revitalize our distressed neighborhoods and to make them safe and desirable places to live and to raise families," Governor Cuomo said.

In a visit to the South Bronx today, Governor Cuomo presented the check to Edward J. Logue, President of the Charlotte Gardens Housing Development Fund Company. The check represents an interest-free loan from the State Division of Housing and Community Renewal under its Housing Development Fund. DHCR Commissioner Yvonne Scruggs-Leftwich said:

The funds will be used for site preparation, payment of mortgage fees and purchase of the first eight homes. I am proud of the role DHCR has played in our effort to put homes on Charlotte Street.

Wallace L. Ford II, Executive Director and Chief Executive Officer of SONYMA, said:

Affordability is one of the most frequent barriers to home ownership for low and moderate income households. The Charlotte Street project is only the beginning. With the Division of Housing and Community Renewal, the South Bronx Development Corporation and other development groups, we are stimulating further home ownership opportunities.

New York City will clear the site of existing buildings, provide tax abatement and sell each of the lots to the Charlotte Gardens development organization for \$1. Governor Cuomo also announced the United States Department of Housing and Urban Development

has agreed to provide a \$1.3 million Urban Development Action Grant to lower the purchase price from \$65,000 to \$50,000 for each home.

The State Housing Development Fund provides interest-free loans for construction and rehabilitation of nonprofit low- and middle-income housing. Repayment is due at the initial mortgage closing. The fund has now loaned a total of \$14.8 million.

SONYMA issues bonds to raise funds to make available below market interest rate mortgages for low- and middle-income first-time homebuyers statewide. This year SONYMA has issued \$355 million for mortgages.

Governor Announces Rural Grants (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 28, 1983

Governor Mario M. Cuomo today announced approval of \$750,000 in funding to 24 nonprofit community-based groups for housing and community revitalization activities in rural areas of the State, the first funds approved under the Rural Areas Revitalization Program (RARP) signed into law by the Governor on July 27, 1983.

"This program extends to our rural areas the same type of program that has worked so effectively to improve urban communities. The Rural Areas Revitalization Program is based on the concept that local community organizations are best able to develop and carry out programs to meet the needs of their communities. It exemplifies my belief that an active partnership between the State government and people living in rural New York is a crucial ingredient in our efforts to rebuild and preserve deteriorated or neglected areas," Governor Cuomo said.

The State Division of Housing and Community Renewal administers the program which funds a portion of the expenses of specific community revitalization projects in municipalities with populations of less than 20,000. Housing and Community Renewal Commissioner Yvonne Scruggs-Leftwich said projects eligible for funding include the creation, preservation or improvement

of housing and commercial or public facilities.

Commissioner Leftwich said the 24 groups approved for funding were selected from 99 applicants, requesting over \$6 million, that responded to a notice of available funding issued following creation of the program.

HOMELESS

Governor and Mayor Announce Homeless Shelters (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 21, 1983

Three State-owned facilities in New York City will go into operation tonight as shelters for homeless men, Governor Mario M. Cuomo and Mayor Edward I. Koch announced today.

The shelters, which will be full-service facilities, are the Park Avenue Armory at Park Avenue and 66th Street in Manhattan; the Kingsbridge Armory, at Kingsbridge Road and Jerome Avenue in the Bronx; and the former Hanson YMCA at 55 Hanson Place near Atlantic Avenue in downtown Brooklyn. Each shelter will operate around the clock and will furnish three hot meals a day, fresh clothing, showers and toilet facilities, recreation programs and social services. Together the three new shelters will provide several hundred beds.

"Given the magnitude of the problem, this first City-State effort since my Administration took office is a modest start. But it is a start — an indication of my commitment, as well as that of Mayor Koch, to giving the homeless the safe, clean shelter that is a basic human right," Governor Cuomo said.

"The problem of housing the homeless has been growing daily, especially with the recent cold wave that has literally threatened the lives of people living on our streets. I want to thank Governor Cuomo for his cooperation and I look forward to working jointly with him and his staff to meet this critical need. Government will be doing its best to deal with this issue. I hope that churches, synagogues, mosques, and community

organizations will join us and shoulder their part of the burden," Mayor Koch said.

Last night ten City-operated shelters housed 4,076 men and 575 women. In the last week the City has housed and cared for the largest number of homeless in its facilities since the Great Depression.

A yet undetermined portion of the beds in the new facilities will be used to reduce the number of homeless now housed at the Fort Washington Armory in upper Manhattan, which last night sheltered 602 men. By February 15, the Fort Washington Armory also will be converted into a 24-hour, full-service facility.

Since 1978, the City's annual budget for the homeless has grown from \$7 million to more than \$39 million. The State and the City share the cost equally. Two armories already used to house the homeless, the Fort Washington Armory and the Flushing Armory in Queens, are facilities provided by the State.

Last night's shelter figure of 4,651 compares with an average of 3,752 homeless men and women the City sheltered in January, 1982, and an average of 2,703 it housed in January, 1981.

The City is currently operating six shelters for homeless men and also provides beds for them at Manhattan lodging houses. Four shelters are available for homeless women. The City also funds two outreach centers for the homeless and a converted hotel for homeless women on the west side of Manhattan. Several outreach teams in vans pay nightly visits to train and bus terminals, subway stations, parks and other locations to offer shelter to homeless men and women.

The City's Human Resources Administration also provides beds, linen and transportation for the overnight shelters under the direction of the Partnership for the Homeless, a private not-for-profit group. The Partnership now provides 169 beds in 16 churches; by Monday, January 24, the Partnership expects to be operating 26 church shelters housing 340 homeless men and women nightly.

The Partnership was founded by the major religious denominations including the Archdiocese of New York,

the New York Council of Churches, the New York Board of Rabbis and the Roman Catholic Diocese of Brooklyn and Queens. Also participating in this effort are the Federation of Jewish Philanthropies, the Federation of Protestant Welfare Agencies and Catholic Charities. In addition, the City is now negotiating with eight not-for-profit organizations to operate small, community-based shelters around the City.

Governor Cuomo has established an Emergency Task Force on the Homeless, headed by William B. Eimicke, former Deputy Commissioner of the New York City Department of Housing Preservation and Development and now Deputy Secretary to the Governor for Policy and Program. The goal of the Task Force is to provide housing and decent shelter for tens of thousands of homeless people.

To help reach that goal, Governor Cuomo has proposed to rehabilitate up to 6,000 units of permanent housing through the issuance of \$50 million in tax-exempt bonds for projects sponsored by municipalities and voluntary agencies.

Editor's Note: See Executive Order No. 4, dated February 15, for establishment of the Emergency Task Force on the Homeless.

Governor Presents Awards

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 23, 1983

Governor Mario M. Cuomo today awarded the first Family of New York awards to five volunteers at the homeless shelter located at the Seventh Regiment Armory on Park Avenue and 66th Street.

The recipients were Anne Davidson, Wolcott B. Dunham, Celine Marcus, Elizabeth Rohatyn and David J. Stern.

The Governor's Certificate of Merit was presented "in recognition of your contribution to the neediest members of the Family of New York."

"A society's response to homelessness is a true test of its commitment to the ideals of justice, compassion and human dignity. We have made a modest beginning in addressing the emergency needs of homeless people in this State and we in government must and will do more. But government alone cannot solve social problems of this magnitude. We will turn the tide against homelessness when more of us follow the example of these five New Yorkers, giving of their time and of themselves in the spirit of a family," Governor Cuomo said.

The Governor noted that these five people were also a symbol, representing other New Yorkers in other communities throughout the State who have voluntarily come to the aid of the homeless.

Anne Davidson and Celine Marcus are Cochairpersons of the Neighborhood Coalition for Shelter. Elizabeth Rohatyn is the President of the Lenox Hill Neighborhood Association. David J. Stern serves as the Executive Director. Wolcott B. Dunham is a community volunteer.

Governor Designated Chairman of the National Task Force on the Homeless

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 2, 1983

Governor Mario M. Cuomo announced that he has been designated Chairman of the National Task Force on the Homeless for the National Governor's Association. He made the announcement at the first meeting of New York State's Emergency Task Force on the Homeless today.

"At Monday's meeting of the Human Resources Committee of the NGA," Governor Cuomo stated:

Colorado Governor Richard Lamm, Chairman of that Committee, asked me to serve as Chairman of the Task Force. Of course, I am proud that our efforts in New York have been recognized. Yet, more importantly, I welcome the opportunity to work with the other Governors to do more for the homeless in our State and elsewhere.

Speaking together, we Governors can emphasize the responsibilities that government has to the homeless. Of course, the Federal government should bear part of the burden in caring for the homeless. We must pressure the Federal government to accept that obligation. Yet, the homeless cannot wait for Federal recognition of their plight. We must do what we can in New York and elsewhere to help the homeless even while striving to bring the issue to Federal attention.

In effect, this Task Force increases our voice fiftyfold. We will be able to exchange information with other states in an effort to find the most effective ways of reaching our aims. And, we will be able to appeal to the Federal government as 50 rather than as one.

The Task Force will operate as a Subcommittee of the Human Resources Committee and will report to the NGA at the Association's upcoming summer meeting in Portland, Maine.

Governor Submits Homeless Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 7, 1983

Governor Mario M. Cuomo today introduced legislation that would establish a \$50 million homeless assistance and shelter establishment fund to assist localities and not-for-profit organizations in meeting the problems of the homeless in New York State.

"The people of New York State will be measured by the degree of compassion we exhibit on the least fortunate. The four-year commitment to those, who through economic and other circumstances, are living on our streets is a reasonable approach to provide permanent housing and financial assistance in the rehabilitation and operation of homeless shelters," said Governor Cuomo.

The legislation calls for \$12.5 million to be appropriated to the fund in the upcoming fiscal year. The funds would be made possible by a portion of the permanent increase to the State real estate transfer tax proposed as part of the Executive Budget.

"New York State has thousands of an estimated 2.1 million homeless nationwide, the highest number since the Great Depression. Cooperation among the State, local social services districts, municipalities and not-for-profit organizations will work to alleviate the current suffering," said Governor Cuomo.

Municipalities and not-for-profit organizations will submit plans for projects to the Commissioner of the Division of Housing and Community Renewal for approval and funding. No local financial participation is required, though preference may be given to those projects that include use of underutilized facilities to maximize the effect of State financial assistance.

It is hoped that the State program, intended primarily for capital rehabilitation, will work in conjunction with new Federal programs for the homeless that would provide operating assistance. Numerous Federal legislative initiatives are now under consideration in Congress, including a measure endorsed by the Administration that would provide \$50 million nationwide.

"The misery of the homeless is a national tragedy, brought on to a large extent by national policies and trends. The Federal government's commitment should be funded at a much greater level than New York State's. Senator Moynihan and I have discussed increasing Federal assistance to a reasonable level of \$200 million. I support this measure and I hope that all New Yorkers will support initiatives at both the State and Federal levels," Governor Cuomo said.

Governor Announces Agreement on Legislative Package

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 27, 1983

Governor Mario M. Cuomo today announced agreement on proposed legislation to provide \$50 million in financial support for the establishment of both short-term and long-term housing for the homeless. The \$50 million would be distributed evenly over four years to housing developed by municipalities and not-for-profit corporations.

In announcing the agreement, Governor Cuomo noted that:

in recent months, the homeless population in New York City and throughout the State has grown to the highest count since the Great Depression. On the average, nearly 5,000 men and women seek and receive shelter on any given night in the City of New York, with proportionate amounts of homeless in the other parts of the State.

As members of the family of New York State, we will be measured by the degree of compassion we exhibit to the least fortunate. This agreement provides a tangible commitment to help those, who through economic or other circumstances, are unable to help themselves. In fact, this legislation would be the first State statute to deal exclusively with the problems of the homeless.

Funds would be provided through a competitive request for proposals process to insure that the best proposals that can move ahead most rapidly are given priority. This separate "homeless assistance and shelter establishment fund" would ensure that the full \$50 million is made available to homeless housing projects.

By providing funding for permanent and transitional housing projects as well as emergency shelters, this legislation would represent a redirection in focus toward longer-term solutions to the problems of the homeless. It would also encourage local governments and charitable organizations to propose innovative, comprehensive and cost-effective approaches to housing the homeless.

Governor Cuomo added:

I am pleased that New York State is in the leading role in this critical area of social concern. So far, the Federal government has committed \$100 million nationwide to the homeless, of which New York State is expected to receive approximately \$4 million. This \$50 million appropriation will make clear our concern and commitment as a State.

I am particularly grateful to Assembly Speaker Stanley Fink, Senate Majority Leader Warren Anderson, Senate Majority Leader Manfred Ohrenstein, Assemblyman Alexander

"Pete" Grannis, and Senator John Daly for their efforts.

Governor Approves Housing Measure

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 25, 1983

Governor Mario M. Cuomo announced today he has signed legislation appropriating \$12.5 million as the State's first-year commitment to a four-year, \$50 million program to establish housing for the homeless.

"Unemployment, a shortage of affordable housing and the reduction in Federal support for the disadvantaged have left thousands of New Yorkers from across this State without even the most minimal shelter. In my *State of the State* Message, I called our treatment of the homeless a test of our commitment to the ideals of justice, fairness and human dignity. The prompt enactment of this important legislation demonstrates that New York remains faithful to its tradition of concern and caring for those most in need of our help," Governor Cuomo said.

The bill, which was part of the Governor's 1983 legislative program, authorizes the State Department of Social Services to contract with local governments and charitable organizations to provide permanent and transitional housing as well as emergency shelters for homeless men, women, families and youth.

Funds will be provided through a competitive request for proposals process to insure that the best proposals that can move ahead most rapidly are given priority.

Editor's Note: See Approval Memorandum No. 4, Chapter 61 of the Laws of 1983.

Governor Announces Homeless Awards (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 8, 1983

Governor Mario M. Cuomo today announced the

award of \$4.5 million to 110 community agencies, Indian tribes and local governments to fund emergency shelter and food programs for homeless persons. The money is being made available by the Federal Emergency Management Agency, through the emergency jobs bill.

In announcing the awards, Governor Cuomo stated:

I have said that we will be judged as a State by our willingness to care for those in need, those who can't care for themselves. I am delighted that so many groups have come forward to help provide food and shelter for the homeless.

Governor Cuomo also commended the private agencies which worked together in many areas of the State to submit one proposal for a particular county. "The United Way award in Erie County reflects this cooperative effort which is vitally important to our plans in overcoming the plight of the homeless in New York State," the Governor said. "Only by working together can we provide the most help possible."

Among the funded programs are 12 in New York City totaling approximately 52 percent of the money awarded. The United Black Church Appeal, an affiliation of 30 churches located in low income, minority neighborhoods in all five boroughs, will distribute 15,000 bags of groceries to needy families while the Food and Hunger Hotline will set up a program of wholesale marketing and distribution of food to a citywide network of 75 food pantries and 53 soup kitchens. There were also four native American projects funded, spanning geographically from the northern and western-most areas of the State to New York City.

The awards were selected from 125 proposals submitted in response to a request issued by the State Department of Social Services in May. They are being offered on a one-time basis and will be used for operational costs related to program expansion rather than for capital renovation. Allocations were derived from an area's poverty level and unemployment index, as well as other factors.

Governor Releases Homeless Reports

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 31, 1983

Stating that "homelessness is becoming a national crisis," New York State Governor Mario M. Cuomo today called for a series of actions by all levels of government to deal with the problem in the United States.

Governor Cuomo recommended the establishment of a national commission, a massive Federal jobs program, and a national housing program for low-income individuals and families. The Governor made the recommendations in a speech prepared for delivery Monday afternoon at the National Governor's Association 75th Annual Convention in Portland, Maine. Governor Cuomo is Chairperson of the National Governor's Association Task Force on the Homeless.

He also released three reports, two of which deal with homelessness in the United States and the third dealing with the homeless problem in New York State:

— *1933/1983 — Never Again — a Report to the National Governor's Association Task Force on the Homeless by Mario M. Cuomo;*

— *Summary of the National Governor's Association Survey of the States on the Current Status of the Homeless;* and

— *The First Report of the Governor's Task Force on Housing the Homeless.*

The reports, the Governor said, "contain a record of institutional failure and government neglect, of needless human suffering and despair."

As painful as the record is, "it gives us the opportunity to replace inertia and confusion with a national strategy to house those already on the streets and to prevent millions more from joining them. The problem, of course, isn't new. The homeless, like the poor, have been with us always. What is new — or at least new to this generation — is the scale of the problem, the way it has come to intrude on our streets and neighborhoods, to embarrass us and perhaps to frighten us," Governor Cuomo said.

The homeless wandering the streets and byways of America is yet another sign that this country is becoming two nations, Governor Cuomo said.

One is an enormously rich country whose government can spend \$100 million for cost overruns for the multibillion dollar MX missile and B-1 bomber programs and whose people can spend \$2 billion a year on video games.

The other nation is made up of the working poor and those trying to pull themselves out of poverty who have suffered cuts in Social Security, disability payments, student assistance, food stamps, housing and fuel subsidies at the hands of their government. It also is an America where the "abandoned blast furnaces of the Midwest, the closed plants of Buffalo and Detroit, the acres of empty parking lots that surround factories in Ohio, Illinois, Pennsylvania stand as monuments of decay across our industrial heartland," Governor Cuomo said.

In the reports, Governor Cuomo called for a series of short-term and long-term measures to provide "effective and adequate relief for the multitude of homeless individuals.". In the short-term, Governor Cuomo said, "emergency food and shelter must be provided to meet the most immediate and life-threatening needs of people who have no place to live." An effective program of immediate relief would provide:

- shelters which provide year-round food and adequate personal hygiene facilities easily accessible to those needing emergency shelter;
- transportation to shelters not easily accessible; and
- referral and access to job and income maintenance services to help an individual secure resources for a permanent residence.

In addition to calling for a national commission of Federal, state, local and private sector officials to identify problems and possible solutions to the problem of homelessness, Governor Cuomo made the following suggestions for dealing with the "fundamental causes of homelessness" on the national level:

- "a massive Federal jobs program — providing work for those with the necessary skills and training for those whose jobs are obsolete or nonexistent;"

— establishment of a two-pronged "national housing program for low-income individuals and families which would include a program to fund the construction of permanent housing in addition to a rent-subsidy program similar to Section 8;"

— provision of "income assistance sufficient to obtain decent stable housing" for those people who, in the absence of public works programs cannot find work and those who cannot work;

— coordination between the "agencies involved in assisting the mentally ill" in order "to address the basic living and clinical needs of the psychiatrically disabled. Specifically, we must make the concept of supportive residences a workable, growing reality;" and

— recognition that "the problems of the homeless cannot be solved by one level of government or indeed government alone."

However, Governor Cuomo called on states to "move vigorously and expeditiously on our own, in the expectation that Washington will see and respond to the justice of our efforts." Specifically, Cuomo recommended that states:

— "undertake a program, similar to the one recently initiated in New York, to provide capital funding for permanent housing for the homeless, bolstered by supportive social services as needed;" and

— establish "a mechanism to subject existing policies to close, unforgiving scrutiny." Such policies would include examination of the adequacy and fairness of existing emergency shelters, shelter and basic living allowances for those on public assistance, current housing policies, and review of procedures to ensure that government does not lose touch with the people affected by its policies.

Editor's Note: The reports are available at the State Library. Also see the October 24 document in the Housing-General section for additional information on programs for the homeless.

Governor Announces Aid for Children of Homeless Families

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 22, 1983

Governor Mario M. Cuomo today announced that the State will provide \$102,000 for critically needed services to the children of homeless families in two New York City neighborhoods. The funds, made available from the State Division for Youth's Special Delinquency Prevention Program, will be used to provide service to youth of families living in emergency shelters at the Granada Hotel in Brooklyn and the Hotel Martinique in Manhattan.

In making the announcement, Governor Cuomo said:

This grant provides a perfect example of government at its best. The funds for the program come not from increased appropriations, but rather from savings achieved in DFY's own administration. And both State Division for Youth Director Leonard Dunston and the Mayor's Office of Youth Services are to be congratulated for their close cooperation in establishing this program.

There are now approximately 1,800 to 2,000 homeless families, housed in emergency shelters in New York City, as a result of burn-outs, evictions, and a series of other types of catastrophes. At least two-thirds of these people are under 21 years of age.

Governor Cuomo said the funds are being made available through two grants, one for \$42,000 to the Brooklyn Association of Settlement Houses, from a Homeless Project at the Granada Hotel. A second grant for \$60,000 has been awarded to the Hudson Guild, for coordination of a project at the Hotel Martinique in Manhattan.

The programs are designed to inform residents of the kinds of services available to them and the whereabouts of such services, increase family awareness of health and nutritional needs and services, provide day care services, and maintain the youth's attendance in local public schools.

Governor Announces Housing Awards (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 23, 1983

Governor Mario M. Cuomo today announced awards totalling almost \$6 million for construction or rehabilitation of housing for the State's homeless population. Eighteen not-for-profit corporations, charitable organizations and municipalities will share in the awards, completing the first year of funding authorized under the State's Homeless Housing and Assistance program proposed by Governor Cuomo to the Legislature in January and signed into law in April.

The first 21 awards for this four year, \$50 million program were made in late October — 11 to upstate projects and ten to applicants from New York City. The final round of awards includes nine upstate projects and nine from New York City.

"During Thanksgiving week we in New York State have much to be grateful for, most especially the tremendous progress made during the last year in providing permanent housing and services and emergency shelters for the homeless," Governor Cuomo said.

"Our response to the needs of the homeless is a measure of our compassion and a test of our commitment to the ideals of justice, fairness and human dignity. I am proud of the response to the needs of the homeless shown by community organizations and local governments as well as the efforts made by the various agencies involved in expeditiously establishing this program, especially the State Department of Social Services which has administered this program," he said.

The awards, subject to contract approval, have been granted to applicants from across the State who will offer a variety of programs — emergency, transitional and permanent housing — for the elderly, young persons, families, battered women and the mentally disabled with priority given to housing or capital improvements. Grantees must agree to operate the facility for a minimum of seven years.

A total of 144 applications for more than \$56 million

were submitted through a competitive "request for proposal" process. The Department received proposals from housing development corporations, established social service providers and traditional providers for the homeless.

Joining the Governor in making the announcement at the Woodstock Hotel in New York City were State Social Services Commissioner Cesar A. Perales, the Task Force's Vice-Chairman and administrator of the program, and William B. Eimicke, Chairman of the Governor's Emergency Task Force on the Homeless.

It is estimated that expenditure of the \$6 million will result in the establishment of 706 new housing units and the preservation or upgrading of 781 units. Approximately 1,264 people will be housed in these units. When combined with the first round of awards, this total increases to 1,117 new units, 1,363 units preserved or upgraded and 2,564 persons housed.

HUMAN RIGHTS

Governor Proclaims Martin Luther King Day

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 13, 1983

Governor Mario M. Cuomo has proclaimed Saturday, January 15, 1983 as Martin Luther King Day in New York State. The day marks the fifty-fourth anniversary of the birth of the great civil rights leader, the late Dr. Martin Luther King Jr.

The proclamation signed January 4, 1983 by the Governor reads in part: "Our nation stands stronger and prouder because of the life and work of Dr. King. His legacy of nonviolence as a means to achieve social justice has earned him a special place in history. His dream for a better world for all people will not die as long as the ideals he espoused and taught remain a vital force." He continued: "It is fitting for the citizens of this State to take this opportunity to rededicate themselves to the principles for which he lived and was martyred."

Governor Cuomo also announced he introduced

legislation today to designate Dr. King's birthday as a State holiday and his support of legislation in Congress declaring it a Federal holiday. "Dr. King's dream of justice and equality for all people must not be forgotten," he said. "While we strive to make that dream a reality it is right and proper that we should honor the memory of this great American leader."

**Governor Nominates Elie Wiesel for the
Nobel Peace Prize**

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 11, 1983

Governor Mario M. Cuomo today announced that he had nominated Elie Wiesel for the 1983 Nobel Peace Prize.

In a telegram to the Nobel Committee on January 31, the Governor first stated his desire to nominate Mr. Wiesel, noting that "his contributions to humanity, his courage and his dedication to truth and justice make his selection not just appropriate, but compelling."

In a letter to the Nobel Committee today, the Governor expanded on his reasons for nominating Mr. Wiesel.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 10, 1983

Gentlemen:

As my telegram of January 31 indicated, I wish to nominate Elie Wiesel for the 1983 Nobel Peace Prize.

Since 1980, I have served with Mr. Wiesel as a member of the U.S. Holocaust Memorial Council. I have seen in Mr. Wiesel personified the compassion, the humaneness, the moral indignation that he has expressed so eloquently in his score of books, essays, articles and speeches.

A target of Nazi anti-Semitism himself, he has assumed the role of spokesman for the millions of victims of Nazi extermination camps and for victims of genocide

everywhere.

Yet, I do not offer Elie Wiesel's name in nomination for what he has written or in recognition of how he has suffered. Rather, I nominate him for what he is. I nominate Elie Wiesel not because he is especially deserving this year, but rather because what he has done is deserving every year. For the truth that Elie Wiesel preaches, writes, works and teaches is not limited to a single year, nor to a single generation or country.

To say that in honoring Elie Wiesel we will honor the victims of the Holocaust is appropriate. Yet, we will, in fact, honor far more. We will honor all victims of human injustice, all who have suffered under the sword of vengeance, at the hands of avarice, as the targets of intellects perverted by ignorance.

Most importantly, however, we will remember, recall, reteach. We will remind that the line between humanity and savagery has been pierced with distressing frequency. We will recall that the horrors which found a tragic uniqueness in the Holocaust are still possible in other lands with other peoples as victims.

For Elie Wiesel has taught a single truth — if we don't remember, we shall repeat. He has taught that genocide is not a single unfortunate deviation in an otherwise pure history, but rather a far too pervasive disease whose pall has hung over many generations and peoples. He has taught the truth of the message first penned by Martin Niemöller:

First the Nazis went after the Jews, but I was not a Jew so I did not object.

Then they went after the Catholics, but I was not a Catholic so I did not object.

Then they went after the trade unionists, but I was not a trade unionist so I did not object.

Then they came after me, and there was no one left to object.

We must add our voices to a chorus which has become too faint, frighteningly soft — the chorus of voices which oppose anti-Semitism and prejudice of all kinds. It is a chorus which all too often sings without accompaniment, a chorus whose laments are frequently wrapped in a shroud of solitude.

Already we have heard the foreboding rumbles of forgetfulness, the silence which has been the unthinking accomplice of injustice. We hear denials and explanations, scapegoating, anti-Semitic bombings and terrorism.

The best antidote to such horrors is truth. The best response is vigorous pursuit of justice and education.

Elie Wiesel has dedicated his life to insuring that we don't forget. In so doing, he has given his life to us all. We owe the victims nothing but the truth. We owe ourselves and our children no less.

In awarding the Nobel Peace Prize to Elie Wiesel, we will recognize our debt to him and remind us all that it is a debt which we cannot — must not — forget.

Sincerely,

(Signed) **MARIO M. CUOMO**

Governor Releases Letter to Lech Walesa

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 13, 1983

Governor Mario M. Cuomo today released a letter he has sent to Lech Walesa.

It is to be hand delivered by State Senator Thomas J. Bartosiewicz, who left for Poland on Friday evening.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 10, 1983

Dear Lech Walesa:

In reading the words of your address to the Harvard graduates I was painfully reminded of how we can take the freedoms we enjoy for granted. I know that your "new consciousness" will grow and mature.

All New Yorkers look forward to the day that you

will be able to freely come and visit us. You have been an inspiration as a man faithful to his church and loyal to his country. You have demonstrated that Solidarity is more than a union of men and women, it is the unity of a people's spirit.

You are in the thoughts and prayers of us all. May the day of your visit be soon.

SOLIDARNOSC!

Sincerely,

(Signed) MARIO M. CUOMO

Governor Releases Letter to George Shultz

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 19, 1983

Governor Mario M. Cuomo sent the attached letter to Secretary of State George Shultz last evening, Monday, July 18, 1983.

* * *

July 18, 1983

Dear Secretary Shultz:

As Governor of New York State, one of my foremost duties is to support and protect the human rights of my citizens. I have long been troubled over an incident that I consider one of the most heinous violations of human rights in recent times committed against any New York State resident. That incident involves two American nuns, Ita Ford and Maura Clark, from Brooklyn and Queens respectively, who were brutally murdered, along with two other American churchwomen, in December, 1980, in El Salvador.

Some two and one-quarter years have passed now since the date, May 9, 1981, when the Salvadoran government arrested five National Guardsmen for this repugnant crime; yet the government has still failed to take steps essential to begin a successful trial of any of

the alleged killers.

As chief executive officer of this State, I will not remain indifferent to the Salvadoran government's long unwillingness to test the guilt or innocence of these men in judicial proceedings. A reading of the records compiled by the Lawyer's Committee For International Human Rights relating to this matter leads to the conclusion that the current Salvadoran regime has been acting neither in "good faith" in its investigation of, nor in its court preparations for, the case.

I am aware that you are currently completing your review, required under the law, as to whether El Salvador has improved its human rights record sufficiently to merit further U.S. aid. I believe that any decision on such certification must weigh heavily the fact that El Salvador has not made a sufficient effort to prosecute the five defendants.

I would urge you therefore to consider seriously the denial of certification to the country immediately unless you first obtain public assurances from the Salvadoran regime to investigate and prosecute this case fully within a reasonable period of time.

The tragic loss of these four young religious women, working only for the highest spiritual ideals, should not be permitted to go unnoticed or unregarded by our country. Their deaths go to the heart of our relationship with El Salvador, indeed our continuing relationship with all nations of Latin America, on the issue of whether we abide by human rights or we reject them in this hemisphere.

Their deaths also are but a small part of the unceasing carnage in El Salvador, where murders by death squads and unknown security personnel have literally gone out of control. Our American ambassador Dean Hinton said as recently as October 29, 1982:

Since 1979 perhaps as many as 30,000 Salvadorans have been killed illegally, that is, not in battle. Less than 1,500 cases of "crimes against a person," that is, homicide, assault and battery, have been prosecuted . . . Most striking of all, there have been less than 200 convictions for these crimes.

The deaths of the four churchwomen, in the religious arena moreover, reflect a sad truth, that in Central America today, an assault is taking place against people of cloth, especially those in the Catholic Church. Today, nuns, priests, missionaries and laypersons, are being assassinated, maimed, persecuted or exiled for showing simple acts of charity to the poor.

Only immediate action by the Salvadoran authorities to try the alleged killers of the four American nuns can help bring a stop to this lawless climate, assure our religious brethren of protection in the future, and restore a sanctity in the community toward human rights.

I look forward to your reply.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Meets Mrs. Avital Shcharansky

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 18, 1983

In 1978, I told Mrs. Shcharansky that "some values are universal and one of those is the concept of the united family." Unfortunately, in 1983, the Russian government has still not seen fit to honor that or any of the other universal human rights doctrines that are so vital to a democracy.

On behalf of the family of New York, we join with Avital Shcharansky in applauding her courage and in demanding that the Russian government free Anatoly Shcharansky and all other prisoners of conscience. Their struggle reminds us that the historic cry of "let my people go" must be joined by all lest we pay the price which was paid during World War II for our silence.

Editor's Note: The Governor proclaimed September 15 as Anatoly Shcharansky Day and, on August 25, urged the President and the other 49 Governors to do the same.

Governor Deplores Downing of Korean Jetliner

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 2, 1983

Governor Mario M. Cuomo has ordered flags lowered at all State facilities for the 15 New York State residents who lost their lives on the Korean jetliner shot down in the Pacific. The flags will be at half staff from noon today (Friday) until sunset Labor Day.

The Governor deplored "the tragic and senseless loss of lives" caused by the shooting down of the plane.

Governors Cuomo and Kean Deny Landing Request

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 15, 1983

Governors Mario M. Cuomo of New York and Thomas H. Kean of New Jersey today announced that they have instructed the Port Authority of New York and New Jersey to deny a request by the U.S. State Department to permit two airplanes carrying Soviet diplomats to land in Newark or Kennedy airports.

In a joint statement the two Governors said that in light of the brutal Soviet action in the downing of a Korean civilian airliner, they could find no justification for lifting a two year old ban on access by Russian aircraft to civilian airports under the control of the Port Authority. "Flight 007 originated at Kennedy Airport and carried many innocent people from our region," the two Governors said. "It would be callous, indeed, to now allow the authors of that destructive act to use our airports."

They noted that there are military air bases available in the region better equipped to handle the security and safety requirements of the flights. No Soviet planes have landed at Newark or Kennedy since the institution of an informal ban during the Afghanistan crisis. The State Department had sought permission for a landing by the Russian delegation to the United Nations Security Council

this weekend and by Soviet Foreign Minister Andrei Gromyko next week.

"Our primary concern must be the safety and security of the people of New York and New Jersey," the two Governors said:

We can find no justification for endangering our people and placing enormous strains on the police and security forces of the two states just to accommodate Soviet diplomats. Lastly, and most importantly, we believe we have a moral obligation to make it absolutely clear to the Soviets that we are nothing less than outraged at their uncivilized behavior. Frankly, we wish there were something more we could do to express our condemnation.

Governor Supports Martin Luther King Holiday

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 19, 1983

The House of Representatives was right. The Senate is right and when the bill is signed the President will be right in recognizing that throughout his life Martin Luther King was right.

Governor Releases Letter on Lebanese Situation

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 25, 1983

Governor Mario M. Cuomo today sent the following letter to Senator Daniel Patrick Moynihan, Vice Chairman of the Senate Select Committee on Intelligence requesting his support in urging the President to convene a bipartisan Middle East task force to deal with the situation in Lebanon.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 25, 1983

Dear Senator Moynihan,

I am writing to you to express my deep sorrow and anger over the awful tragedy that occurred to our Marines in Beirut last Sunday morning. There is no way that one can express the most profound feelings of anguish and outrage.

The problem that we now face, I believe, as a society is the matter of what we should do next. There is serious confusion about this both in the Reagan Administration and among our leaders in Congress. Some argue we should pull out all of our troops from Lebanon immediately; others suggest we send in more forces; still others propose solutions in between.

I think there is little question that we need a better definition of what exactly our vital interests are in Lebanon — and as soon as possible. But we can't allow the discussion to be trivialized by becoming a political issue in the midst of a presidential campaign, subject to charges and counter-charges between Democrats and Republicans — and later to be discarded and forgotten, like the tragic downing of the Korean airliner seven weeks ago.

I think there is a way of lifting the matter out of the partisan debate and raising it to the status of consensus policy, acceptable to most of the American people. I believe the President should consider immediately convening a bipartisan Middle East task force. Such a body would gather all of our foremost elected leaders, as well as policy makers responsible for the region, around the same table to seek a solution that can be adopted by both our major parties. Such an approach, I think, is paramount when we are dealing with issues of life and death.

I suggest it consist of the President, Vice President George Bush, Secretary of State George P. Shultz, Secretary of Defense Caspar W. Weinberger, National Security Advisor Robert C. McFarlane, Ambassador to the U.N. Jeane Kirkpatrick, Speaker of the House Thomas P. O'Neill, Jr. (D., Mass.), Majority Leader James C. Wright, Jr. (D., Texas), Minority Leader Robert H. Michel (R.,

Illinois), Chairman of the House Committee on Foreign Affairs Clement J. Zablocki (D., Wisconsin), Ranking Minority Member William S. Broomfield (R., Michigan), Chairman of the House Permanent Select Committee on Intelligence Edward P. Boland (D., Mass.), Ranking Minority Member J. Kenneth Robinson (R., Virginia), Majority Leader of the Senate Howard H. Baker, Jr. (R., Tenn.), Minority Leader of the Senate Robert C. Byrd (D., W. Virginia), Chairman of the Senate Committee on Foreign Relations Charles H. Percy (R., Ill.), Ranking Minority Member Claiborne Pell (D., R.I.), Chairman of the Senate Select Committee on Intelligence Barry M. Goldwater (R., Ariz.) and Vice Chairman Daniel P. Moynihan (D., NY).

If the United States is serious about maintaining a military presence in Lebanon, we must arrive at a bipartisan consensus of opinion. We must *define* just what is our policy and how it can be executed. To do less is to only risk a repeat of the weekend's tragedy.

Sincerely,

(Signed) MARIO M. CUOMO

LOCAL GOVERNMENT

Governor Announces MAC Refinancing

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 17, 1983

The Municipal Assistance Corporation took action today that will result in the refinancing of \$210 million of outstanding long-term obligations. "I am very pleased that in response to the Mayor's request last Friday, I have been able to work closely with Felix Rohatyn, Chairman of the Municipal Assistance Corporation, and the staffs of the Municipal Assistance Corporation and the Financial Control Board to secure the refinancing requested by the City. The actions taken by these State agencies will continue an ongoing program of restructuring the City's debt obligations to provide a more rational debt service expenditure pattern throughout the 1980's," Governor Cuomo said.

"This refinancing will, in the near term, provide substantial budget relief to the City of New York. Determination of the most appropriate application of this budget relief will, of course, await the recommendations of the Mayor and final review and approval of the Financial Control Board. However, it is clear that whenever it is possible for the State to undertake actions that will assist the City in meeting its very difficult budget problems, without worsening the State's own budget deficit, we will do so. This continues the spirit of partnership which I spoke about in my *State of the State* message. We must work together given the difficult economic and fiscal problems before us," the Governor continued.

It is anticipated that this refinancing will occur in early February and will replace a previously scheduled Municipal Assistance Corporation offering. The decision to change the financing schedule was made in an effort to assist the City with its budget problems and is in keeping with the reforms proposed by the Governor to strengthen the role of the Securities Coordinating Committee in the scheduling of all public borrowings.

Governor Comments on NYC Financial Plan

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 18, 1983

It is clear that the State's ability to help the City of New York is today not as strong as it was a few years ago. Everyone concedes that the State is confronted by the greatest fiscal problem in its history. Under present circumstances, both the State and the City will have to make hard choices as to whether to reduce their respective personnel and service delivery or raise their respective taxes. As Governor, I will be responsible for the steps I propose. As Mayor, I am sure Mayor Koch will accept responsibility for the steps he proposes.

Governor Supports Veteran Candidacy

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 18, 1983

Mrs. Matilda Cuomo, wife of Governor Mario M. Cuomo, today issued the following statement on behalf of the Governor at a press conference held at the Tarrytown Hilton at which Anthony Veteran announced his candidacy for Westchester County Executive:

On behalf of the Governor and myself, I am pleased to be here today to offer our support to Tony Veteran for Westchester County Executive.

As the Mayor of Tarrytown for seven terms and as the first Democratic Supervisor elected in the Town of Greenburgh in over 80 years, Mr. Veteran has distinguished himself as an outstanding administrator, public servant and Democrat. There is no question about Tony Veteran's experience and record.

Just as important, however, are his personal qualities. Take it from people who know — the Governor and myself — Tony and Lucy Veteran are not only capable, but they are courageous, honest and steadfast. They are a credit to Westchester County. We wish them all the best.

Governor Proposes Easing Medicaid Costs (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 16, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to reduce over six years local government participation for total Medicaid expenses to a level of 10 percent. The bill would also provide aid to fiscally distressed municipalities funded through county Medicaid savings and direct State grants to eligible localities.

In submitting the legislation, Governor Cuomo noted that:

for counties, Medicaid constitutes the most burdensome and fastest growing mandated expense. The local Medicaid savings realized under this plan will assist counties to stabilize property taxes and continue essential services. New York City will also be able to continue its long-term fiscal recovery. In addition, by requiring counties to share part of their savings with eligible localities, this proposal will help maintain vital public services at noncounty local levels as well.

Under the bill, the local share of Medicaid costs would decrease from the present 26.5 percent of total Medicaid costs to 10 percent by 1988. On January 1, 1984, the State would permanently assume the full local cost of Medicaid for individuals who are mentally disabled with remaining 1984 local costs frozen at the 1983 level. The local share would then decrease to 17.5 percent in 1985; 15 percent in 1986; 12.5 percent in 1987; and 10 percent in 1988 and thereafter.

The bill would also establish a new program to aid cities, towns and villages with the greatest demonstrated need. Beginning in 1984, counties would be required to distribute a portion of their previous year's Medicaid savings to eligible localities equal to each locality's share of the total county population.

To be eligible, a municipality must have a 1980 population greater than 20,000 and a full value tax rate or its equivalent for the local fiscal years ending in 1981 and 1982 above the average full value tax rate for upstate cities in each of those two years. In addition, eligible localities would be required to have a percentage of tax limit exhausted in each of those years that exceeds the upstate city average in those years.

Based on preliminary reviews of local financial data, 20 cities and five villages would be eligible for mandated county and State assistance under this bill. Counties would be authorized but not required to share their savings with localities other than those eligible under the new program.

In 1984, local Medicaid costs are expected to total more than \$1.7 billion — \$1.1 billion for New York City and \$.6 billion for the counties. Cumulative local savings

from the partial Medicaid takeover, including \$359 million for Human Services Overburden Aid contained in the 1983-84 budget, would total approximately \$6 billion through 1988 with over \$4 billion in savings for New York City and \$2 billion for the counties. However, the costs of the county pass-through are expected to be about \$275 million in this period, resulting in an overall net savings to upstate counties of over \$1.7 billion through 1988. The State costs for direct grants to eligible municipalities are estimated to total \$53.1 million through 1987.

Governor Announces Lackawanna Aid Package

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 29, 1983

Governor Mario M. Cuomo today announced that agreement has been reached to avert an impending financial crisis in the City of Lackawanna. Under the agreement, the State will provide \$1 million in one-time aid to the City. In addition, the County of Erie will buy the sewer system of Lackawanna and issue \$13 million in bonds to cover the immediate short-term debt of Lackawanna.

"This agreement is truly a cooperative effort. Both my Executive Chamber and Budget staffs and Lieutenant-Governor Al DelBello worked closely with the Legislature, Assemblymen Francis Pordum and Richard Keane, Senator William Stachowski, Erie County Executive Ed Rutkowski, the Erie County Industrial Development Agency, Marine Midland Bank, Lackawanna Mayor Radich, and the City Council of Lackawanna. With the closing of the Bethlehem Steel plant, the City of Lackawanna and Western New York were confronted with a catastrophic situation affecting not only unemployment, but, the financial life of the City of Lackawanna as well. I am delighted that the various levels of government were able to work together in such fruitful partnership," Governor Cuomo said.

Specifically, in addition to providing \$1 million in aid to Lackawanna, Governor Cuomo will submit legislation to allow the County of Erie to buy Lackawanna's sewer system. The legislation, developed with the cooperation of

Erie County and the City of Lackawanna, would create a county sewer district which will assume the prior debt and operational responsibility of the City of Lackawanna's sanitary and storm sewers. The legislation will enable Lackawanna to redeem all of its outstanding short-term debt, and also ensure the continued delivery of sewer service for the people of Lackawanna.

The County will sell \$13 million worth of bonds to finance its purchase of the sewer system; the revenues from the bonds will be used to pay off the City of Lackawanna's short-term debt. The people of Lackawanna will, in turn, pay off the County sewer district bonds through sewer charges.

In addition, in order to meet the particularly difficult 1983-84 operating budget, the City of Lackawanna has agreed to a series of phased budget reductions and enhanced revenues for the next two years.

The agreement was made necessary by the announcement of the closing of the basic and primary finishing operations of Bethlehem Steel's Lackawanna plant which will lead to a 50 percent decrease in the City's total assessed value.

Editor's Note: See the January 21 document in the Economic Development section for additional information.

Governor Approves Lackawanna Legislation (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 18, 1983

Governor Mario M. Cuomo today signed legislation to avert impending financial crisis in the City of Lackawanna. In signing the legislation, Governor Cuomo said:

In its own way, the success of this legislation shows that the system works, the process functions. A portion of the State, a member of the family of New York was in trouble — and we all cooperated together, all gave a little, to ease that burden. I am truly delighted to sign this bill not

just because of what it means for Lackawanna — and surely it means a great deal. But, equally important, because of what it symbolizes — the family of New York in action.

Editor's Note: See Approval Memorandum No. 6, Chapter 110 of the Laws of 1983.

Governor Vetoes Firearms Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 29, 1983

Governor Mario M. Cuomo today vetoed legislation that would have eliminated the ability of a local government to impose licensing restrictions on firearms based upon local conditions and needs.

In vetoing the legislation, Governor Cuomo stated:

The elimination of permissive licensing restrictions would either result in the elimination of target licenses, disadvantaging legitimate sportsmen, or a relaxation of firearms licensing requirements, which would eliminate the ability of a local government to impose licensing restrictions based upon local conditions and needs. Either result is undesirable.

The legislation would, if signed, have presented particular problems for New York City, which has placed restrictions on 12,000 firearm licenses for sportsmen. Such restrictions include prohibiting licensees from firing warning shots, firing at a moving vehicle, or drawing or displaying a firearm unnecessarily.

Under the bill, the New York City Police Department would no longer have been able to place such restrictions on firearm licensees. Thus, many sportsmen would, through joining a gun club, have been able to secure full (as opposed to restricted) carry rights to a handgun. The bill was opposed both by New York City Mayor Ed Koch and New York City Police Commissioner Robert McGuire.

Editor's Note: See Veto Memorandum No. 7.

Governor Opens Exhibit

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 3, 1983

Governor Mario M. Cuomo today officially opened the Family of New York exhibit on the second floor of the Executive Mansion.

The exhibit, which is devoted to New York State's 62 counties, features artifacts representing each of the counties. In opening the exhibit, Governor Cuomo said:

I am particularly pleased to be able to open officially this Family of New York room today. It is, I think, representative of the great diversity of New York State and of the beauty and uniqueness of each of the counties.

This room serves a number of purposes. First, it reminds us just how special each county is. Yet, at the same time, it makes clear that as a group we are far greater than any county individually.

I am delighted that whenever the public walks through the Mansion and whenever public officials come to the Mansion, we will always be reminded that we must truly see ourselves as a family.

I wish to thank all of the county executives and the New York State Association of Counties for their help in collecting the artifacts for this room. I look forward to working closely with them in the future on the many issues which are of importance to all the members of the family of New York.

Governor Cuomo also invited the counties to update their exhibits throughout the years to reflect the continuing growth and creativity of each area. A description of each county's contribution to the exhibit is attached.

* * *

COUNTY EXHIBITION AT THE MANSION

1. Albany — Mary Powell steamboat model
2. Allegany — Watercolor of scenic wonder, 1976

3. Broome — Ink sketch, Binghamton Courthouse, c.1975
4. Cattaraugus — Original sketch of County by Seneca Indian, 1981 County logo
5. Cayuga — 1837 map of Auburn, lithograph
6. Chautauqua — Photo of Miller's Bell Tower, c.1970
7. Chemung — Schweizer model 1-26 glider, marquetry tray
8. Chenango — Flag depicting seal 1980, embroidery on satin
9. Clinton — 1840 Burr County map, lithograph
10. Columbia — View South from Olana, photograph, 1982, Neefus
11. Cortland — Strobridge lithograph, c.1880, County Clerk's office
12. Delaware — Wooden butter molds, c.1840
13. Dutchess — Photo of Bard Rock at Vanderbilt estate in Hyde Park, c. 1980
14. Erie — Print of Buffalo Harbor in 1833
15. Essex — Sailing on Lake Champlain, photo, 1982
16. Franklin — Poster, scenic County map, c.1880
17. Fulton — Promotional map, c.1880, poster
18. Genesee — Original watercolor of Land Office (historical site), c.1880
19. Greene — Pencil drawing of Artist Grotto & Labell Falls, 1982
20. Hamilton — Model of Adirondack guide boat, 1982
21. Herkimer — Selections of historic industries, c.1880
22. Jefferson — Chromplated carriage lamp patented in 1890
23. Lewis — Pictures of maple syrup making, photos, 1980
24. Livingston — Four pen & ink drawings by William Hackman, c.1980
25. Madison — Clock made in Stockbridge, 1840, Carter & Weller
26. Montgomery — Account book — Palatine German — Fraktur, 1782
27. Monroe — Collage of five photos & County logo, 1982
28. Nassau — 3-D shadow box, 1976, County Past & Present
29. Niagara — Photomontage of various scenic wonders, 1982
30. Oneida — Fort Stanwix, watercolor & pen & ink, 1975
31. Onondaga — Photo of Civic Center, 1982
32. Ontario — Boat houses of Canandaigua Lake, pen & ink, 1982
33. Orange — Tin weathervane of Trotter horse & carriage, 1860
34. Orleans — Photo of County Courthouse in winter, 1970

35. Oswego — Aerial photo of Fort Ontario, 1980
36. Otsego — Painting from Fenimore House of Lake Otsego by William Gay (oil), 1860
37. Putnam — Print of view of Brewster's, 1860
38. Rensselaer — Collage of contemporary photos, 1980
39. Rockland — Lithograph of ice-cutting on Rockland Lake, 1847
40. Saratoga — Photos of tourist attractions, 1980
41. Schenectady — Sewing machine, lightning arrester, toaster
42. Schoharie — Painting of Old Stone Fort, 1970, oil on canvas
43. Schuyler — Che-qua-qa Falls, watercolor, 1977
44. Seneca — Pen & ink drawing, Rose Hill Mansion, 1977
45. St. Lawrence— Stained glass window depicting seal, 1976
46. Steuben — Steuben glass beaver family with garnet eyes, 1982
47. Suffolk — Pencil sketch of Montauk Lighthouse, 1980
48. Sullivan — Four Seasons poster, 1983, by Morton Lebow
49. Tioga — Drawing of courthouse, 1970, pen and ink
50. Tompkins — Painting-by John Kensett of Ithaca 1870, oil
51. Ulster — Model of Senate House, 1975, wood & stone
52. Warren — Photo of Balloon Festival, 1981
53. Washington — Three colored photos of covered bridges, 1976
54. Wayne — Watercolor, 1982, spring apple blossoms
55. Westchester — Lithograph of Westchester County Center, 1930
56. Wyoming — Photo of Letchworth State Park, 1978
57. Yates — Yates County Courthouse, 1980, print of watercolor
58. Richmond — 1890 photo of first lawn tennis match
59. Kings (Brooklyn) — Painting of harbor, c.1920, oil
60. Queens — 1939 lithograph of New York's World's Fair
61. New York — 1929, painting of street scene, oil
62. Bronx — Photo of Grand Boulevard and Concourse, 1892

Governor Approves Fiscal Impact Note Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 10, 1983

Governor Mario M. Cuomo today announced in

Syracuse his approval of a measure requiring fiscal impact notes to accompany all bills before the State Legislature which would substantially affect the revenues and expenses of local governments and school districts.

"I consider this to be a 'good government' bill from the local government perspective," Governor Cuomo said, "since it will insure that State legislators have the information they need to evaluate the effects of State mandates on localities."

"Despite the vast number of State mandates on local governments, there is currently no requirement that bills imposing such mandates be accompanied by a description of their fiscal implications. Legislators often vote on measures affecting local governments without a complete understanding of the costs to be imposed," he said.

"In these difficult fiscal times for local governments and school districts, it is important that State legislators be made aware of the full impact of their votes on bills dealing with localities," the Governor said. "This bill gives local governments the same consideration as currently exists for legislation affecting State government," he said.

The New York Conference of Mayors, New York State Association of Counties and the Association of Towns of the State of New York supported the bill.

The Governor thanked Assemblymen James McCabe and Melvin Zimmer and Senators Martin Auer, Douglas Barclay and Tarky Lombardi for their sponsorship and work on behalf of the bill.

Editor's Note: See Chapter 985 of the Laws of 1983.

Governor Requests Federal Aid for Seneca County

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 21, 1983

Governor Mario M. Cuomo today sent the following letter to Secretary of the Army John O. Marsh, Jr. :

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 22, 1983

Dear Mr. Secretary:

I understand that Congressman Frank J. Horton has discussed with you the difficult financial burden faced by Seneca County as a result of the demonstrations taking place at the Seneca Army Depot.

As a result of the cooperative efforts of County and State law enforcement officials and Army personnel, all recent demonstrations in the area have fortunately occurred without major incident. However, Seneca County's extensive efforts have required the expenditure of over \$100,000 in additional enforcement and contingency planning costs which represent a substantial strain on the resources of this rural County.

I, therefore, join Congressman Horton in his request for Federal assistance to reimburse Seneca County for its additional security costs and stand ready to provide any information and assistance you may require.

I appreciate your attention to this request and look forward to your response. In the meantime, I will remain in close contact with Congressman Horton on this matter.

Sincerely,

(Signed) **MARIO M. CUOMO**

Governor Announces Upstate Council (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 11, 1983

Governor Mario M. Cuomo today announced the formation of an Upstate Council of Elected Officials from around the State, which will provide the Governor with a local government perspective on such policy areas as the economy, the environment and agriculture.

The Council, which grew out of the Governor's

Upstate Cabinet, held its organizational meeting this week. Secretary of State Gail Shaffer will chair the group and Nancy Lorraine Hoffmann, a member of the Syracuse Common Council, will serve as Executive Director.

"We have maintained close contact with dedicated government officials throughout upstate New York for the past eight years. The Council will help continue that communication as we develop sound policy on issues important to upstate. Secretary Shaffer's and Ms. Hoffmann's legislative and governmental experience will be very helpful to the Council as it helps shape programs for New York's future," the Governor said.

Editor's Note: The members of the Upstate Council are: Armond Magnarelli, President of the Common Council, City of Syracuse; Paul Lattimore, Mayor, City of Auburn; Louis DeLisio, Mayor, Village of Clyde; Peter McDonough, County Legislator, 11th Dist., Monroe County; Thomas Rotondo, Mayor, City of Lockport; Michael O'Laughlin, Mayor, City of Niagara Falls; Delmar Mitchell, President of the Common Council, City of Buffalo; Sam Forsey, Councilman-at-Large, Common Council of City of Jamestown; Don Milligan, County Legislator, 11th Dist., Cattaraugus County; Ann Marie Costello, County Legislator, 12th Dist., Cattaraugus County; John Bryson, Mayor (Emeritus), Village of Bath; Mary Pat Ciccariello, Mayor, City of Elmira; Stuart Stein, Member, Bd. of Reps., Dist. 3, Tompkins County; Richard Shay, District Attorney, Cortland County; Robert Eagan, Mayor, Village of Johnson City; James Testani, President of the City Council, City of Binghamton; James McCarthy, Mayor, Village of Hamilton; Louis Critelli, Majority Leader of the Common Council, City of Utica; Mary Lou Bartlett, County Clerk of Oneida County; Theodore Wind, Mayor, City of Little Falls; Frances Waddington, County Legislator, 11th Dist., Otsego County; David Pardy, County Legislator, Minority Leader, Orange County; Kathleen Mihm, County Legislator, Dist. 6, Ulster County; Lucille Pattison, County Executive, Dutchess County; Ann Buchholz, Supervisor, Town of Poughkeepsie; Michael Yusko, Mayor, City of Hudson; John "Bud" Scheriff, Supervisor, Town of Kinderhook; James Peluso, Finance Commissioner, Saratoga County; Carlton Rennell, Mayor, City of Plattsburgh; Ernest LaBaff, County Legislator, Dist. 15, St. Lawrence County; William Magee, Supervisor, Town of Nelson; David Gantt, State Assemblyman 133 A.D.; Anthony M. Masiello, State Senator 58 S.D.; James W. McCabe Sr., State Assemblyman 123 A.D.; and Paul Tonko, State Assemblyman 105 A.D.

Governor Corresponds on Use of MAC Resources

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 23, 1983

Governor Mario M. Cuomo today released the following letter to Mayor Edward I. Koch regarding the future use of resources of the Municipal Assistance Corporation.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 22, 1983

Dear Ed:

During the past few months, I have been encouraged by the close and productive relationship we have developed with respect to a number of important issues — the Rebuild New York Program, the Forty-Second Street Project, and most recently the Port Authority's Waterfront Development Program. We now have before us an opportunity to build on this record of cooperation, and to create still another new partnership through which we can invest in New York City's economic future.

As you know, members of my staff and I have had several conversations with Felix Rohatyn and his associates at the Municipal Assistance Corporation, and with members of the Council on Fiscal and Economic Priorities, about how we can use the Corporation's enormous financial resources to strengthen the economy of the City. We estimate that during the next five years, MAC could make approximately \$1.0 billion dollars available for this purpose. These surplus funds could be generated in three ways: the accrual of interest on MAC's reserve funds; the refinancing of outstanding MAC bonds, to take advantage of lower interest rates and to level out debt service requirements; and reduction in the size of required reserves, as debt service requirements decline.

There appear to be three options for the use of these resources. The first would be to reduce the amount of City sales tax revenue allocated to the Corporation to cover debt service and operating expenses. This option, which could be negotiated between the Corporation and

the City, could provide substantial budget relief to the City.

The second option would be for MAC to accelerate the repayment of its outstanding debt. This would have obvious benefits for both the City and the State; and like the first option, it could be done under existing law.

The third option is more complicated, and would require State legislation. Surplus MAC resources could be used to invest in programs and projects that would build the City's economic base. To this end, we have been discussing a proposal for creation of a New York City Development Fund, a new public benefit corporation jointly controlled by the City and the State, and authorized to act as a channel for investment of surplus MAC funds.

Under this proposal, MAC would be authorized to transfer interest earnings, excess reserves, and annual debt service savings resulting from refunding, to the City Development Fund. The Fund would not itself be a development agency. Instead, it would be a development "bank" from which existing agencies could draw funds for specific programs and projects. The Fund's investments could take the form of either grants or loans.

The Fund's charter would be drawn as broadly as possible, so that its resources could be used flexibly to provide the "missing ingredient" needed to solve a variety of economic development projects. Its purposes could include:

- Public capital improvements, such as infrastructure for a new industrial park, or subway station improvements needed in conjunction with back office development.

- Financing land acquisition for economic development projects.

- Financing real estate development, such as "back office" parks outside Manhattan.

- Funding the establishment of major research and development facilities.

- Investments of human resources, such as on-the-job training for people in information processing occupations in the back office sector.

- Energy cost reduction, either in the form of financing conservation improvements and alternative

energy production systems, or in the form of temporary, targeted utility tax rebates.

— Other carefully targeted tax rebates.

The Fund's resources would only be committed to a specific project when they could leverage significant private investments at a ratio of at least one-to-one. Moreover, where an individual firm or establishment was directly or indirectly the beneficiary or subsidies, grants or rebates provided by the Fund, that firm or establishment would be contractually bound to maintain or expand operations and employment in the City for a specified period, subject to recapture provisions.

As we envision the program, MAC's authorization to transfer surplus resources to the Fund would expire after five years; and the Fund itself would go out of existence in ten years. Any outstanding balances held by the Fund would then revert to the Municipal Assistance Corporation.

What I have sketched out here is of course only the barest outline of what will have to be a very carefully developed and carefully designed program. I am eager to hear your reactions, and to work with you to develop a proposal that best meets the City's needs, and most effectively strengthens its economy.

Let me make clear in closing that I am not *opposed* in principle to using surplus resources simply to pay down the Corporation's existing debt. That would by any measure be a prudent and responsible course of action. But I am convinced that we now have a chance to use these resources more creatively and more effectively on behalf of the people of the City. I look forward to working with you to turn that opportunity into a reality.

I ask that we meet shortly to review this idea — and your views on the use of MAC resources.

Sincerely,

(Signed) **MARIO M. CUOMO**

Governor Comments on Use of MAC Resources

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 29, 1983

I appreciate the Mayor's timely response to my letter about the use of potential MAC resources. I am pleased that the proposal includes a mix of approaches including economic development and restructuring debt issued during the City's fiscal crisis.

The proposal envisions substantial actions to be authorized by the Municipal Assistance Corporation and the Financial Control Board. I have asked Felix Rohatyn to review the relative benefits of the proposals, in conjunction with the Financial Control Board, the Comptroller and my staff. We anticipate meeting with the City officials expeditiously to determine the most beneficial use of these potential funds, for the economic growth and fiscal stability of the City.

PARKS**Governor Announces Landscaping Grants (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 19, 1983

Governor Mario M. Cuomo today announced that nearly 70 communities throughout New York State will share more than \$3 million in grants allocated to New York State as part of the Landscaping Grant Program of the Small Business Administration Emergency Jobs Bill of 1983.

In a ceremony at which he accepted a \$3 million check from Peter Neglia, Regional Administrator for the United States Small Business Administration Region II, Governor Cuomo said:

These grants provide us with needed funds to help restore and beautify our parks and recreation areas. By targeting the funds to areas with the greatest need for employment, we will be

providing up to 1,000 New Yorkers with badly needed jobs.

Under the program, the specific allocation provides for much needed refurbishment of public lands, projects for which little money has been available in recent years. Programs slated by grant recipients include ground cover plantings for erosion control along parkways, seeding of park lawns and play areas, installation of benches, and planting of trees and shrubs along roads and throughout parks.

More than 170 applications were received by the New York State Office of Parks, Recreation and Historic Preservation for this allocation of the grants. Projects to be funded were selected on the basis of their local recreation needs, area unemployment rates, project job-generation rate, value of the project, timing, and past performance by the applicant in grant and recreation programs.

Governor Cuomo thanked President Reagan, Senators Daniel Moynihan and Alfonse D'Amato, the entire New York Congressional Delegation, Commissioner of Parks, Recreation and Historic Preservation Orin Lehman, and SBA Regional Administrator Peter Neglia.

Governor Announces Boating Safety Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 16, 1983

Governor Mario M. Cuomo today accepted a check for \$703,412 in Federal funds for boating safety programs in New York State.

The check, which was presented to Governor Cuomo by Congressman Mario Biaggi, represents New York's 5.75 percent share of a total national appropriation of \$12.5 million. Funds are distributed based on a formula related to state expenditures for boating safety programs. In accepting the check, Governor Cuomo said:

This provides a good example of both the State and Federal governments working together. By matching the Federal funds made available

through Congressman Biaggi's efforts, we have been able to provide increased support for State agencies and local programs involved in boating safety activities. New Yorkers enjoy hundreds of miles of coastal waterways, rivers and lakes. These funds and safety programs help them enjoy these resources fully and with the confidence that comes with safety planning.

With the funds, New York State maintains a recreational boating safety program which includes:

- a vessel numbering system;
- an enforcement program to insure adequate law enforcement;
- a safety education program; and
- cooperation in a boating accident and casualty reporting system with the United States Coast Guard.

The funds will be distributed to both State agencies and local programs for such activities as the New York City Marine Police and certain volunteer groups which provide search and rescue missions to distressed boaters in New York waterways.

"There are an estimated 15 million boats of which more than 500,000 are licensed in New York State. The continued growth of recreational boating in the U.S. and New York State underscores the need for improved safety. It is therefore appropriate that Federal and State governments develop a partnership for safety. It is significant to note that since 1971 when the Coast Guard first started their efforts on boating safety the boating fatality rate has been cut by more than half from 20.2 to 7.9 deaths per 100,000 boats," Rep. Biaggi said.

Governor Announces Natural Heritage Trust Grants (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 19, 1983

Governor Mario M. Cuomo today announced that nature and environmental education facilities throughout New York City and upstate New York will share grants totaling \$2,911,000 in State funds allocated through the

Natural Heritage Trust.

The Natural Heritage Trust's Zoos, Botanical Gardens and Aquariums program awards monies to permanent public and nonprofit institutions to assist with the maintenance of their natural collections (usually live plants or animals), or to expand public use and appreciation of these resources. Eligible program costs include professional staffing, animal or plant care, general operating support, and special projects.

"These monies will be used to support programs in nature education and conservation," Governor Cuomo said. "I am particularly pleased that facilities in 25 counties will be able to use these funds to protect and share an environmental heritage with New Yorkers."

Governor Announces UPARR Grants (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 31, 1983

Governor Mario M. Cuomo has announced release of nearly \$4.5 million in State and Federal money to eight communities, for improvement of parks and recreation facilities under the Federal Urban Parks and Recreation Recovery (UPARR) program.

Under Federal program guidelines, the Federal government would normally cover 70 percent of project costs, and local governments 30 percent. "However, because New York State government picks up half of the expected local share, the Federal government increases its share to 85 percent, and local governments enjoy no-cost improvements of important facilities," Governor Cuomo said.

Of the total \$40 million allocated to 125 cities and counties nationwide, New York State received a total of \$3,787,651, according to Orin Lehman, State Commissioner of Parks, Recreation and Historic Preservation, the agency which administers the program in New York State.

The national awards were made from 270 applications, based upon the impact of projects upon local employment, the degree of need, condition of facilities

and relationship of the project to total recreation systems.

Editor's Note: The eight municipalities were Freeport, Syracuse, New Rochelle, Buffalo, Niagara Falls, New York City, Schenectady and Rochester.

Governor Announces Pocantico Hills State Park

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 21, 1983

New Yorkers today gained a new State park in Westchester County as Governor Mario M. Cuomo and State Parks Commissioner Orin Lehman accepted title to lands at Pocantico Hills from the Rockefeller family.

On behalf of their family, David and Laurance S. Rockefeller transferred ownership of approximately 743 acres of the family estate in Westchester County to the State of New York. Mrs. John D. Rockefeller III presented the Governor with an accompanying \$3 million endowment for the perpetual care and maintenance of the property.

"This outstanding gift from the Rockefellers to the people of New York is indicative of the family's long tradition of public service and devotion to our State. Other evidence of their dedication to New Yorkers surrounds us," the Governor said. The Governor noted Laurance S. Rockefeller, as Chairman of the New York State Council of Parks, led the State parks system through an unprecedented decade of expansion, from 1963 to 1973. "This family devotion to public parklands is today carried on by his son, Laurance, a prominent environmentalist and a member of the Palisades Interstate Park Commission," the Governor said.

Formal transfer of the Pocantico property is the culmination of many years of planning, study, and negotiation, including formal research of the natural characteristics of the property and the most appropriate potential uses for varied areas; development of a master plan and formal environmental impact statements; meetings to hear and resolve concerns of the local community regarding the transfer of the property and ultimate creation of a State park facility.

The new park will be under the jurisdiction of the State Office of Parks, Recreation and Historic Preservation and classified as a State Park Preserve. "The Pocantico property has outstanding recreational potential and conforms to our needs for additional open space for public use in this area," State Parks Commissioner Orin Lehman said. "Its mix of environments — meadows, woodlands, streams, and a lake — plus the diversity of the plant and animal life — make it an ideal site for nature study."

For many years, local residents have used various portions of the property for horseback riding, hiking, and jogging. "In future years, the State parks system will encourage similar low-intensity recreation appropriate to the land — for example, cross-country skiing and picnicking," Governor Cuomo, said.

The Office of Parks, Recreation and Historic Preservation will be responsible for the care of the lands, financed by the accompanying endowment. Development costs, estimated at \$2.5 million, will be borne by the State, augmented with Federal aid where available.

SOCIAL SERVICES

Governor Announces Cheese Distribution

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 14, 1983

Governor Mario M. Cuomo announced today that the State will soon begin distribution of 27 million pounds of U.S. Government surplus cheese to needy persons. This is 18 million pounds more than was distributed last year.

In announcing the program, Governor Cuomo called upon all State and local agencies to join in the effort to transport, store and distribute the cheese. "I have directed the Office of General Services to notify the Federal government that we are ready to distribute the cheese," Governor Cuomo said. "I have also instructed the Division of the Budget to ask all State agencies to assist OGS wherever possible in the transportation, warehousing and distribution of this cheese for the needy," the Governor said.

A cooperative effort involving State and local government agencies will be utilized to help minimize the costs associated with distribution. Letters are being sent to county executives, mayors of each county's principal cities, other local officials and private, voluntary agencies to enlist their aid.

Each county will be eligible for three times as much cheese as they received last year. At that time the State provided 9.5 million pounds of cheese to needy households. Each county can receive an additional allocation if the need is established and the additional cheese can be given out before the end of June.

Approximately 9 million pounds of cheese can be made available within the next three weeks. The balance will become available over the next four months. Office of General Services Commissioner John C. Egan will be responsible for the cheese distribution program. As was the case last year, special hot line numbers will be set up to provide information. The phone numbers and other details will be announced within the next several weeks.

Governor Submits Unemployment Insurance Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 10, 1983

Governor Mario M. Cuomo announced today that he is submitting to the Legislature a bill that would immediately increase the maximum weekly benefit provided under the State's unemployment insurance program from \$125 to \$170 a week. The bill would also provide for subsequent increases to \$180 in 1984 and \$190 in 1985.

New York State currently ranks forty-first among the states in its weekly benefits. With the proposed increase to \$170 per week, New York would rank twenty-first.

"This increase will bring a modest degree of relief to hundreds of thousands of New Yorkers who are the innocent victims of the worst recession since the 1930's. A few extra dollars each week will not make up for either the economic losses or the pain of unemployment but for many jobless workers and their families, this increase will make that pain a little easier to bear," the Governor said.

The Governor also emphasized the importance of securing quick action on his proposal. "New York's unemployed workers need help now," the Governor said. "I will meet with legislative leaders and the appropriate committee chairpersons early next week to seek their cooperation in getting early action on this bill."

Under the State's unemployment insurance program, workers receive benefits equal to approximately 50 percent of their average weekly wage up to the maximum. Under the Governor's proposal, about a third of the 310,000 workers now receiving benefits would be entitled to an increase, effective about two months after enactment of the bill.

The maximum unemployment benefit was last increased in 1978, from \$115 to the present level of \$125. Since that time, the Consumer Price Index has risen about \$67 and the State's average weekly wage in covered employment has gone from \$257 to approximately \$350.

The Governor's bill also contained three other provisions aimed at maintaining or improving administration of the unemployment insurance system. One would extend the "experience rating" system, under which an employer's contribution to the unemployment insurance trust fund is determined by his degree of success in maintaining employment, until 1988. The statutory provisions that now authorize experience rating expire in June.

The second provision would increase the minimum weekly wage a person must earn to qualify for unemployment benefits from \$40 to \$67; and the minimum weekly benefit from \$25 to \$35. The third provision of the Governor's bill changes the eligibility requirement under which a person disqualified from receiving unemployment benefits for various reasons must work before he or she can again qualify for benefits.

The Governor also stated that he would also seek improvements in two other employee benefit programs, workers compensation and disability insurance. "Improvements are needed both in the benefits provided by these programs and in their administration," the Governor said.

The Governor stressed, however, that "no matter what we do for the unemployed, there is no substitute for a job;

and putting people back to work will be one of the highest priorities of my Administration."

Governor Proposes End of Mandatory Retirement

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 20, 1983

Governor Mario M. Cuomo today proposed legislation eliminating mandatory retirement and other forms of age discrimination in employment in both the public and private sectors.

"Capable, able, older people who wish to work should have the protection of the law to do so. As life expectancy increases, as the stability of the Social Security system appears imperiled, as more and more Americans link work with status and as more older persons have come to realize that creativity and capacity for work are ageless, it is essential that older New Yorkers have full opportunities for employment," he said.

The proposal, which prohibits age-based employment discrimination against anyone 18 or older, tracks Federal legislation but takes it one step further by uncapping the upper age limit. Federal legislation effective January 1, 1979, prohibits mandatory retirement before age 70 for most public and private employees and completely eliminates mandatory retirement for Federal employees. The exceptions are highly-paid executives with retirement pensions in excess of \$27,000 and employees in positions where age is a bona fide occupational qualification.

Governor Cuomo said the legislation he is proposing does not permit the exception for highly paid executives although it continues the exemption for positions where age is a legitimate occupational qualification.

The Governor said the State's cost for Social Security, Medicaid and Emergency Assistance for Adults would ultimately be reduced by the abolition of mandatory retirement. A slight increase in retirement costs is expected for the first two years following age 70 because of the added service credits and higher final average salary. However, reductions in the cost of pensions because of delayed start of payments and shorter pay-out

time can be expected to exceed the increases, for a net savings.

Editor's Note: See the Housing section for additional information on measures to prohibit age discrimination.

Governor Proposes Redefinition of "Disability"

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 7, 1983

Governor Mario M. Cuomo today announced that he is submitting legislation to make the definition of "disability" in the Human Rights Law consistent with the definition of "handicapped person" utilized in Title V of the Federal Rehabilitation Act of 1973. If passed, the change in definition would extend State protection for the disabled.

In defining "disability" the bill makes clear that the application of Human Rights Law protections with regard to employment situations extends to cases where an individual already holds a job or occupation. It does so by adding "or held" to the language stating that the term "disability" shall be limited to:

physical or mental impairments which do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought (or held).

In addition, the bill amends the present definition of "disability" to include:

any person who (a) has a physical or mental impairment, including, but not limited to, those of neurological, emotional or sensory origins, which substantially limits one or more of such person's major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.

Through the changes mentioned, this bill, which was recommended as a legislative priority by the New York State Office of the Advocate for the Disabled, is expected to aid efforts to end discrimination against the disabled

by making the definitions of disability consistent. In addition, the bill extends State protections to individuals who have a record of an impairment or are regarded as having an impairment.

Governor Proposes Medicaid Reform

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 23, 1983

Governor Mario M. Cuomo today submitted legislation designed to improve the quality of health care for Medicaid recipients, while reducing the costs for both State and local government. In submitting the legislation, Governor Cuomo said, "The people who are at the most desperate end of the scale often are forced to pay the highest medical fees. This bill is a proposal to make our Medicaid program more reasonable."

A key function of the bill is to encourage case management on the part of private physicians and health maintenance organizations. The Medicaid recipient has to a large extent been forced to use inappropriate acute care and ambulatory facilities. Research indicates that total costs incurred for populations in prepaid health care plans are 10 percent to 40 percent lower than for conventionally insured populations, due to lower hospitalization rates.

Under the proposed competitive bidding programs, the State Department of Social Services would authorize counties with an acceptable plan to contract with selected providers for care services and supplies. More than a single provider for service would be selected to assure that clients can choose among a variety of providers. The program will permit social service districts, with the approval of the State Commissioner of Social Services, to limit the participation to those providers meeting standards for quality, continuity and cost efficiency.

The Medicaid reform initiatives are predicated upon approval of waivers by the Federal government and Federal financial participation. If established, the programs will be applicable to all persons eligible for medical assistance including home relief assistance.

Savings will not be realized under the program until

fiscal 1984-85. These savings will result from stable, preventive care provided by the primary case care manager; capitation, providing an an incentive to the HMO's, should result in decreases of inpatient care of between 15 and 40 percent for each enrolled individual; and, counties, under the generic Medicaid Reform Demonstration, will have a serious financial interest in maximizing all of the flexibility provided as a part of this proposal. The bill also provides the means for achieving savings over the next decade with the level of savings depending on the number and locations of the programs implemented.

Governor Outlines Agenda for the Elderly

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 3, 1983

Governor Mario M. Cuomo today outlined his agenda for the elderly in a ceremony marking Senior Citizens Day at the Capitol. At the ceremony, during which the Governor introduced the new Director of the Office of the Aging, Reverend Eugene Callendar, Governor Cuomo enumerated his priorities in helping the elderly. In particular, the Governor:

— called for "a commission similar to the one that tackled Social Security to examine Medicaid, to determine where it can be strengthened, how it can be changed so as to become a more effective instrument of our senior citizens' health;"

— announced his intention to reissue the Executive Order requiring that the design of all public programs and policies take into account their effect on the elderly;

— expressed his continued support for the elimination of mandatory retirement in both the public and private sectors, saying "it's as wrong to deny people work on the basis of age as it is to do so on the basis of their religion or color or sex;"

— stated that he has proposed legislation that will encourage the hiring of people aged 70 and over in the network of State agencies and programs that are directly involved with the elderly and legislation to enable elderly renters to break a lease in order to enter public housing; and

— expressed support for extension of the cooperative/condominium conversion protections currently in place.

The Governor stated that:

At a time when we faced the worst deficit in the State's history, when we were forced to lay off State workers and cut expenditures, we increased the money we spend directly on community services for the elderly by \$3 million, from \$13.6 million to \$16.6 million.

What kind of a family are we if we ignore those who've raised us, who've sacrificed to bring us this far, who've seen us through war, depression and social upheaval? How can we call ourselves a family if we allow age to disqualify some of us from belonging to that family?

The time has come to assure our senior citizens of the dignity and security they have earned, and to guarantee their right to act, to work, to participate in our society as fully as they wish.

Governor Approves SSI Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 4, 1983

Governor Mario M. Cuomo announced he has signed legislation which would pass through federally authorized increases in Supplemental Security Income (SSI) to eligible recipients. The measure, which received final passage today by the State Senate, required enactment and the Governor's signature by May 5 for eligible recipients to receive the increases on July 1.

Under terms of the legislation, individual recipients of SSI benefits will receive a \$17.70 monthly increase this July and an additional \$9.70 monthly increase in January, 1984. Eligible couples will receive increases of between \$26.55 (and \$15.60 in January) and \$35.40 (and \$19.40 in January), depending on the nature of their living situation.

In addition, the personal needs allowances for SSI

recipients will increase by \$3 per month in July and by an additional \$2 in January. Personal needs allowances are available to residents of congregate care facilities for purchase of toiletries, clothing, haircuts, entertainment and other personal needs. The proposed increases would bring the allowance up to a level of between \$35 and \$55, depending on the level of congregate care. "By targeting a portion of the SSI increase to the personal needs allowance, we ensure that the eligible individual derives a direct benefit from the increase," the Governor said.

The Supplemental Security Income program is a Federal program for the aged, blind or disabled who have income and resources below certain eligibility levels. The benefit consists of a basic Federal allowance plus a State supplement. In the past, the Federal allowance was increased in July by a cost-of-living adjustment, along with a corresponding increase in Social Security benefits. This year, Congress delayed the cost-of-living increases, enacted a one-time \$20 increase in SSI and required states to pass through only that portion of the increase corresponding to what the cost-of-living increase would have been, or \$9.70.

If the State passed through the entire \$20 to recipients, the State would have incurred approximately \$7 million in unbudgeted and unreimbursed expenditures, because of the delay of the Social Security benefit increase and complex legal requirements pertaining to persons who are eligible only for State-funded SSI benefits. The July increase of \$17.70 for individuals represents the maximum amount that the monthly benefit can be increased without requiring the State to incur substantial expenditure increases.

In addition, the bill retroactively increases benefits to individuals who had not received the July, 1982, increase. By doing so, the State can take advantage of recent Federal legislation defining the responsibility of states to "pass through" the Federal benefit increases. States are required to maintain their effort in the SSI program by either passing through the full amount of any cost-of-living increase or by distributing the increase so that total expenditures are maintained at the same level.

Although New York adopted the latter, more flexible approach, a declining SSI caseload has resulted in requiring substantial increases in State expenditures. By

retroactively increasing benefits to those persons who did not receive the most recent increase, New York can shift to the approach requiring pass-through of the benefits to individuals — thereby assuring recipients that they will receive the benefit increases and saving the State up to \$6 million in this fiscal year.

**Governor Comments on Anderson/Lombardi
Medicaid Proposal**

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 9, 1983

This is a positive and significant development.

Senator Anderson has now joined the Speaker and myself in recognizing the need for a multiyear restructuring and reforming of the Medicaid system. I proposed this concept in my January 5, *State of the State* message, it was immediately endorsed by the Speaker and has been a priority issue at each of the leadership meetings over the past several weeks.

We will now analyze the specifics and of course continue to negotiate.

**Governor Announces Benefit Reform Bill Agreement
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 17, 1983

Governor Mario M. Cuomo today announced agreement with legislative leaders on an Omnibus Employee Benefit Reform bill to increase unemployment insurance, workers compensation and disability insurance benefits as well as introduce reforms in all three programs aimed at reducing costs incurred by employers.

"The benefit increases included in this bill are desperately needed especially at a time when unemployment is continuing to cause serious hardship for hundreds of thousands of New Yorkers and their families. I am especially grateful to Speaker Stanley Fink and Senator

Warren Anderson and their staffs for the spirit of compromise and the determination to reach agreement that characterized our discussions on this bill, and that have characterized so much of this Legislative Session," the Governor said.

The bill would increase the maximum weekly unemployment insurance benefit from \$125 to \$170, as of the first Monday in September. The maximum would rise to \$180 in July, 1984.

Provisions of the bill that would reduce the cost of unemployment insurance for employers include:

- an increase in the minimum earnings required for UI eligibility, from an average of \$40 per week for 20 weeks to \$67 a week for 20 weeks, effective in September, and \$80, effective in July, 1984;

- a tightening of the standards that a worker must meet in order to requalify for UI benefits after being disqualified — for example, because of having voluntarily quit a job;

- authorization for the Commissioner of Labor to recoup improperly paid benefits;

- elimination of benefits for wildcat strikers; and

- permanent authorization of an "experience rating" system.

"This bill represents a prudent approach to meeting the needs of jobless workers and their families, without unduly burdening employers," Governor Cuomo said. The Governor noted that the combined package of benefit increases and cost-cutting measures would avoid an increase in the payroll tax rates that finance the unemployment insurance system.

The bill would also increase workers compensation and disability insurance payments. The maximum benefit for total disability would increase from \$215 per week to \$255, for injuries incurred after July 1, 1983; to \$275 for those occurring after July 1, 1984; and to \$300 for those occurring after July 1, 1985. For partial disability, the maximum would rise from \$105 to \$125 as of July 1, 1983; \$135 as of July 1, 1984; and \$150 as of July, 1985. The maximum disability insurance benefit, now \$95 per week, would rise to \$125 this year, \$135 next year, and \$145 in 1985.

The bill also includes a number of provisions aimed at reducing employer costs for these programs:

- adoption of more stringent standards for determining hearing loss in workers compensation cases;
- limitation of employers' liability for athletic injuries to cases where the athletic activity involved was directly sponsored by the employer;
- treatment of the Social Security disability program as a primary insurer, where this program would provide coverage that duplicates workers compensation coverage, to the extent permitted by Federal law;
- an increase in the interest rate assumed to be earned by the aggregate trust fund, resulting in a reduction in premium payments;
- a series of changes in the procedures of the Workers' Compensation Board designed to assure fair treatment of employers; and
- an increase in the employee contribution to disability insurance from 30 cents to 60 cents per week.

The legislation also establishes a Temporary State Commission to study the structure and administration of the State's workers' compensation program. The Commission would look at a variety of issues, including the structure of benefits, the claims adjudication process, recommendations made by employer organizations for adoption of a "preponderance of evidence" standard in judging workers' compensation, the relative roles of the State Insurance Fund and private carriers in financing the program and possible administrative improvements.

The Governor noted that the cost-saving measures in the bill include many that had previously been agreed to by representatives of the State Business Council and the State AFL-CIO. "This agreement reflects a careful balancing of the needs of both workers and employers. It is a product of the cooperative efforts of business, labor, the executive branch, and both houses of the Legislature, especially Assemblyman Frank Barbaro and Senator Joseph Pisani, the Chairmen of the Labor Committee in their respective houses," the Governor said.

Editor's Note: See Approval Memorandum No. 22, Chapter 415 of the Laws of 1983, and the July 5 document in this section.

Governor Reviews Medicaid Financing

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 23, 1983

Since assuming office in January, one of my highest priorities has been to achieve a fundamental restructuring of the way in which Medicaid is financed by the State and its local governments. Earlier this Session I introduced a proposal under which the local share of Medicaid financing would have been reduced, over a five year period, to 10 percent for all Medical Assistance services. Since that time several other innovative proposals have been advanced by legislators similarly interested in accomplishing this much needed and basic restructuring.

Following extensive discussions on this issue with all involved parties, today I am announcing my support for Senate Bill No. 6793, as introduced by Senator Lombardi and others. Under this legislation the local share of Medicaid is to be reduced over a three-year period to 10 percent for all long-term care services provided to Medical Assistance recipients.

This legislation represents a major initiative in the direction of restructuring State and local fiscal relations. Overall, Medicaid constitutes the fastest growing item in local budgets. It is a major cause of county property tax increases and is a chief obstacle to New York City's efforts to achieve permanent fiscal stability.

The increased State financial participation for long-term care services under the Senate's proposal is expected to provide over \$400 million in savings statewide in 1984 and continually growing savings each year thereafter. Long-term care, as a category, is the single largest component in the Medicaid program statewide and in many counties in the State constitutes the vast majority of local Medicaid expenditures.

It is expected that this new financial restructuring will provide the necessary incentives for the needed expansion in long-term care, particularly a growth of home-based services. Such an expansion will not only offer more appropriate services at a lower total cost, but will also help ensure that medically unnecessary, higher

cost institutional care is minimized or avoided.

I am confident that enactment of this program will be a great benefit to all counties in the State, will help stabilize local budgets, will make available additional local resources to quality of health care delivery to Medicaid recipients.

Governor Announces WIC Allocation

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 29, 1983

Governor Mario M. Cuomo today announced the allocation of \$7.6 million in additional Federal WIC (women, infants and children) funds to supplement the diets of nutritionally at risk, low-income women, infants and children in NYS. The Governor also announced that through the Emergency Nutrition Aid Program (ENAP) NYS is providing \$4.5 million in State funds to approximately 10,000 low-income pregnant women and teens in 25 NYS communities in an effort to aid those low income women who have not been reached by WIC.

In making the announcements, Governor Cuomo stated:

Clearly, our responsibility is to help those most in need. We are targeting the Federal WIC funds so that they go most heavily to areas which have been unable to serve at least 40 percent of their identified needy population. These most needy areas are spread across the State and include Nassau (presently serving only 15 percent of those eligible); Suffolk (presently at 16 percent); Queens (22 percent); Orange (23 percent); Niagara (26 percent); and St. Lawrence (27 percent).

We are using State funds for the ENAP program to provide assistance to women at high risk of endangering the nutritional well-being of their fetuses and delivering low birth weight infants due to dietary deficiencies. By providing these funds to pregnant women, we should not only be aiding the well-being both of the mother and infant, but also helping to prevent acute and

long-range health care problems and their concurrent costs.

This ENAP program and our targeting of WIC funds permit us to build upon the strengths of the WIC program to promote expanded and more effective services to our needy population.

In addition arrangements have been made by New York Telephone for installation of a WIC/ENAP hotline which will provide individuals with additional information on the programs as well as identify for them the agencies in their locality that offer these services.

A low birth weight baby has half the chance of survival of a normal birth weight infant, is three times more likely to suffer from birth defects and is ten times more likely to be mentally retarded.

Fifteen communities upstate and ten downstate have been granted ENAP funds under the program. Each local provider offers participating pregnant women coupons for supplemental food (worth \$30 to \$35 per month) and an expanded variety of services, such as nutritional and health education, improved referral and follow-up to prenatal care.

The \$7.6 million in Federal WIC funds provided to New York State under the recently enacted Federal Jobs Bill legislation will permit WIC agencies statewide to serve an additional 56,714 persons monthly. The current statewide total of WIC recipients is 210,000 per month. Health Department estimates that at least 500,000 low-income women, infants and children are at nutritional risk in New York State.

In addition to the \$7,594,862 which will be allocated to local WIC agencies, the State Health Department has received \$334,368 to cover increased State costs for administering the WIC program.

Notices have gone out to all participating WIC agencies notifying each of the agencies of additional WIC funding which will be available to expand their respective caseloads. Under Federal regulations the funds must be spent by September 30, 1983.

Governor Approves Benefit Reform Bill (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 5, 1983

Governor Mario M. Cuomo today signed the Omnibus Employee Benefit Reform bill raising unemployment insurance, workers compensation and disability insurance benefits while at the same time tightening some rules as a cost-saving benefit for employers.

"For the 333,000 New Yorkers receiving unemployment checks, joblessness is a harsh and discouraging fact, robbing them of self-esteem and causing family instability," the Governor said. "The present maximum unemployment benefit of \$125 a week, unchanged since 1978, fails to provide the margin of economic security for which the program was designed. This increase is desperately needed," he said.

Governor Approves Health Care Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 26, 1983

Governor Mario M. Cuomo today announced that he has signed legislation to provide improved health care for Medicaid-eligible patients while saving the State nearly \$200,000 in the present fiscal year and over \$400,000 in fiscal year 1984-85. The bill, which is part of the Governor's legislative program, guarantees that a Medicaid-eligible individual who enrolls in a health maintenance organization (HMO) can maintain his or her eligibility for Medicaid during the initial six-month enrollment period.

Speaking at the dedication of the Troy Health Center, Governor Cuomo said:

In my *State of the State* message, I said that "Health maintenance organizations have proven their worth for reducing costs while assuring access to a full range of care." At that time, I pledged to "encourage a major expansion of health maintenance organizations and other

similar systems for all our citizens and establish a goal to double enrollment in such plans by 1986."

This bill helps fulfill both the goal of increasing HMO enrollment and of saving taxpayers' money. The bill also represents one section of a five-part program I have announced for further HMO development in New York State.

Prior to the bill, a Medicaid recipient enrolled in an HMO automatically lost his enrollment if he lost Medicaid eligibility, even for a short period. Under the bill, Medicaid clients who enroll in HMO's will be guaranteed six months coverage by the HMO even if Medicaid eligibility is lost during this period.

Clients are expected to benefit from the bill because their medical needs will be met, even if they lose Medicaid eligibility during the six-month period. The extended Medicaid eligibility will also provide an incentive for HMO's to enroll Medicaid clients which will result in higher total HMO enrollments and the consequent economies of scale in providing medical services.

Taxpayers will also benefit due to the lower cost of providing medical care for enrollees in HMO's than under fee-for-service delivery systems. These cost savings (estimated by the State Department of Social Services as \$200,000 this fiscal year and over \$400,000 in fiscal 1984-85) will far outweigh the cost for HMO care of those clients who have lost their eligibility.

Other elements in the Governor's program for further HMO development in New York State include:

- improvement of the legal and regulatory environment pertaining to HMO's. The Governor has directed the Departments of Health, Insurance, Social Services, and Civil Service to make coordinated efforts to improve the legal and operational environment for New York State HMO's.

- expansion and improvement of the offering of the HMO option to State and local government employees.

- outreach to the business community. The Department of Health is meeting with business groups and associations to review HMO benefits and progress. In addition, the Department is establishing a cooperative HMO marketing information exchange program which

will expand public information on HMO's.

— targeting of areas for HMO development and expansion, especially toward existing metropolitan service areas and expansion into medium-sized cities.

Health maintenance organizations are among the most efficient and cost-effective alternatives to the conventional fee-for-service health care delivery system. In addition to providing the entire range of needed medical care for a prepaid fixed fee, HMO's save a reported 10 to 40 percent in health costs through the avoidance of medically unnecessary hospitalization.

Although approximately 6 percent of the entire State population is now enrolled in HMO's, enrollment by Medicaid-eligible individuals is only approximately half as large. Of the 12 HMO's in New York State, only the HIP program in New York City has a significant number of Medicaid enrollees.

Editor's Note: See Approval Memorandum No. 39, Chapter 535 of the Laws of 1983.

Governor Announces AFDC Training Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 2, 1983

Governor Mario M. Cuomo announced today he has signed legislation establishing a program to train Aid to Dependent Children (AFDC) recipients as homemakers or home health aides. The program, which was part of the Governor's 1983 legislative initiative, has twin objectives of providing training and employment to welfare recipients to help them become self-sufficient and making available needed home-based services to the frail elderly otherwise at risk of institutionalization.

Savings of approximately \$500,000 a year to the State and local governments will result from implementation of the Federal demonstration project. The savings come about because of 90 percent Federal payment for home health services, the cost of monthly grants to AFDC clients who will be employed and Federal payment of 90

percent, rather than the normal 50 percent, for Medicaid for participating AFDC clients after their first four months of employment.

Governor Cuomo said that in its first year, the project will train and employ 220 AFDC recipients in five areas of the State — Albany, Rockland, Schenectady and Westchester counties and New York City.

As an incentive for AFDC clients to participate in the project, the program guarantees trainees Medicaid eligibility during the first year of training and employment, the Governor said. The potential for losing Medicaid benefits has discouraged AFDC clients from seeking training or employment.

"The bill represents this Administration's commitment to provide employment opportunities for New Yorkers who are willing to work, but need training to find meaningful and permanent jobs. It also will help elderly and disabled New Yorkers remain with their families and in their homes by extending home health services to those who would not otherwise be able to receive them," he said in signing the legislation.

Editor's Note: See Approval Memorandum No. 45, Chapter 598 of the Laws of 1983.

Governor Approves Legal Services Bills

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 7, 1983

Governor Mario M. Cuomo today announced his approval of two bills lending financial support for legal services for the disabled and the poor to counter the effect of Federal cutbacks.

One bill provides up to \$1 million in State funds for legal representation to the disabled whose Federal Social Security disability or SSI benefits have been denied or who face discontinuance of benefits. "Even during a difficult economic period for the State, this investment in dignity and justice will prove to be both morally and fiscally sound," the Governor said.

Governor Cuomo noted that at the same time that the Federal government is denying Federal benefits to the disabled, it also is reducing Federal support for legal services. "The ultimate fiscal effect of these cynical Federal policies has been to increase State and local public assistance expenditures," he said.

"The Social Security disability and SSI programs were created to provide a small measure of comfort and confidence to those unable to support themselves. Ironically, the result of recent Federal policies has been to engender, rather than reduce, fear and uncertainty among the disabled of this State and nation," Governor Cuomo said.

The bill also sets up an advisory committee to assist the Department of Social Services in allocating the funds to legal services corporations, not-for-profit agencies serving the disabled and local social services districts.

A second bill establishes a statewide New York Interest on Lawyer Account fund to provide funds to finance civil legal services for the poor. The Account fund will consist of interest generated on client trust accounts which are held for short durations or are of a nominal amount.

Attorneys presently retain such funds in non-interest-bearing accounts because the size and the short period for which it is held do not generate sufficient interest income to offset administrative expenses incurred in the establishment of interest-bearing accounts. The bill permits attorneys to place such funds voluntarily in unsegregated, interest-bearing accounts. The interest generated will be paid to the statewide fund to help narrow the gap created by the Federal legal services budget cuts.

An appointed board-of-trustees of the Account fund will allocate three-quarters of the funds to not-for-profit civil legal services organizations, according to the geographical distribution of poor persons throughout the State. The remaining 25 percent of the funds will be earmarked for civil legal services to the elderly and the disabled and for the enhancement of civil legal services through volunteer lawyer and training programs.

Governor Cuomo said that:

Equal justice under the laws is a cornerstone of our system of government. The bill should help provide access to justice for those who would otherwise be unable to obtain the legal assistance they require.

Editor's Note: See Approval Memorandum No. 51, Chapter 627 of the Laws of 1983.

Governor Approves Expanded Elderly Services

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 11, 1983

Governor Mario M. Cuomo today announced approval of two bills expanding and improving services for older New Yorkers.

One of the bills increases State funding for the Community Services for the Elderly (CSE) program by \$3 million to help counties address special needs such as transportation, nutrition, aggressive outreach to minority and isolated elderly and other services enabling the frail elderly remain in their own homes. Beginning April 1, 1984, the State will increase its reimbursement to counties to \$4 for each elderly person, up from the current \$3. The minimum county level of reimbursement for smaller counties will be increased from \$24,000 to \$32,000.

"Last fall, I pledged to expand New York's innovative Community Services for the Elderly program, which was first established in 1979. It's a nationally recognized program which has been highly effective in helping local communities find better ways of helping older people remain in their own homes instead of being forced into nursing homes," Governor Cuomo said.

"CSE's goals of maximizing the independence and quality of life of the elderly, while minimizing the need for costly institutional care, have made the program an important one for New York. The general increase in the cost of living, the growing number of frail elderly and the skyrocketing cost of institutional care justify this increased State financial support for the program. With the State assumption of a larger share of Medicaid

expenses associated with long-term care, the State has an even greater interest in expanding cost-effective community alternatives to institutional care. Moreover, although New York's senior citizen population has grown by over 6 percent since the inauguration of the Reagan Administration, Federal funds for these services in New York have been reduced by over 7 percent during this same period," he said.

The second bill will enable the Long-Term Care Ombudsman Program operated by the State Office for the Aging to review a patient's records upon request, if necessary to assist in resolving a complaint.

"From my own experience as Lieutenant-Governor, when I served as a statewide ombudsman for New Yorkers of all ages, I have a deep awareness of how much an ombudsman can mean to a person in need. Our older citizens who live in nursing homes or adult homes, often nearly cut off from the outside world, have special need of the care and assistance provided by volunteer ombudsmen. This new law will enable ombudsmen to more effectively meet those needs," he said.

At the same time, the bill contains provisions imposing an obligation upon ombudsmen in the program to maintain the confidentiality of the records.

The Governor praised Office for the Aging Executive Director Eugene Callender for his leadership of the agency and the legislators who supported the bill, especially Senator Farley and Assemblyman Harenberg, Chairmen of the Committee on the Aging in their respective houses; Assemblymen Eve and Wilson; Assemblywoman McPhillips; and Senators Mendez and Bogues.

Editor's Note: See Approval Memorandum No. 93, Chapter 989 of the Laws of 1983.

Governor Extends CSBG Funding

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 14, 1983

Governor Mario M. Cuomo today signed into law a

bill assuring that needy native Americans receive a percentage of Federal community assistance money commensurate with their numbers in the State. The measure applies to what were once Federal anti-poverty dollars now disbursed through the Community Services Block Grant program. Under the program, administered by the State since last October, \$28 million is distributed to community action agencies and other local organizations providing services to the poor.

The new law, introduced at the request of the Governor, provides for allocation of up to \$140,000 — or one-half of 1 percent of the CSBG money — to meet the needs of native Americans. The one-half of 1 percent reflects the percentage of native American poor among the population in the State living below the poverty line.

In approving the bill, Mr. Cuomo alluded to a shortcoming in the CSBG administrative procedure. "Native Americans have not received adequate funding under this program due to a lack of technical sophistication to apply for funds and a failure, on the part of the Federal government, to affirmatively help them do so," he said.

The Governor said the Department of State, which is his administrative arm for the program, will institute an outreach program to give native Americans the technical assistance needed to apply for the funds. Nine tribes of native Americans in the State are eligible for CBSG money. They are the Cayugas, Oneidas, Onondagas, Poospatucks, Senecas, Shinnecoeks, St. Regis Mohawks, Tonawandas and Tuscaroras.

Editor's Note: See Approval Memorandum No. 61, Chapter 710 of the Laws of 1983.

Governor Approves Property Tax Exemptions

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 17, 1983

Governor Mario M. Cuomo, during a visit to the Westbury Senior Citizens Center, today announced his approval of a bill to provide a greater number of older

New Yorkers with property tax exemptions. The measure authorizes localities that grant exemptions to people 65 and over to adopt a formula to expand the numbers of those eligible for the tax break. The formula entails establishment of a graduated income scale so that seniors who have been denied eligibility because their annual incomes barely exceed the maximum amount allowed will now be granted exemptions.

The maximum income ceilings under which property owners qualify for exemptions range from \$3,000 to \$10,500 a year, depending upon the community. Most local government units grant exemptions to seniors and the majority of those that do set income ceilings of \$8,000 or more. The usual exemptions granted are the equivalent of 50 percent of the assessed valuation of the person's property plus improvements.

Under the new law, the localities may grant a 45 percent exemption to homeowners whose incomes exceed the old maximum level by less than \$500; 40 percent to those whose incomes exceed the ceiling by under \$1,000. The percentage of exemption will continue to drop by 5 percent for each \$500 increase in income. The minimum exemption will be 20 percent, with \$3,000 the maximum an income may exceed the local ceiling.

Governor Cuomo said, "The bill serves a salutary purpose in helping increasing numbers of older New Yorkers, most of whom live on fixed incomes, to hold on to their homes." He added that the bill was doubly valuable because it provides local governments with an option. "Localities that deem the exemption appropriate may invoke it; those that consider it inappropriate are not obliged to." The State Board of Equalization and Assessment says only about 125,000 of the more than one million senior homeowners in the State (out of a total of approximately 2,160,000 persons 65 or over) receive the age exemption.

Governor Cuomo applauded the legislators who sponsored the measure. Those from Long Island were Senators Levy, Dunne, Johnson, Lack, LaValle, Marino, Trunzo and Tully and Assemblymen Kremer, Harenberg, Newburger, Orazio and Yevoli. The bill takes effect immediately.

Editor's Note: See Approval Memorandum No. 95, Chapter 991 of the Laws of 1983.

Governor Approves Adult Care Facility Regulations (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 21, 1983

Governor Mario M. Cuomo today announced he signed into law a bill making it easier for residents of adult care facilities to meet with representatives of community organizations interested in their welfare.

The measure prevents the facilities from keeping families, friends, psychiatric workers and legal representatives away from residents unless the visits would compromise the safety of the residents. Current law gives residents the right to have confidential communications with any individual. The new measure gives community organizations access to the residents so they may make known the availability of their services.

Despite its open access provisions, the bill affirms the individual's right to privacy and his privilege to terminate or deny a visit or offer of assistance.

The bill's sponsors were Senator Frank Padavan and Assemblywoman Helene E. Weinstein. The law will go into effect on October 5, 1983.

Editor's Note: See Approval Memorandum No. 86, Chapter 843 of the Laws of 1983.

Governor Extends Discrimination Protection

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 21, 1983

Governor Mario M. Cuomo today announced approval of legislation he submitted as part of his 1983 program initiatives to extend protections against discrimination to

countless New Yorkers who either have a record of a disabling condition or who are regarded by others as being disabled.

Current Human Rights and Civil Rights Laws include prohibitions against discrimination on the basis of a disability, defined as a physical or mental impairment that prevents the exercise of normal bodily functions or are demonstrable by accepted clinical or laboratory techniques.

That language does not cover those who at one time were treated for a disability, such as a recovering alcoholic or a former mental patient, or those incorrectly perceived as being disabled, such as persons with a speech impediment which may be regarded by a person interviewing them for employment as an indication of mental retardation.

"This legislation reflects my Administration's commitment to the protection of human rights and equal opportunity for the disabled," Governor Cuomo said in signing the bill. Other provisions in the bill clarify that Human Rights Law protections in employment extend to situations where an individual already holds a job, as well as those seeking employment. Governor Cuomo noted that the legislation also brings State law into conformance with Federal law.

Editor's Note: See Approval Memorandum No. 87, Chapter 902 of the Laws of 1983.

Governor Approves Adoption Information Registry

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 21, 1983

Governor Mario M. Cuomo today announced his approval of a bill enabling adults who were adopted in New York to learn about their natural parents without having to go to court. The bill establishes an Adoption Information Registry that will allow, under certain circumstances, release of information about an adopted child's biological parents.

The measure authorizes the State Commissioner of Health, who will oversee the registry, to have access to all birth records of adoption agencies and courts. As part of the process, registrations of adoptees and biological and adoptive parents will be received at the Health Department. When an adoptee 21 years or over registers, the Department will obtain from the court nonidentifying information about the biological parents. The information will include the following facts about the parents: ages at time of adoptee's birth; racial and ethnic heritage, religion and education; general physical appearance; occupation, talents, hobbies and special interests; health history and the circumstances surrounding their offering the child for adoption.

If the information is deemed not to be harmful to child or parents, the Health Department will provide it to the adoptee either directly or through the pertinent adoption agency.

The bill also permits, only with the consent of all parties, the names and addresses of biological parents to be disclosed to the adoptee, if he or she is not in touch with a natural brother or sister under 21. This provision is designed to facilitate the reunion of an adoptee and his biological parents when both parties desire it.

Governor Cuomo said the bill:

is responsive to a deeply felt need of some adopted children to know as much as possible about their biological parents. At the same time it represents a careful balancing of the rights of privacy of all parties involved in an adoption.

The law will go into effect on December 8, 1983.

Governor Approves Incarcerated Parent Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 27, 1983

Governor Mario M. Cuomo today announced he has signed legislation to resolve the present dichotomy in the legal relationship between incarcerated parents and their children. "At present, incarcerated parents are placed in

an inconsistent legal position that is both too generous and too cruel," the Governor said in signing the legislation.

Under current law, parents imprisoned in a State correctional institution "are legally exempt from termination of their parental rights on the ground of abandonment, based on the outdated premise that maintaining contact with their children would be impossible," he said. On the other hand, current law can result in incarcerated parents having their child or children adopted without their consent and without the necessity of showing that they are unfit parents, Governor Cuomo said.

Governor Cuomo said the legislation he signed:

addresses this anomaly by recognizing that incarcerated parents can be expected and should be required to maintain contact with their children and, at the same time, insuring that they be given the opportunity to object to the adoption of their children.

"The maintenance of family ties during incarceration can mean the difference between a successful adjustment to life on the outside and recidivism. The enactment of this bill is, therefore, not only in the interest of inmates and their children, but is in the public interest, as well," he said.

The bill requires incarcerated parents to cooperate with authorized child care agencies and requires the agency to make diligent efforts to arrange for visits between the parent and child. Correctional officials must assist and cooperate with social services officials attempting to arrange for visits.

It also eliminates the automatic deprivation of an incarcerated parent's right to object to the adoption of his or her child and establishes a procedure for determining whether the parent has permanently neglected the child.

Governor Cuomo noted that the Department of Correctional Services assists inmates at the Bedford Hills Correctional Facility in their child-rearing responsibilities through an innovative baby care and parenting program.

It also encourages family visits at its other correctional facilities through family reunion programs and other special events.

Editor's Note: See Approval Memorandum No. 88, Chapter 911 of the Laws of 1983.

Governor Approves Demonstration Program

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 29, 1983

Governor Mario M. Cuomo today announced his approval of legislation establishing a foster family care demonstration program for the elderly and disabled adults under contract with the Burke Rehabilitation Center in White Plains.

"This innovative project offers a mechanism to test the viability of foster family care as an alternative to nursing home care. The Westchester community will benefit from this program in a variety of ways. It offers financial benefits from savings on institutional care, and it allows the elderly and disabled to remain in their own community and live in an environment similar to a family setting," he said.

The proposal was developed by the Burke Rehabilitation Center in conjunction with the State Department of Social Services. The bill authorizes the Department of Social Services to enter into a contract with the Burke Rehabilitation Center, a hospital specializing in physical rehabilitation.

Those selected for the program would be medically eligible for nursing home placement, able to be cared for in a home setting and lack the home, resources and family support to live in the community. The Burke Rehabilitation Center would recruit, select and train foster families and provide or arrange for necessary medical services on a 24-hour-a-day basis. Foster families would provide room, board, personal care, supervision and assistance with daily living tasks.

Governor Announces Food Distribution Program (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 27, 1983

Governor Mario M. Cuomo announced today that the State of New York will provide over 11 million pounds of food to New York's needy between now and the end of January, 1984. Governor Cuomo also announced that under a new distribution program run by the Office of General Services, the State could be giving the poor close to 50 million pounds of government surplus food over the next nine months.

In making the announcement, Governor Cuomo said:

We are pleased that we will be able to provide food for up to one million needy New Yorkers. It is particularly important during this holiday season that we remember both the plight of and our responsibility as a State to help those most in need.

During the next three months the State expects to have approximately 11 million pounds of food to divide among the counties including 6.4 million pounds of processed cheese, 1.8 million pounds of dry milk, 1 million pounds of corn meal and 336,000 pounds of honey. The State will receive 2.3 million pounds of unprocessed cheddar cheese next month, and will begin distributing butter in the amount of a million pounds per month starting in February.

The new program is based on the U.S. Department of Agriculture's decision to make available additional food products other than processed cheese, which was the mainstay of the food distribution program during the first two years of its existence. Another new feature of the program is the availability of some financial reimbursement to organizations, and fuller participation on the part of county governments in coordinating the local distribution program.

Field staff from the Office of General Services will visit all distribution sites periodically to provide technical assistance, and to verify that only needy persons are being

served and that products are being properly stored and handled. Organizations outside of New York City wishing to participate in the program are urged to contact the chief executive officers within their county for application forms.

Governor Announces Shelter Grant Increase

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 2, 1983

Governor Mario M. Cuomo today announced an increase averaging 25 percent in the grants public assistance recipients receive for their shelter costs. "The shelter grant increase is a major part of our continuing effort to combat homelessness," the Governor said. In announcing the increase, Governor Cuomo noted that two-thirds of the State's public assistance recipients now pay more in rent than they receive in the grants, which have not been increased since they were established in 1975.

Governor Cuomo said he has directed State Social Services Commissioner Cesar Perales to implement the shelter grant increase effective January 1. Implementation through local social services districts may require additional time, but affected recipients will receive retroactive payment of the increase.

The Governor noted that the shelter grant increase was urged by many community organizations around the State, including the New York State Catholic Conference, the Statewide Emergency Network for Social and Economic Security, the Community Service Society, the Housing Council of New York, the State chapter of the National Association of Social Workers, and the Community Council of Greater New York.

"In the past, maximum shelter grants were adequate for all but a small percentage of public assistance recipients. Today, however, two out of three households spend more for shelter than they receive in their shelter grants. As a result, many public assistance recipients have difficulty finding quality, affordable housing, and must turn to substandard dwellings or emergency shelter. Others must resort to spending part of their basic subsistence grant on shelter," Governor Cuomo said.

Commissioner Perales said it is important to make adequate shelter accessible through the increased grants especially because of the approaching cold weather. He noted that children comprise almost 70 percent of the State's public assistance caseload of over 1,500,000 persons. "This increase will allow most recipients to finance their housing without raiding the subsistence grants intended for food, clothing and other necessities. And it will target increased aid to those most in need," Commissioner Perales said.

Public assistance shelter allowances are provided to recipients on a "rent as paid" basis up to maximum amounts which vary by county, household size and whether heat costs are included in rent.

The increases will range from 10 percent to 43 percent of current shelter grants in upstate counties, due to disparities in local rental unit costs. For example, the maximum shelter grant for a three-person family receiving Aid to Families with Dependent Children in New York City will increase by 26 percent, from \$194 per month as paid to \$244 in monthly rent as paid, and in Erie County, the maximum shelter allowance will be increased from \$159 to \$193 for a family of three.

Governor Cuomo said he was also initiating an aggressive effort to change "an unfair and regrettable interpretation by the U.S. Department of Agriculture that this increase in shelter grants must diminish the food stamp benefits to our public assistance recipients."

The Governor said initial rulings have indicated that the additional benefit would be considered income which would thus reduce food stamp benefits for New Yorkers who received the increased shelter grant. "This interpretation means that our effort to help our least fortunate citizens cope with rising shelter costs is negated by Federal regulations. I am asking the Congressional Delegation to make every effort to convince Federal officials that this effort to help our poor find adequate housing should not penalize their food stamp benefits." the Governor said.

In a letter to the Delegation, Governor Cuomo noted that a \$3 increase in public assistance grants for shelter results in at least a \$1 food stamp benefit reduction. He asked the Delegation's assistance in reversing the

interpretation or introducing remedial legislation.

Governor Cuomo said he has also directed State Health and Social Services officials to develop a special nutrition assistance program to help low-income households meet their basic nutrition needs. "Regardless of the Federal position on food stamps, we will work to assure that adequate nutrition becomes a fact of daily life even for our neediest." He said the program would be part of his 1984-85 budget proposals.

Governor Cuomo noted that the State has taken several other administrative steps to improve housing opportunities for the needy, including:

— New public assistance grant calculation criteria allowing higher shelter allowance payments when two or more public assistance cases share a single residence.

— New rules allow Aid to Families with Dependent Children households to reside in "room and board" situations.

— New rules speeding public assistance eligibility decisions for the homeless and improving access to emergency shelter.

Governor Cuomo said cash adjustments within the closely balanced financial plan will support the \$15 million cost of the shelter grant increase for the remainder of this fiscal year. In the first full year the cost of the increase will be about \$225 million to be shared equally by the Federal, State and local governments.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 30, 1983

Dear (Congressional Delegation)

Citizens of our State face a substantial loss of food stamp benefits due to Federal regulations which limit our ability to increase the amount which welfare recipients can pay for shelter without effecting a reduction in food status. I am writing to seek your help in changing this Federal policy which appears to us to be contrary to the intention of the Social Security Act and the Food Stamp Act.

As you know, the portion of the grant available to public assistance recipients in New York State which is allowable to rent has not been increased since 1975. As a result, New York has increasingly large numbers of homeless families and, in addition, many public assistance recipients in New York State are forced to use money which they would otherwise spend for food and clothing to pay for their rent. New York State would like to increase the amount of money available for shelter for public assistance recipients. However, under present regulation, for every \$3 increase in the grant, food stamps benefits to families will be reduced by approximately \$1 in most cases.

Although we have advanced a number of alternatives with the U.S. Department of Agriculture to address the emergency housing needs of public assistance recipients, the Department has informed us that any relief to recipients would be construed as income to food stamp recipients.

This is in spite of the fact that the recipient has no control over the amount of increase, does not receive better or different housing, and has no increase in his or her disposable income. We believe this result is contrary to the language of the Food Stamp Act and the legislative intent of Congress expressed in committee reports relating to the Food Stamp Act of 1977. Our Department of Social Services will seek legal review of this determination.

In addition to this effort, I urge each of you to review this matter. I hope that the New York Delegation will take all appropriate steps to influence the Department of Agriculture to reconsider its misinterpretation of the Food Stamp Act and should such efforts fail, introduce appropriate remedial legislation.

Sincerely,

(Signed) MARIO M. CUOMO

**Governor Announces Advisory Council Appointments
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 22, 1983

Governor Mario M. Cuomo today announced the appointment of the Advisory Council to the Office of the Advocate for the Disabled, an office created in legislation proposed by the Governor this year to help assure that all persons with disabilities will have the opportunity for full integration into community life. The Advisory Council is appointed by the Governor and serves terms of up to three years without compensation to assist the Office of the Advocate for the Disabled. Frances Berko is director of the Office.

The Governor designated Geraldine Ruth of Brooklyn, as Chairperson of the Advisory Council. She is Associate Editor of the *Public Employee Press*, a publication of District Council 37 of the American Federation of State, County and Municipal Employees, and is disabled by polio.

Monsignor Thomas F. Cribbin of Brooklyn, Director of the Catholic Charities Office for the Handicapped in the Diocese of Brooklyn, was designated by the Governor as Vice Chairperson of the Advisory Council. He has been active in affairs for the deaf for several decades.

Governor Announces Latchkey Children Programs

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 29, 1983

Governor Mario M. Cuomo said today his Administration will promote the development of low-cost, community-based programs to provide adult care and supervision to "latchkey children," children regularly left alone at home after school hours by working parents.

Acting on recommendations contained in a recently released report, *School Age Child Care in New York State: Cooperative Strategies for Solving the Problem of Latchkey Children*, the Governor announced the State will seek

legislation to amend the Education Law to encourage the use of school buildings as sites for after-school programs, and to provide technical assistance to communities interested in establishing after-school programs. The Council on Children and Families will publish a detailed, practical guide to assist parents and community groups in the establishment of school-age child care programs in New York State.

"The modern realities of economic survival and the traditional demands of the family have converged to create the growing phenomenon of latchkey children. The family of New York cannot ignore the needs of its youngest members. The State, local government, the educational community and working parents must join together to bridge the gap between school hours and work hours, a gap that can be dangerous to the well-being of school age children," Governor Cuomo said.

The study was coordinated by the Council on Children and Families, with the assistance of the State Education Department, the Department of Social Services and the Division for Youth, as well as local school-age service providers.

Mrs. Matilda Cuomo, Honorary Chair of the Council on Children and Families, said:

While there may be a few children who can cope with being left on their own, for most children coming home to an empty home can be devastating and exposes them to countless dangers. Immediate steps must be taken to create more alternatives for families in which the parents themselves simply cannot be home to nurture their children during the work day.

The Council's report identifies a serious lack of programs and services to occupy children during nonschool hours while their parents are at work. According to Joseph Coccozza, the Executive Director of the Council on Children and Families, about half of the State's 2.3 million children, ages 5 to 13, currently live in either single parent or two-wage earner families. While no firm statistics exist regarding the number of these children who are routinely left to self-care, the Council estimates this figure to be between 100,000 and 300,000 youngsters.

Latchkey children are known to be at high risk of many problems including overwhelming fear and loneliness, accidents, fires, improper nutrition, exploitation by adults, drug and alcohol abuse, juvenile delinquency and crime. At the same time, parents' productivity at work may also suffer due to concern about their children's well-being.

The Council says that a more coherent State policy regarding school-age child care is needed involving close collaboration among the State's Department of Social Services, Division for Youth, and Education Department. All three agencies currently set policy for and/or fund after-school programs.

The report offers recommendations for how the State can help communities bolster the supply of these services. Recommendations address such issues as ensuring quality of care, defining the appropriate role of the schools in providing after-school care, making programs affordable to families and fostering cooperation among community agencies and parent groups.

TRANSPORTATION

GENERAL

Governor Announces Thruway Reconstructon

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 16, 1983

Governor Mario M. Cuomo today announced State Thruway Authority approval to add a traffic lane to the Tappan Zee Bridge and progress on plans for major reconstruction of the Niagara and New England sections of the Thruway.

Work on the Tappan Zee project, estimated to cost more than \$30 million, is expected to begin as soon as design plans are completed next year. The addition of an eastbound lane will relieve congestion during the morning commuter rush hours on the bridge corridor, Governor Cuomo said. In addition, fourth lanes will be added both in the eastbound and westbound directions on either side of the bridge to alleviate congestion problems. The

Tappan Zee Bridge corridor now has three lanes in each direction.

Reconstruction work on the Niagara and New England sections of the Thruway is expected to begin next year and be carried out over four years. The cost of the improvements is estimated at more than \$70 million for the Niagara project and in excess of \$80 million for the New England section.

The decision to add a fourth eastbound lane on the Tappan Zee Bridge corridor follows a year-long study by the Authority and the State Department of Transportation and a series of public meetings last year at Ramapo, Tarrytown and Greenburgh. The new eastbound lane will begin near Exit 12 and continue across the bridge to Exit 8. Space for the new lane on the bridge will be made by moving the median barrier and converting the median area to a travel lane with a slight reduction in the width of the lanes. The fourth lanes on either side of the bridge will be constructed between Interchange 8 and the Route 119 exit at Interchange 9 and from the west end of the bridge to the vicinity of Interchange 12. Also included in the project will be the addition of two toll booths to increase efficiency of traffic movement.

Governor Cuomo said the Tappan Zee project is expected to accommodate commuter traffic needs for at least the next ten years if current growth trends continue. Evaluation of longer-run needs will be addressed in a follow-up study by the Thruway Authority and DOT.

Construction work on the Tappan Zee project is expected to generate more than 450 person years of work at the project site and an equal amount of off-site work. The reconstruction projects will mean 1,050 person years of on-site work in the Buffalo area and 1,200 person years of on-site work on the New England section.

An informational meeting on the Tappan Zee plan has been scheduled by the Thruway Authority, DOT, Senator Linda Winikow and Assemblymen Robert Connor and Eugene Levy at 11 AM Friday at the Thruway Authority's Tarrytown office.

**Governor Announces Bus Service Agreement
(Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 7, 1983

Governor Mario Cuomo announced today that the State has reached an agreement with Greyhound Lines to preserve bus service to approximately 125 communities in the State, including about three dozen small communities faced with immediate loss of service along six upstate routes.

Under the agreement, Greyhound Lines will enter into a joint service contract with the State Transportation Department to continue service on its local routes within New York State during the next year. Similar contracts also are being developed with several other intercity carriers.

In turn, the State will permit Greyhound to implement a 10 percent fare increase within the State and also will provide about \$230,000 in increased aid under the Statewide Mass Transportation Operating Assistance Program, bringing the total available in contract revenue to Greyhound to approximately \$770,000 annually. Actual payments to Greyhound will be based on the number of miles of service operated and the number of passengers carried — the same method used to assist municipal transit systems and other privately-owned bus companies which qualify under contract for State Operating Assistance funds.

In announcing the agreement, Governor Cuomo said:

I am delighted that Greyhound and State DOT officials were able to reach an agreement to assure vitally needed transportation services to many smaller upstate communities during the coming year. Public hearings conducted by the DOT indicated an overwhelming public sentiment that rural services must be continued, even if a modest fare increase is required. By increasing fares slightly, modifying a few routings to improve service delivery and providing operating aid equivalent to the level being received by our urban transit services, adequate additional

revenue will be provided to allow Greyhound to continue local services in our State.

"We estimate that up to 400,000 people will travel over 20 million passenger miles on these services during the coming year. The State Transportation Department will closely monitor each of these local routes to ensure that continued public assistance is warranted," Governor Cuomo added.

"I am particularly pleased that our statewide transit aid program can be effectively directed toward satisfying the mobility needs of our rural residents, especially the elderly, disabled, young or economically disadvantaged who often do not have access to a car. Intercity bus is often the only means of public transportation available to these communities. Its passenger services also are vital to the economy of our resorts and tourist industry. And its package express services are often a major lifeline to medical facilities and small businesses," Governor Cuomo added.

Editor's Note: The local services continued, with at least one daily round trip, are: Albany to Plattsburgh (via Routes 50 and 9); Saranac Lake to Plattsburgh (via Routes 86 and 9N); Binghamton to Ithaca (via Routes 79 and 11); Cortland to Binghamton (via Route 11); Albany to Binghamton (via Route 7); and Watertown to Utica (via Routes 12 and 26).

The agreement also provides for minimum service levels on other routes in the State that mainly pass through smaller cities and rural communities.

Governor Comments on FHWA Directive

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 13, 1983

Governor Mario M. Cuomo said today that New York State will vigorously enforce the provisions in State law that prohibit tandem trailer trucks totally from the streets and highways of New York City and Long Island, and from upstate highways which are inadequate to carry them. "The tandems are prohibited in New York City and Long Island by Section 375 of the Vehicle and Traffic Laws and we fully intend to enforce those prohibitions and the one affecting upstate highways," Governor Cuomo said.

"We must, however, get a long-term solution to the problem. Our State Department of Transportation has joined with New York City in seeking a waiver from the Federal Highway Administration exempting highways in New York City and Long Island from tandem trailer use. We are continuing that effort both for the City as well as upstate now that the Federal Highway Administration has designated routes which they propose the multitrailer large trucks can use," the Governor said.

"Further, we are working closely with members of our New York State Congressional Delegation to obtain Federal legislative relief by amending the Federal legislation, which now permits tandem trailer trucks on the entire Federal Interstate System and other primary highways designated by the Secretary of Transportation. The strict enforcement of our State laws will have the same practical effect as successful legislation or a waiver, namely, keeping tandem trucks off unsuitable roads. The Federal government obviously did not consider the safety of our highways when they designated 1,300 miles of highways in New York State for these larger trucks and postponed a decision on exempting the New York City Interstate System," the Governor noted.

Since January 1, 1981, New York State legislation has permitted 65-foot tandem trailers on Interstate routes and certain other designated four lane highways north of New York City — a total of about 1,500 miles. "I am concerned that much of the additional 1,200 miles which FHWA recently designated are totally unsuitable for tandem truck traffic. Many of these roads are structurally inadequate, have insufficient clearances, inadequate lane widths and other safety deficiencies." Our State DOT has already called to the attention of Federal authorities that many of the designations are in violation of the congressional mandate that designated highways shall have a minimum lane width of 12 feet prerequisite for the wider trucks. In addition, Congress required that the designations be developed in cooperation with the states. This was not done by the FHWA," Governor Cuomo said.

The interim system designated by FHWA, announced on April 5, is to be finalized by October 1, at which time conforming State legislation will be required. "Long before then, I expect that the State will be successful in reducing the Federal designations to sensible proportions. We believe that we can turn the Federal government and

Congress around and keep tandem trucks out of congested urbanized areas. In the meantime, we will continue to enforce State laws which prohibit the tandems from highways where they do not belong," Governor Cuomo said.

Governor Proposes Streamlined Regulations

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 26, 1983

Governor Mario M. Cuomo announced today he has submitted legislation to streamline and simplify regulation of the intrastate transportation industry.

The legislation, which affects privately-owned passenger, property and household goods carriers, "constitutes an important step in regulatory reform. It eliminates many of the obsolete provisions and constraints placed on private industry while retaining those regulatory controls that are necessary to ensure continued consumer rate protection and adequate service to all sections of the State," Governor Cuomo said.

Nonprofit agencies, universities and other general type corporations would be encouraged to operate passenger bus lines by making energy standards easier. The bill would repeal a provision requiring a corporation proposing to operate a bus line to be incorporated under the Transportation Corporations Law, now a standard prerequisite to obtaining necessary Department of Transportation approval.

Repeal of another provision will eliminate cumbersome, expensive and time-consuming requirements for bus lines to obtain local consents at the terminal points to each route. At the same time, the bill preserves sections of the Transportation Law which recognize the concerns of localities over bus line operations and their desire to comment in Department of Transportation regulatory proceedings.

A new provision removes government-imposed burdens on passenger bus companies by reducing the time frame, from ten to six months, to decide suspended proposed bus fare increases; eliminating mandatory hearing requirements on applications for certificates of public

convenience and necessity; and eliminating all economic controls over transportation in sedans and station wagons, school transportation, transportation by not-for-profit enterprises and employer-provided vanpooling. Cities also would have an opportunity to control and regulate bus lines, thus making those lines exempt from Department of Transportation regulations.

Under a new section dealing with the trucking industry, the bill deregulates the DOT licensing controls over brokers, reduces the time that DOT can withhold decisions on proposed rate increases from ten to six months, allows carriers to increase or decrease rates by 10 percent a year and makes hearings on applications for a certificate or permit discretionary with the DOT commissioner.

The bill also conforms regulation for household moving companies to the Federal "Household Goods Transportation Act of 1980." It provides for a two-step licensing procedure based on an applicant's fitness and eliminates the present requirement for carriers to sustain the burden of proving "public convenience and necessity" for local transportation. The initial license would be a one-year probationary certificate to give DOT the opportunity to monitor operating experience before granting a permanent certificate.

Governor Reports FHWA Directive Amended (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 5, 1983

Governor Mario M. Cuomo today reported that the Federal Highway Administration (FHWA) has withdrawn some 600 miles of upstate highways from a recent directive, reducing by half the mileage on which it previously said tandem trailer trucks must be allowed.

"I applaud this first step. It doesn't address the tandem threat to New York City and Long Island, although the FHWA does promise to consider that issue. It also leaves another 600 miles of upstate roads still under the tandem directive, but again, the FHWA has indicated a willingness to give further consideration to highway conditions that could warrant their deletion also.

In the final analysis it may be that Federal legislation is required to assure that tandem trailers are not allowed to operate where conditions make it inappropriate. Such legislation, in fact, has already been introduced in Congress and is being supported strongly by members of New York's Congressional Delegation," Governor Cuomo said today.

The Federal decision to cut its New York tandem designations by half now was communicated in a letter from Victor E. Taylor, FHWA Division Administrator. Taylor said the Federal agency "would like to avoid confrontation" and he listed the following highways, which operationally parallel interstate routes, as being withdrawn from the recent Federal tandem travel directive:

Route 20, from the Pennsylvania line to the I-87 connector at Albany, 340 miles; Alternate Route 20, from Route 400, East Aurora, to I-390, Geneseo, 58 miles; Route 5, from I-190, Buffalo, easterly nine miles to Route 75; Route 78, for 0.6 mile between Route 33 and I-90, Williamsville; Route 104, from I-190 near Niagara Falls easterly 168 miles to I-81, Maple View; Route 13, from Route 17, Elmira, 52 miles to I-81, Cortland; and Route 278 for three miles between Routes 2 and 7, near Troy.

The recent Federal designation of another 1,200 miles of highway followed passage of the Surface Transportation Assistance Act of 1982, with its higher fuel taxes and truck fees.

Governor Approves Toll Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 22, 1983

Governor Mario M. Cuomo today signed a bill giving Staten Island residents a reduced rate for usage of the Verrazano-Narrows Bridge. The bill would require the Triborough Bridge and Tunnel Authority to sell tokens to Staten Island residents for crossings over the Verrazano-Narrows Bridge at a reduced cost of 80 percent of the regular fare, for a discount of 25 cents on the \$1.25 toll.

In signing the bill, Governor Cuomo stated:

Last year I made clear my promise to sign this bill if it was vetoed by then Governor Carey. I am pleased that I am now able to fulfill that promise. In fact, in a letter to the editor of the *Staten Island Advance* in June of 1982 I said that "Staten Island deserves the (toll) reduction I promise to sign it next year."

Staten Island residents are the only people in the City who have no alternative but to pay for the privilege of coming and going from their own home borough. The Verrazano-Narrows Bridge, a vital transportation link for residents of Staten Island, carries the highest toll of all TBTA facilities. By enabling Staten Island residents to purchase bridge tokens at reduced rates the bill will reduce hardships imposed upon these motorists.

Governor Cuomo thanked the legislative leaders, as well as Senator John Marchi, Assemblywoman Elizabeth Connelly, and Assemblymen Robert Straniere and Eric Vitaliano, for their efforts in obtaining passage of the bill by the Legislature.

Governor Announces High-Speed Rail Study

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 12, 1983

Governor Mario M. Cuomo today signed an agreement with the State of Vermont and the Province of Quebec to study the feasibility of constructing a Very High Speed [VHS] train route between Montreal and New York City. Under the proposed route, trains, traveling up to 185 miles per hour, would be able to make the 365 mile trip in under three hours rather than the current eight hours and 45 minutes.

In signing the agreement for the State of New York, Governor Cuomo said:

This is a good example of the productive use of advanced technology to help not just New York State but the entire region. A successful high speed rail link between New York City and Montreal should permit increased business and

tourist contact between those two cities. In addition, the intermediate stops on the route will be made more accessible to both destinations as well as the entire region.

Albany and Burlington, Vermont have been mentioned as possible intermediate stops.

The study will consider the economic implications of and the potential for a VHS rail route, similar to the successful trains in France and Japan. The corridor envisioned extends from Montreal down the eastern shore of Lake Champlain in Vermont, across into New York State north of Albany and down the eastern side of the Hudson River to New York City.

Two years ago, the City of Montreal commissioned a technical prefeasibility study which indicated that a rail link between Montreal and New York City could be built. Under the agreement signed today, the State of New York and Vermont will undertake a preliminary market potential survey and a preliminary analysis of the effects of a high speed rail route on the regional economies of the areas involved. Quebec will conduct a survey of travelers at four border crossings in Quebec.

Vermont Secretary of Transportation Patrick J. Garahan signed the agreement on behalf of the State of Vermont. Pauline Marois, Quebec Minister of Women's Affairs, representing the Prime Minister of Quebec, and Michel Clair, Minister of Transportation of the Province of Quebec, also signed the agreement.

Governor Announces CDTA Bus Contract

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 26, 1983

Governor Mario M. Cuomo and the Capital District Transportation Authority today announced the award of a \$15 million contract to an Oneida County firm for 115 transit buses. The contract will bring at least 140 new jobs to New York State, including those created by the upstate relocation of a Canadian subcontractor and the placement of new business with other subcontractors already located in the State. The contract is being

awarded by the Capital District Transportation Authority, which serves the four-county Capital District area, to Bus Industries of America, based in Oriskany.

In announcing the award, Governor Cuomo said:

This proves that we can indeed build in New York. We can build helicopters in Elmira, subway cars in Watertown and Hornell, and now buses in Oneida. I am particularly pleased that we have been able to attract to our State foreign firms which bring badly needed employment for New Yorkers. I wish to thank the CDTA and Bus Industries of America for recognizing the opportunities for expansion in Utica and New York State as a whole.

Robert Lyman, Chairman of the CDTA, said:

Bus Industries of America submitted an extremely competitive bid, but before proceeding with the award we wanted to be assured that the firm would add new jobs for New Yorkers and increase the amount of work accomplished at the Oriskany plant. Governor Cuomo's office and Commissioner Larocca's staff helped us secure these commitments.

Lyman added that the Authority also owns five buses manufactured by Bus Industries of America and they have been well-received by operating personnel and passengers.

Governor Cuomo said that the award, in addition to producing the 20 new jobs at the firm's Whitestown, NY plant, is expected to generate over 100 jobs among New York sub-contractors. Also, a Canadian subcontractor, Selox Manufacturing Ltd., is in the final stages of negotiation to relocate in Whitestown early next year. It will offer employment to approximately 20 to 25 workers at start-up. Another Bus Industries of America sub-contractor may also relocate from Canada to upstate New York with a similar number of new employees as a result of the contract award to the Oriskany firm.

Bus Industries of America, which first came to New York through the efforts of the New York State Department of Commerce, was the low bidder to provide

CDTA with 77 buses of 35-foot length and 38 buses of 40-foot length for a total of \$15 million. Federal funds channeled through the State Department of Transportation will pay 80 percent of the cost of the buses, and the State will pay the remainder.

Bus Industries of America is a subsidiary of Ontario Bus Inc. of Toronto. Selox Manufacturing Ltd., which is negotiating the relocation of a plant in Alberta, Canada to Whitestown, NY, is also based in Toronto.

Governor Cuomo also thanked State Commerce Commissioner William J. Donohue and State Transportation Commissioner James L. Larocca for their efforts.

Don Sheardown, President of Bus Industries of America, has termed the new contract the largest in the firm's history and said that it solidifies their operations in the Utica area.

Governor Approves Streamlined Regulations (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 30, 1983

Governor Mario M. Cuomo announced today he has signed legislation to simplify and streamline regulation of privately-owned carriers of passengers, property and household goods. The legislation, which was part of the Governor's 1983 legislative program, "constitutes an important step in regulatory reform of the intrastate transportation industry," he said.

Editor's Note: See Approval Memorandum No. 52, Chapter 635 of the Laws of 1983.

Governor Comments on Corps Study Proposal

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 13, 1983

I have received a letter dated September 13, 1983, from Colonel F.H. Griffis of the Corps of Engineers,

indicating that that the Corps has decided that at least two winters of additional studies are needed to determine the impact of the proposed Westway landfill on the fish habitats of the Hudson River. Colonel Griffis' letter is under review by the Department of Transportation and Counsel to the Westway project.

It is the position of the State that Westway should go forward so that the residents of the City and State can benefit from this valuable economic development, transportation and park project. We believe that ample data already exists upon which judgments about Hudson River fisheries can be made, and upon which an adequate environmental impact analysis can proceed. We disagree with the decision announced today, and will pursue avenues with the Corps in identifying ways to expedite this process.

In any event — expedited review of the two-winter study — the State will cooperate fully with the Corps of Engineers and all agencies involved in this process.

Governor Requests Reversal of Corps Proposal (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 27, 1983

Governor Mario M. Cuomo has asked Secretary of the Army John O. Marsh Jr. to reverse a recent decision of the Army Corps of Engineers that at least two winters of additional fish habitat studies must be conducted before the Corps would give further consideration to a dredge and fill permit for the Westway construction project in Manhattan.

In a separate letter, Governor Cuomo also sought the assistance of President Reagan in expediting the Corps reconsideration of the fish habitat study decision.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 23, 1983

Dear Mr. Secretary:

I write to you concerning the Westway project in the

City of New York. The State of New York's application for permit user Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for dredge and fill activities associated with the project has been pending for six and one-half years.

On September 13, 1983 Colonel Griffis, the New York District Engineer of the Corps of Engineers, notified me that he would require at least two winters of additional fishery field studies in order to better assess the impact of the project on the aquatic life in this 200-acre area of the Hudson River. As the District Engineer's letter suggests, there is good reason to doubt that the studies he would require could be begun in 1983, or could be concluded in two years. Further, the District Engineer is unable to assure that whenever these studies are finally concluded, the data from the studies will add significantly to our knowledge about the project's impact on aquatic life in the River.

On behalf of the New York State Department of Transportation, I hereby request that decision on the pending permit application, including the threshold decision on the need for additional fisheries field studies, be made by you. I understand that, as regulations in Part 325 of the Code of Federal Regulations recognize, you have authority to make this review and render a decision on the permit.

Exercise of your authority is particularly appropriate in the present situation, given the importance of Westway to the State of New York, and serious questions about the administration of the Section 404 program that have been raised by the District Engineer's letter.

I respectfully request that you provide the New York State Department of Transportation, which will henceforth appear in this matter through Counsel, with an opportunity to appear before you, to file written comments and to respond to comments that other Federal agencies or other members of the public may file.

Sincerely,

(Signed) MARIO M. CUOMO

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 26, 1983

Dear Mr. President:

As you know, the Westway project in New York City has enjoyed the active participation and support of four successive national administrations, four New York Governors, and three Mayors of New York City. Your personal visit on September 7, 1981 to present the check for \$85 million represented a key milestone in the efforts to advance this project.

Some recent interrelated Federal actions have raised grave concerns about the continued participation and support of the national administration for the project. My purpose in writing is to respectfully request your review of these actions and ask for clarification of the Federal position on the project.

The actions which have caused concern are:

- discontinuance of Federal aid funding participation by the Federal Highway Administration (FHWA) for legal counsel in defense of the current Westway lawsuits on the eve of a major trial;

- a decision by the district engineer of the U. S. Army Corps of Engineers requiring extensive new fish studies over the next two winters, thereby extending a final Corps decision by as much as three and one-half years from now. This decision by the district engineer was contrary to the recommendation of his own staff, and contrary to any rational view of the need for additional information on which to base a decision on a dredge and fill permit for which the application was first filed in January of 1977; and

- a unilateral decision by the regional director of the FHWA to severely curtail and reduce Federal aid participation and funding in the ongoing Westway work, pending resolution of the ongoing dredge and fill permit and other issues.

We believe the Corps erred in reaching this decision and have asked that the matter be elevated to the Secretary of the Army. We respectfully request your assistance in seeing to it that this appeal is considered promptly and that an immediate decision is made by the Secretary concerning this critical issue of the dredge and

fill permit.

Your Administration has committed itself to the streamlining of regulatory decision making processes. Surely the Corps of Engineers can deal with the relatively narrow issues before it in a more timely fashion and, hopefully, the FHWA can be prevented from undercutting the long-term commitment of the Federal government to the project.

While we attempt to reach accommodation with the Corps over the timing of the dredge and fill permit decision, it is particularly important that the Westway work authorized by the court continue if the entire project is not to be further delayed.

We are very anxious to have your views of these developments.

Respectfully,

(Signed) MARIO M. CUOMO

Governor Releases Westway Reports

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 27, 1983

Governor Cuomo today released two reports assessing the value of a Westway trade-in which conclude that developments over the last 12 months significantly reduce the value of a Westway trade-in. "After reviewing these two reports, I am convinced more than ever to go forward with Westway. A Westway trade-in would short-change New York City," Governor Cuomo said.

The reports were prepared by Brad Johnson, Director of the Governor's Washington Office.

The first report, dated May 12, 1983, analyzed modifications to Federal highway and mass transit programs contained in the Surface Transportation Assistance Act of 1982 as they relate to the merits of a Westway trade-in. This report was requested by the Governor because many of the provisions in the Act,

enacted in January 1983, have a direct impact on a Westway trade-in.

The 21-page May 12 report reviews a wide range of Federal highway and transit program modifications contained in the Act and concludes that enactment of the Surface Transportation Assistance Act "considerably diminished" the relative value of the Westway trade-in. Among the findings contained in the report were the following:

— The Act eliminated the inflation adjustment clause for Interstate trade-in projects and retained the inflation adjustment clause for construction of Interstate projects. As a result, the State of New York City must pay 100 percent of all inflationary increases in highway and transit trade-in project costs, whereas the Federal government will pay 90 percent of all inflationary increases in the Westway project.

— The Act increased Federal highway funding by 50 percent — assuring a minimum of \$220 million annually for the Westway project. This Federal commitment will increase as the project goes forward. In addition, a \$300 million annual discretionary program to help finance large Interstate projects such as Westway was created and could be utilized to accelerate the Westway project.

— These provisions — increased highway funding, a special Interstate discretionary fund, and the inflation adjustment clause — assure timely availability of sufficient Federal funds to complete Westway.

— The Act substantially increased general Federal transit program levels. As a result, New York City's Federal mass transit capital funding will increase from \$300 million in FY 82 to over \$500 million in FY 84, and will total more than \$2 billion through FY 86. These increases reduce the need to rely on a Westway trade-in to meet the City's transit capital needs.

— The authorization level for the transit trade-in program — the program that would fund transit projects generated by a Westway trade-in — was substantially reduced by the Act. In addition, full funding for the transit trade-in program (appropriations) even at the reduced authorization level was doubtful.

The May 12 report also concludes that a more definitive value of a Westway trade-in would be available after September 30, 1983, the deadline for all trade-in requests (except Westway). Under the Act, the deadline

for a Westway trade-in was extended to September 30, 1985. The report also predicts that a number of local governments would trade-in Interstate highways before the September 30, 1983 deadline, which would greatly increase national demand on the limited highway and transit trade-in funding levels.

The second report, dated October 11, 1983, reviews the conclusions and findings of the May 12 report and assesses the value of a Westway trade-in in light of recent developments. The second report confirms two of the earlier report's predictions: additional trade-ins worth \$2.4 billion were submitted before the September 30, 1983 deadline; and the FY 84 appropriation for the transit trade-in program was set at \$295 million — 22 percent below the \$380 million authorization level.

The October 11 report estimates that a Westway trade-in, valued at \$1.7 billion, would produce only \$110 million annually in Federal funds from the highway and transit trade-in programs' allocation formulas. Of that \$110 million, only \$65 million annually would go to mass transit. The remaining \$45 million must be spent on substitute highway projects. In contrast, the Westway project is guaranteed to bring to New York a minimum of \$220 million annually.

Additionally, under Federal law, the \$220 million annual Federal share for Westway will be adjusted for inflation, but the \$110 million trade-in level will not be. This means that the gap between the value of Westway and the trade-in option will widen during the years ahead.

The second report also concludes that the additional mass transit funding that New York might obtain from a Westway trade-in would add about 4 percent to MTA's current annual capital spending program. Put another way, a Westway trade-in would accelerate the MTA's five-year plan by a mere two and one-half months.

In addition, at the \$45 million annual allocation level for an alternative West Side highway, it would take longer to construct the alternative highway than it would to construct Westway.

The May 12 and October 11 reports do not consider funding from the Transportation Bond proposal on the November 8 ballot. Although the Bond proposal contains

funding for mass transit projects the State is prohibited, under the terms of the Bond proposal, from expending directly or indirectly any proceeds from the Bonds on Westway. "Westway and the Transportation Bond proposal are two very separate and distinct issues," the Governor said.

Editor's Note: See the reports, from Brad C. Johnson to Governor Cuomo, in memorandum format dated May 12, 1983 entitled Surface Transportation Assistance Act of 1982 Westway Trade-In (21 pp), and October 11, 1983 entitled Evaluation of Westway Trade-In (16 pp). Also see the report of April 25, 1983 from Thomas P. Puccio to Governor Cuomo, in memorandum format, entitled Westway (29 pp).

Governor Urges Safe Holiday Driving

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 21, 1983

Governor Mario M. Cuomo today urged New York motorists to begin planning now to enjoy holiday season celebrations without becoming a threat to themselves or other drivers. "The holiday season is a wonderful time for all of us. However, the sad effects of driving while under the influence of alcohol or drugs is a recurring tragedy that cannot be tolerated," the Governor said.

"I urge drivers to plan ahead for safety. Find alternative means of transportation to and from parties if you expect to be drinking, designate one driver in your group as a 'safe driver' who will not drink and will see to it the group gets home safely, or take advantage of special holiday travel safety programs offered in many communities. The risks of driving under the influence of alcohol make prior planning well worth the effort," Governor Cuomo said.

The Governor has also announced Operation Alert, an intensified law enforcement effort through the holiday period. State Police patrols will be increased on all major highways and police activities will increase near the borders of neighboring states which have higher drinking age limits than New York.

"We are receiving the assistance of toll collectors from

the New York State Thruway Authority, the Triborough Bridge and Tunnel Authority and the Port Authority of New York and New Jersey in reporting suspected intoxicated drivers to law enforcement agencies. In short, we are putting those who would ignore the dangers of drunk driving on notice. The risk of accidents and or apprehension make it in their interest to stay off our roads this holiday season," the Governor concluded.

The Police Conference of New York, representing police officers throughout the State, joined Governor Cuomo in urging safe holiday driving. Peter J. Reilly, President of the Police Conference, said:

New York State now has one of the toughest laws aimed at drinking drivers. If we can convince drinking drivers to avoid those penalties by staying off the roads, no one would be happier than local police officers.

Governor Requests Traffic Safety Enforcement

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 22, 1983

Governor Mario M. Cuomo has directed the New York State Police to maximize highway traffic safety enforcement efforts through the New Year holiday to crack down on drinking drivers.

The Governor asked State Police Superintendent Donald Chesworth to station uniformed State Police at toll plazas along major highways throughout the State and to establish motorist check points at strategic locations, in addition to the stepped up enforcement activities previously announced as part of Operation Alert, a special holiday traffic safety enforcement program focusing on drinking drivers.

"The millions of holiday celebrants who will use our highways this year should do so secure in the knowledge that their safety will not be compromised by someone else's excessive drinking. We have previously encouraged people to plan ahead to avoid driving if they plan to drink. Now we will implement steps to ensure that those who ignore the warning will be removed from our roads

and prosecuted pursuant to the law," Governor Cuomo said.

Operation Alert will increase State Police patrols on major highways through the holiday period. Special emphasis will focus on detection of drinking drivers, particularly near the borders of states having higher drinking age limits or earlier mandatory closing hours for bars. Such areas include highways bordering the Rutland and Burlington areas of Vermont, the North Adams and Pittsfield areas of Massachusetts, and the Port Jervis area of New Jersey.

The motorist checkpoints will be established by State Police patrols at strategic locations throughout the State. Any motorist passing one of these checkpoints may be briefly stopped as part of the enforcement program.

The New York State Thruway, the Triborough Bridge and Tunnel Authority and the Port Authority of New York and New Jersey have been asked to have toll collectors report suspected intoxicated drivers. In addition, Governor Cuomo is encouraging any citizen observing a suspected intoxicated motorist to contact their nearest State Police or other law enforcement agency.

Governor Announces Westway State Park Plans

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 22, 1983

Governor Mario M. Mario and Mayor Edward Koch have unveiled plans for Westway State Park, the 93-acre public waterfront greenspace which will stretch along the Hudson River from the northern boundary of Battery Park City to 34th Street in Manhattan as part of the Westway development projects. Plans for the park were revealed today in a news conference by New York State Parks and Recreation Commissioner Orin Lehman, Transportation Commissioner James Larocca and City Parks Commissioner Henry Stern.

The Mayor and Governor agreed that the park's impact on the improvement of the quality of life in Manhattan could rival that of Central Park. The park will rest largely on the roof of the Westway highway and

is an integral part of the City and State plans for revitalizing Manhattan's Westside.

"Westway and its park give us an enormous opportunity to transform the Hudson River shoreline into a scenic and useful waterfront recreation area which capitalizes on the beauty of the Hudson. For too long we have wasted or abused the invaluable waterfront resources of the metropolitan area. This three-mile sweep will not only add a new dimension to New York's urban landscape; it will be a daily source of visual pleasure and serenity for New Yorkers," Governor Cuomo said.

"This can be one of the greatest urban waterfront parks in America, with America's greatest skyline as its backdrop. This park will benefit not only residents of the City, but also those of the entire metropolitan area who come to the City to work or participate in its cultural, recreational and other activities. Tourist will be attracted to the park and the vistas it will provide. New York needs this park, and it is made possible only by construction of Westway. It will add immeasurably to the City's greatness," Mayor Koch said.

A graphic presentation of the three alternative park concepts will be put on public display at the State Department of Transportation's Westway office midtown. Governor Cuomo and Mayor Koch noted that the participation and opinions of many community and professional groups were sought in initial stages of park planning, and they urged the public to review and comment upon the proposed plans. The public comment period will continue for about three months, after which one of the concepts will be selected for final design.

The display of concept plans and detailed architectural sketches is located in the offices of the New York State Department of Transportation's Westway Management Group, 5 Penn Plaza, 9th Floor. (The building entrance is on the west side of Eighth Avenue, between 33rd and 34th Streets). Groups interested in viewing and discussing the plans or receiving a brochure on the Park concept should contact the New York State Office of Parks, Recreation and Historic Preservation, New York City Region.

Governor Cuomo and Mayor Koch noted that the recent decision by the Army Corps of Engineers to

accelerate Westway Studies is a welcome one, "which brings us closer to the time when New Yorkers will be able to enjoy the many benefits of the Westway Development Project, including this magnificent park plan."

They noted that the contracts for design of the Park were first entered in 1980 and work on this phase was completed last September. Westway Park's 93 acres includes several key design elements which will be incorporated into the park's final design, including: a continuous riverfront esplanade along the length of the park, offering direct access to the water; three large park parcels adjoining the Tribeca, Greenwich Village and Chelsea communities; plazas for art, festivals, environmental education; pier space and other specially designed water access areas for fishing, boat tours and other activities; a continuous bike path; expansive lawns; quiet, shaded areas; children's play areas; total access for the disabled; comfort stations and food kiosks; ample night lighting; and a full maintenance staff and round-the-clock year-round security.

The park concepts were prepared by a consortium of nationally known designers — Clarke & Rapuano, Inc.; Venturi, Raush & Scott Brown; and Salmon Associates — working with the New York State Office of Parks, Recreations and Historic Preservation; New York City Department of Parks and Recreation; New York State Department of Transportation; New York City Planning Department; Mayor's Office of Construction; and Federal Highway Administration.

"I particularly want to thank the Westway Park Advisory Committee, chaired by Marian S. Heiskell, and composed of some of the City's most concerned citizens, for working with us to ensure the highest standards of design for this park," Governor Cuomo added.

Members of the Advisory Committee include: Mrs. Marian Heiskell, Chairperson; Mrs. Adele Lawrence Auchincloss; Mr. Terence Banbow, Esq.; Mrs. Ann L. Bittenwieser; Mr. Edward R. Culvert; Mrs. Eleanor T. Elliott; Mr. Joseph Brazo; Ms. Patricia C. Jones; Mr. George R. Lamb; Ms. Jewell Jackson McCabe; Mr. Frederic S. Papert; and Mr. Nicholas Quennell.

**METROPOLITAN TRANSPORTATION
AUTHORITY****Governor Announces Subway Car Rehabs**

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 2, 1983

Governor Mario M. Cuomo today announced the awarding of \$30 million in Metropolitan Transportation Authority contracts to rehabilitate 200 subway cars in Hornell and 100 in Brooklyn. The Governor was informed of the contract awards by MTA Chairman Richard Ravitch.

Morrison-Knudsen Co. of Boise, Idaho, which is establishing its new Eastern Regional Headquarters in Hornell, won a \$20 million contract by the MTA. The NAB, Inc. of Brooklyn won a \$10 million contract. "The Morrison-Knudsen contract will bring 175 needed new jobs to the Hornell area. Many of the new jobs will be filled by former General Electric Co. employees who were laid off last May and whose unemployment benefits expired in recent months," Governor Cuomo said. The NAB contract will create 87 new jobs, the Governor said. The work will be done at the Brooklyn Army Terminal.

The contracts are the culmination of a year-long effort by Governor Cuomo and the MTA to direct the Authority's capital program to producing jobs in the New York State. The Governor, on April 14 last year, urged the State to delay a proposed subway car contract with Kawasaki of Japan to find ways of assembling or repairing subway cars in New York. At that time, he identified Hornell as a potential site for the work, saying, "I am convinced that we have the plants; we have the work force; we have the expertise; now we need the opportunity."

All told, the MTA over the next two years will rehabilitate 400 R-36 cars which were purchased in 1962-63 for the 1964 World's Fair. One hundred of the cars will be rehabilitated in-house by MTA employees represented by the Transport Workers Union.

Work on the Morrison-Knudsen contract will begin within two months, Governor Cuomo said. The Idaho

firm, which chose the Hornell site over locations in six other states for its Eastern Regional Headquarters, will take over the GE diesel repair and maintenance facility in the Steuben County City. Eugene Armstrong, Executive Vice President of Morrison-Knudsen, said the firm plans to bid on more than \$150 million additional rail rehabilitation work in the coming year.

Commenting on the contract, Ravitch said:

For the MTA, this contract is an important component of a comprehensive effort to institute regular overhaul cycles and to rehabilitate middle-aged cars as the oldest cars are replaced by new cars on order.

Governor Cuomo also credited U.S. Representative Stanley N. Lundine of Jamestown, State Senator William T. Smith of Big Flats, Assembly Majority Leader Daniel B. Walsh, Assemblyman John R. Kuhl, Jr. of Hammondsport, James Griffin, Executive Director of the Hornell Industrial Development Agency, and the International Union of Operating Engineers, Assemblywoman Eileen Dugan and Senator Joseph Montalto for their support and cooperation.

Governor Announces In-State Contract Award

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 31, 1983

Governor Mario M. Cuomo today announced that Bombardier, Inc., a Canadian manufacturer of transit vehicles, has awarded a \$25 million subcontract to New York Air Brake of Watertown, to produce portions of the braking systems for 825 subway cars that Bombardier is manufacturing for the New York City transit system.

"This contract helps fulfill a commitment that the Metropolitan Transportation Authority made last year to maximize the percentage of MTA vehicles that is manufactured in New York. It is yet another demonstration that we can successfully use major procurements to create jobs in New York — that New Yorkers can make what New Yorkers need," Governor Cuomo said. The

contract will provide approximately 300 man-years of work in the Watertown area between now and 1986. Final assembly of the cars will be done at Bombardier's plant in Barre, Vermont.

The Governor thanked MTA Chairman Richard Ravitch for his role in securing Bombardier's commitment to subcontract with New York Air Brake.

Governor Comments on Metro-North Strike

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 1, 1983

Earlier this week, Chairman Richard Ravitch of the Metropolitan Transportation Authority and the management of the Metro-North Computer Railroad Company presented representatives of the United Transportation Union with an offer aimed at settling the three-week old strike that has shut down rail service in the Metro-North area. That offer included a commitment to keeping at least one conductor on every train, and to full job security for all 622 employees affected by this issue.

I have seen this offer and I am convinced that there will not be a better one. In fact, it is much better than the arrangement that the Legislature and I were able to provide to State employees.

If the MTA's offer is not accepted over the weekend then I must assume that the impasse will continue indefinitely — a condition that we ought not tolerate. If a resolution is not reached by Monday I will take additional steps to end the strike.

Just yesterday, management and union representatives reached an accord that will end the commuter rail strike in New Jersey I am pleased that normal computer service into New York from New Jersey will now be restored. I am grateful for Governor Kean's continuing support for a prompt solution to the strike that still affects Connecticut and New York.

Governor Urges Strike Negotiations Continue

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 8, 1983

I call upon both the Metropolitan Transportation Authority and the United Transportation Union to return immediately to the bargaining table to resume discussions and request mediator Arvid Anderson be present.

The negotiations should not stop until the parties are prepared to announce agreement or to admit that further negotiations would be futile. Above all we seek a resolution to this strike that will return services to nearly 100,000 commuters through the collective bargaining process. At one point, however, it will be necessary to conclude that further negotiation will not be availing. The commuters and the people of this State have the right to know whether we have reached that point.

Should the parties fail in this last ditch effort, I will then renew my request to the President for an imposition of the Presidential Panel's findings or would suggest alternative legislative approaches. Secretary Dole made clear to me in our discussion that if the strike persisted and our Congressional Delegation were supportive, the President would be willing to reconsider the request I made last week.

In her letter to me dated April 7 Secretary Dole said:

Of course, if the current strike persists and a consensus for Federal action develops among members of Congress from the region, the Administration would carefully consider any responsible legislative proposal that is put forward.

Governor Requests Federal Action

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 12, 1983

Yesterday I instructed Thomas F. Hartnett, the Director of the Governor's Office of Employee Relations

to speak with the negotiators for the UTU and the MTA, as well as with the mediator, Arvid Anderson, in order to determine if the parties are at impasse.

This afternoon Mr. Hartnett advised me the parties are, indeed, at impasse.

I am disappointed with both parties to the negotiation. Their failure to use collective bargaining effectively, depreciates the process and punishes thousands of New Yorkers.

Since the employees on strike are controlled exclusively by Federal law, this State has no legal capacity to affect the situation. It is literally true that if limited to our own State law, we are legally incapable of avoiding the possibility of a permanent suspension of services because of a permanent strike.

Under these circumstances, this State has no alternative but to call upon the Federal government whose law controls the situation. I have been in contact with our delegation and will have a further announcement tomorrow with respect to possible Federal action.

Governor Requests Presidential Action

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 13, 1983

After discussions with Senator Moynihan, Senator D'Amato, Congressman Ottinger and members of the New York Congressional Delegation, Governor Cuomo sent the following letter to the President:

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 13, 1983

Dear Mr. President:

Last week Secretary Dole informed us that while you were not then prepared to implement the findings of your Presidential Panel in order to end the suspension of services caused by the United Transportation Union strike, you would reconsider that judgment under appropriate circumstances.

She told us of your view that if the strike persisted because collective bargaining failed to work and if there were a consensus among the Congressional Delegation of the region, you would then make another judgment.

Those conditions now exist. All the parties and the arbitrator have acknowledged that after a last ditch round-the-clock effort which I requested, the collective bargaining process has failed. The parties are at impasse and the suspension of services now threatens to continue for an indefinite period.

Mr. President, allow me to remind you that there is no conceivable way this matter can be regarded as local: it is exclusively controlled by Federal law.

Had we the capacity at the State level to bring ourselves to bear on this problem through our own State statute, which prohibits strikes by public employees, we would do so. But only the national government, which you lead, has any power here.

The present Federal law allows this strike. Frankly, since the Federal law does not even contain a cooling-off period or sanctions, I believe it encourages this strike.

Therefore, in the name of the many thousands of commuters who are inconvenienced, businesses that are damaged, lives that are upset, I ask you once again to indicate to Congress that you favor giving binding effect to the recommendations of the Presidential Emergency Board Report of December 17, 1982. This approach would end the strike and produce a resumption of services by providing a solution which your designated Panel found to be fair to all sides. You will have our support.

If you have reason to regard imposition of the Panel's Report to be undesirable, then I ask you, alternatively, to propose exempting these public employees from the Federal law and making them subject to our State law. This alternative would be a satisfactory solution.

The status quo, however, is utterly intolerable. We believe it makes no sense to insist on an exclusive Federal law that encourages strikes and the suspension of services.

Mr. President, we are grateful for the attention you have given this matter. But it needs more. We need from

you a perfecting of the present Federal law or the chance to use our own.

I know how great are the demands upon you but I earnestly suggest to you that time is of the essence.

Respectfully,

(Signed) **MARIO M. CUOMO**

Governor Submits Negotiated Bid Process Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 2, 1983

Governor Mario M. Cuomo announced today he has submitted to the Legislature a bill that would authorize the Metropolitan Transportation Authority to buy buses through a "negotiated bid" process, rather than through conventional competitive bidding. The bill is aimed both at permitting the MTA to obtain buses that are specially designed to meet New York's needs, and to encourage prospective suppliers to manufacture buses in New York.

The process authorized by the bill resembles conventional competitive bidding in that the MTA would have to invite bids from bus manufacturers. However, instead of simply accepting the low bid, the Authority would be able to negotiate with any or all of the bidders in an effort to improve the terms of the purchase. Factors taken into account in the negotiation would include cost, financing terms, delivery schedules, and the manufacturer's willingness to perform contract work in New York or use goods and services produced in New York in the manufacture of buses.

"This legislation is an essential part of our efforts to meet two complementary objectives. The first is to provide transit users with the most efficient, most reliable buses at the lowest possible cost. The second is to use the enormous purchasing power of the MTA to create jobs here in New York," the Governor said.

The Governor noted that MTA contracts for rehabilitation and manufacturing of subway cars have

created hundreds of jobs throughout the State. "The MTA will be purchasing hundreds of buses annually in the years ahead. Those purchasers will give us the leverage to create hundreds more of the blue collar manufacturing jobs we so desperately need to maintain a balanced economy," the Governor said.

Governor Advocates MTA Restructuring

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 3, 1983

Governor Mario M. Cuomo today announced that he will be submitting legislation to implement significant changes in the organization and the operation of the Metropolitan Transportation Authority. The changes are aimed at making the Governor bear principal responsibility and accountability for the MTA. In announcing the proposed legislation, Governor Cuomo stated:

During the campaign last year, I said that if we want to improve the operations of the subway system and make it more responsive to the straphangers, we must increase the accountability of the MTA, and those responsible for it by putting their political feet to the political fire. The legislation I am proposing today does just that, by clarifying my responsibility for the system.

Major elements of the proposed legislation include:

— Restructuring and strengthening of the office of MTA Inspector General. The Inspector General would be appointed by the Governor, from among three persons nominated by the MTA Chairperson, for a five-year term and would report to the Board of the MTA. The Inspector General would also issue public reports on his activities, findings and recommendations on a quarterly basis.

— Expansion of the MTA Board from its present 14 members to 17 members, with the three new members to be appointed by the Governor. This would enable the Governor to appoint a majority of the 17 member board, rather than the present situation of six gubernatorial appointees on the current 14 member board.

— Formal gubernatorial review of the MTA budget. The MTA would be required to submit its budget to the Governor by November 15 of each year, for his review and comment prior to its adoption. The Governor would issue a report on the budget, which would be advisory to the MTA Board and the Financial Control Board.

— Appointment of the Chairperson of the MTA to serve at the pleasure of the Governor. The Chairperson now serves for a fixed six-year term through June 30, 1987.

The proposed legislation was recommended to the Governor in a report by the Special Study Panel on the Metropolitan Transportation Authority, which was established by the Governor on January 5, 1983, in his *State of the State* message.

Governor Cuomo also announced, upon the recommendation of MTA Chairperson Richard Ravitch, he intends to appoint Sidney Schwartz as Inspector General of the MTA effective August 1, 1983. Schwartz, who was Special Deputy Comptroller for New York City from September 1975 to December 1982, presently serves as the Governor's Assistant for Management and Productivity. A successor for Schwartz's current position will be announced at a later date.

The Governor further stated that if his proposed legislation is enacted, he will reappoint Richard Ravitch as MTA Chairperson.

In addition, Governor Cuomo appointed State Commissioner of Transportation James Larocca as Chairperson of the MTA Capital Programs Review Board. This four-member body was created by the Legislature in 1981 to oversee the formulation and execution of the MTA's five-year capital plan.

In elaborating on the major proposals included in the report, Governor Cuomo said:

By strengthening the office of MTA Inspector General, we will enable the Inspector General to audit performance, to insure that appropriate follow-up action is taken on outside audit findings, and to investigate charges of fraud or abuse.

Formal State oversight of the Authority's

budget would increase the Governor's ability to review the budget and would be consistent with the trend that has emerged in recent years in the relationship between other authorities and the State. Presently, as Governor I have the opportunity to review the Transit Authority's budget through the Financial Control Board. This review is inevitably limited by the FCB's proper concentration on NYC finances and does not include the other elements of the MTA.

Today I am riding the shuttle from Times Square to Grand Central Station to underscore the importance of the mass transit system for the entire MTA region, and the State. These two stations alone serve almost one half million people each day. By riding the shuttle between these two great transit hubs, we are emphasizing that our final accountability must be to the six million people who are served each day by the MTA.

Governor Proposes MTA Restructuring

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 9, 1983

Governor Mario M. Cuomo announced today he has submitted legislation to implement the proposal he outlined June 3 changing the organization and operation of the Metropolitan Transportation Authority. The changes, recommended to the Governor in a report by the Special Study Panel on the MTA, are aimed at making the Governor bear principal responsibility and accountability for the Transit Authority.

Governor Requests MTA Analysis

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 13, 1983

Governor Mario M. Cuomo today sent the attached letter to MTA Chairman Richard Ravitch.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 13, 1983

Dear Chairman Ravitch:

As you are aware, my Special Study Panel on the Metropolitan Transportation Authority submitted its report to me on June 1.

One of its recommendations dealt with the various proposals that have been made to separate some of the northern counties from the MTA region. In particular, the panel suggested that we make a:

more thorough analysis of this issue . . . including an analysis of the possible alternatives these agencies might be authorized to pursue — for example, permitting Orange and Rockland to contract with New Jersey Transit for the operation of commuter services.

The report continues:

This issue should be reviewed in conjunction with a resolution of the tax policy issues that the State will face in December, 1984, when the transit subsidy program enacted by the Legislature in 1982 expires. The MTA should review all relevant issues and data, and begin to develop options to resolve this issue next year.

I have asked my Secretary Michael J. DelGiudice and Lieutenant-Governor Alfred B. DelBello, who has substantial experience and expertise with respect to the transit needs of New York City's northern counties, to work closely with you in the months ahead to reach more detailed recommendations on these issues.

Sincerely,

(Signed) MARIO M. CUOMO

Governor Approves MTA Legislation

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 11, 1983

Governor Mario M. Cuomo today signed legislation strengthening the Inspector General's Office within the Metropolitan Transportation Authority as part of a five-bill package to increase the efficiency and safety of mass transit.

In signing the legislation, Governor Cuomo said:

A strong Inspector General is needed to hear and act upon complaints about service deficiencies, to audit performance, to assure that appropriate follow-up action is taken on outside audit findings and to investigate charges of fraud or abuse.

"The existing Transit Authority Inspector General's Office lacks both the resources and the status within the MTA to function as effectively as it should. Its responsibility is strictly limited to the New York City transit system. With this new legislation — and the appointment of Sidney Schwartz as Inspector General — riders of subways and commuter trains and users of Triborough Bridge and Tunnel Authority systems will benefit from having a strong independent watchdog. I have every expectation that the State Senate will confirm Sidney Schwartz when it meets in session Tuesday," he said.

The bill also requires the MTA to prepare and annually update a two-year operating plan similar to its existing capital plan. Both of these steps carry out recommendations made by a Special Study Panel on the MTA appointed by the Governor in January.

Other bills signed today by the Governor:

— Create a State Public Transportation Safety Board. This will strengthen the State's ability to identify serious safety problems on public transit systems and help in the formulation of plans to improve safety.

— Require that all members of the State Public

Transportation Safety Board, except the State Transportation Commissioner, be confirmed by the State Senate. The Board is composed of six members, plus the Transportation Commissioner and the MTA Inspector General.

— Permit the MTA to finance commuter rail improvements through the issuance of revenue bonds — an essential element of the MTA's five-year capital plan.

— Allow the Authority to procure buses through a "negotiated bidding" process. Through this procedure, the MTA will be able to buy buses on the best possible terms while at the same time secure commitments from bidders that at least some bus parts will be manufactured within New York State.

Editor's Note: See Approval Memoranda Nos. 27-30, Chapters 427-430 of the Laws of 1983.

Governor Comments on Ravitch Resignation

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 29, 1983

Chairman Richard Ravitch called me this morning to say that he will tender his resignation as Chairman of the Metropolitan Transportation Authority. He explained that after some eight years of arduous service to the State, he feels it is appropriate for him now to spend more time with his family and on personal affairs.

I have known Dick for many years and I know his work well. He has performed with intelligence, enthusiasm and good results. The entire State owes him a debt of gratitude.

I am pleased to be able to say that Dick has agreed to continue serving the people of New York State as a member of my Council on Fiscal and Economic Priorities and to be available for special projects as they arise.

He has also agreed to assist us in finding both a President of the Transit Authority and a new chairperson. I have already established a search committee chaired by my Secretary, Michael Del Giudice. The committee will include Transportation Commissioner James Larocca,

Appointments Secretary Tonio Burgos, Special Assistant to the Governor, Andrew Cuomo and Hugh O'Neill, Deputy Secretary to the Governor for Economic Affairs. The committee will consult with Mayor Koch, county officials, union representatives, State legislators, members of the MTA Board and representatives of riders, in an effort to identify and evaluate candidates.

It will not be easy finding an adequate replacement for Chairman Ravitch. It must be an individual knowledgeable of transportation operations with an ability to manage sometimes difficult labor relations, with financial acumen and a full understanding of the economic, social and governmental environment within which the Authority operates. However, with Dick's help and an all-out effort on the part of the search committee, we expect to find an appropriate person within the near future. I have begun the process by suggesting several specific names for consideration.

Governor Comments on Fare Increase

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 16, 1983

The MTA's decision to increase fares was obviously a difficult one. I hope the MTA board and management recognize it will also place a difficult burden on riders, and that it merits improved services and renewed efforts to contain costs at every opportunity.

REBUILD NEW YORK THROUGH TRANSPORTATION INFRASTRUCTURE RENEWAL BOND ACT OF 1983

Governor Submits Transportation Bond Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 24, 1983

Governor Mario M. Cuomo today announced that he has submitted to the Legislature a bill that would authorize the issuance of \$1.25 billion in State bonds to finance improvements in transportation capital facilities

throughout the State.

The bill, which would have to be ratified by the voters in November, will enable the State to mount a five-year \$7 billion effort "to reverse the deteriorating condition of highways, bridges, ports, waterways, airports, railroads, and mass transit facilities in New York State.

"For almost two centuries," the Governor said in announcing the bill:

New York's continued economic growth has been linked to the ongoing development of a complex network of roads, waterways, railroads, ports, airports and transit systems. And virtually every study of New York's economy conducted in the past few years has emphasized that New York's future economic health will be just as dependent upon the maintenance and continued improvement of these vital facilities.

The bill includes several provisions aimed at targeting the projects undertaken under the bond act toward those areas and groups with the highest unemployment. One such provision would require the Department of Transportation to give priority in scheduling projects to communities suffering chronic high unemployment. Another would authorize the Transportation Commissioner to establish requirements concerning the hiring of displaced workers, public assistance recipients, Vietnam veterans and others by contractors participating in infrastructure renewal projects.

Proceeds of the Bond Issue would be spent over a five-year period and allocated as follows: \$560 million for State highways and bridges; \$335 million for local roads and bridges; \$145 million for transit and commuter rail systems and omnibus systems and facilities; \$110 million for railroad improvements, including grade crossing improvements; \$75 million for the Barge Canal system and upstate ports; and \$25 million for airport improvements.

Based on existing need estimates, the Department of Transportation projects that approximately 25 percent of the funds from the Bond Issue would be spent in New York City, 25 percent in the NYC suburbs, and 50 percent upstate. Examples of some of the projects that would be funded under the Act include: grade crossing

improvements in Mineola, Long Island; acceleration and expansion of the Metropolitan Transportation Authority's capital program; airport runway extensions in Endicott and several other upstate communities; port improvements in Albany and Buffalo; a transit mall in Rochester; and rail freight improvements in Buffalo.

Part of the proceeds of the bond program will be used to enable the State to take advantage of the additional Federal aid forthcoming as a result of the Federal gas tax increase. "The gasoline tax increase recently approved by Congress will be of enormous help to us in maintaining and improving highways, bridges, and transit facilities. But it will not meet all of our needs. Additional State resources will be needed if we are to reverse the pattern of underinvestment and deterioration that has for too long plagued our State," the Governor said.

The bill is titled the Transportation Infrastructure Renewal Bond Act.

Governor Approves Bond Bill

STATE OF NEW YORK—EXECUTIVE CHAMBER

August 4, 1983

Governor Mario M. Cuomo today signed legislation authorizing a \$1.25 billion "Rebuild New York Bond Issue" and called on the voters of the State to approve it at the polls in November. The Bond Issue would provide more than \$1 billion for the rehabilitation of State and local roads and bridges; and the remainder for the improvement of ports, airports, waterways and rail systems.

"When combined with \$1.9 billion in Federal funds available from the five-cent gasoline tax increase and \$4 billion in State and Federal funds projected to be available under existing programs, the Bond Issue will enable the State to undertake \$7 billion worth of capital improvements over the next five years," the Governor said. "In and of itself, the Bond Issue will make possible an increased investment of almost \$3.2 billion in the State's transportation network than otherwise would be possible," Governor Cuomo said.

"New York's economy, and the daily lives of its citizens, are dependent on the availability of a safe, reliable network of transportation facilities. Since the earliest development of the port of New York and the digging of the Erie Canal, transportation has been one of our greatest strengths. It can be in the future as well — but only if we are willing to make the investments today that will assure the adequacy of our infrastructure in the future," the Governor noted.

"The Bond Issue is the best means I know of to combat the growing problem of deterioration of our roads and bridges. Over 2,178 of 15,700 miles, or 14 percent, of State highways are rated poor. Nearly one-quarter of State bridges, or 1,700 of 7,200, are structurally deficient. Rehabilitation work is needed at 38 airports, 1,100 buses around the State need replacement, 30 canal dams do not meet Federal and State safety standards and 472 railroad grade crossings need safety improvements," he said.

Governor Cuomo said Lieutenant-Governor Alfred DelBello will assist in organizing county executives throughout the State in the effort to win voter approval of the Bond Issue.

The Governor signed the bill in a park overlooking the FDR Drive — one of the highways expected to be rehabilitated with funds from the Bond Issue. In his comments he noted that the \$3.2 billion program made possible by the Bond Issue would generate approximately 36,000 jobs a year for the next five years, in construction and other related employment.

The Governor also signed two other bills aimed at strengthening the State's capital development programs. One bill establishes a five-year capital planning and budgeting process; the other strengthens executive and legislative oversight of the State's public authorities.

"By reforming the State's capital budget process, the Legislature has enhanced both its own ability and that of the Governor to make intelligent, informed decisions about where to invest our limited capital resources. "When combined with the work that my Council on Fiscal and Economic Priorities is now doing to develop an overall capital development strategy for the State, it would assure that New Yorkers get the best possible return for the tax dollars they invest in public facilities,"

the Governor said.

"I am especially grateful to Assembly Speaker Stanley Fink for his leadership in the development and enactment of this legislation," he noted.

The third bill signed by the Governor strengthens the role played by the Public Authorities Control Board in overseeing the State's independent authorities.

The Governor also signed an Executive Order establishing an Office of Contract Compliance and Minority and Women-Owned Business Enterprise in the Executive Chamber. The Office will be charged with oversight of affirmative action and minority business participation efforts in all State construction and procurement programs. The Order also states that agencies letting construction contracts under the Rebuild New York program should seek to achieve the award of at least 12 percent of all contract work to qualified minority business enterprises.

Just yesterday the Census Bureau reported that in 1982, 15 percent of all Americans were classified as poor — 34 million people, 12.2 million of them black and Hispanic. In New York State, more than 2.5 million of our people live below the poverty line, and nearly half of those are minorities.

"The Rebuild New York program and other major capital development programs provide us with an unprecedented opportunity for extending both job and business opportunities to those who too often have suffered the effects of racial and ethnic discrimination," the Governor said.

Editor's Note: See Approval Memorandum No. 81, Chapter 836 of the Laws of 1983, enacting the Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983. Also see Executive Order No. 21.

**Governor Requests Congressional Delegation
Support (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 14, 1983

Governor Mario M. Cuomo today delivered a letter dealing with the \$1.25 billion Infrastructure Bond Issue to all members of New York's Congressional Delegation.

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 14, 1983

Dear

This November New York has an opportunity both to create badly needed jobs and to rebuild our crumbling roads, bridges, ports, waterways and rapid transit systems.

As I am sure you are aware, New Yorkers will be asked to vote November 8 on the Rebuild New York Bond Issue, to provide \$1.25 billion for safety, jobs, and needed maintenance of our infrastructure.

I sincerely believe that the campaign for the Bond Issue is a campaign by all of us, Democrats and Republicans alike, against ignorance.

The points that we plan on making in support of the Bond Issue are straightforward:

FEDERAL FUNDS FOR NEW YORK — Thanks to your work and support, New York is now eligible for increased Federal funds. In fact, the funds from the new five-cent tax on gasoline (\$1.677 billion), plus smaller amounts from an aviation tax (\$145 million) and additional non-MTA mass transit funding (\$100 million), add up to \$1.92 billion in Federal funds available to New York. The Bond Issue will give us the necessary matching funds to take advantage of the Federal funds that you worked so hard to secure for us.

SAFETY — The tragic loss of three lives due to the Mianus Bridge collapse in Connecticut provides graphic evidence of the dangers of deteriorating infrastructure.

In fact, 42 percent of New York State's 19,000 bridges are considered structurally deficient and require some repair. In addition, 22 percent of our 109,000 miles of State and local highways are rated poor. And, just last week, Senator D'Amato released a congressional report showing that our total infrastructure needs reach \$50 billion over the next five years, and over \$80 billion before the year 2000.

JOBS — We all agree that unemployment in New York State is too high. The Bond Issue program (including the \$1.92 billion in Federal funds that you have made available) will provide over 180,000 man-years of employment. That translates into over 36,000 jobs for New Yorkers for the next five years.

FUTURE COSTS — Failure to pass the Bond Issue would not obviate the need for rebuilding our infrastructure. Rather, it would just make it more expensive. In fact, a Cornell University study says that a five-year delay of certain highway repairs increases the eventual cost tenfold. And, as time passes, the amount and degree of repairs needed increase as well.

Frankly, I am not aware of any substantive argument that disputes the benefits that can be gained from the Bond Issue or questions the urgent need for rebuilding New York.

We now have seven weeks in which to educate New Yorkers about the Bond Issue. I hope that you will support the Bond Issue and urge your constituents to vote for it.

I am taking the liberty of enclosing more detailed information about the Bond Issue for you.

Your efforts in Washington on behalf of all New Yorkers have given us the opportunity to receive almost \$2 billion in Federal funds with which to Rebuild New York. It would be tragic if we failed to take advantage of them.

Sincerely,

(Signed) **MARIO M. CUOMO**

Governor Approves Regional Allocations (Excerpts)**STATE OF NEW YORK—EXECUTIVE CHAMBER***September 16, 1983*

Governor Mario M. Cuomo today signed legislation implementing the allocations by regions for transportation improvement and repair projects to be financed by the State's \$1.25 billion "Rebuild New York" Bond Issue. The Bond Issue is subject to approval by the voters on Tuesday, November 8.

Joining Governor Cuomo at the signing were New York City Mayor Edward Koch and County Executives Peter Cohalan of Suffolk, Francis Purcell of Nassau and Andrew O'Rourke of Westchester. The bill won the approval of the Legislature Thursday night, passing the Senate by a vote of 54-4 and the Assembly, 137-6.

The \$1.25 billion bond program will be supplemented by \$1.92 billion in new Federal funds which will become available if the bond is approved by voters, \$2.3 billion in regular Federal funds and \$1.9 billion in regular State funds for roads, bridges, ports and waterways — for a total of \$7.4 billion.

Governor Cuomo said \$385 million in construction projects which originally would have been financed by the "Rebuild New York" bond program will come instead from regular State appropriations beginning in 1984-85, thus increasing the regular State funds available for transportation infrastructure projects to \$1.9 billion and freeing up bond funds for use on other projects. The additional regular appropriations will finance the following projects: the State's CHIPs local highway aid program, \$170 million; MTA capital rehabilitation, \$120 million; capital rehabilitation of canals, \$25 million; and \$70 million for the Mineola grade crossing project.

Governor Cuomo hailed the agreement with legislative leaders and membership on a specific project list which will show voters across the State what the bond program will do. "Our transportation systems and network have played a central role in the growth of New York State. With this Bond Issue and our total transportation program, we have an opportunity to assure continued economic growth and to improve the safety of our highway network

and local roads," he said.

"I urge all New Yorkers to learn about the "Rebuild New York" bond program and to consider its importance in every aspect of our daily lives and to vote in its favor in November. And I salute the Legislature for its foresight in beginning the effort to rebuild New York," he noted.

Governor Cuomo and legislative leaders signed a memorandum of understanding Thursday implementing the agreement on projects to be financed by the bond proceeds.

Editor's Note: The total funds for NYC are \$303 million or 24.2 percent, the augmented program \$431.8 million or 26.4 percent; for Long Island \$172.1 million or 13.8 percent and \$266.7 million or 16.3 percent; for the Hudson Valley \$122.6 million or 9.8 percent and \$147 million or 9 percent; for upstate \$652.3 million or 52.2 percent and \$789.5 million or 48.3 percent. The total funding in the augmented program statewide is \$1.635 billion.

Governor Welcomes Comptroller's Support

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 21, 1983

Governor Mario M. Cuomo today welcomed State Comptroller Edward V. Regan's support for the "Rebuild New York" Bond Issue. "I am gratified that the Comptroller has again expressed his recognition of the need to begin rebuilding New York. The 'Rebuild New York' bond is the linchpin of a \$7.4 billion program to improve our roads, bridges, ports and waterways. I welcome Ned Regan's support. It is particularly significant in light of his responsibilities in the oversight of State spending and the State's credit," the Governor said.

The Governor noted that Comptroller Regan had raised legitimate concerns about the bond. "We have given him, through the legislation, memorandum of understanding and personal commitments, every assurance that bond funds will not replace ordinary budget funds, and that bond proceeds will be appropriated as promised. Further, Jim Larocca in the Transportation Department

and Mike Finnerty in the Budget Division will develop a process of full and complete accounting of bond funds, and we will cooperate with the Comptroller in every way, just as we did in the passage of a budget this year," the Governor noted.

Governor Cuomo also expressed gratitude and praise for the Association of General Contractors, which yesterday reversed its position and heartily endorsed the Bond Issue, the State Association of Counties, which also lent its support to the program, and the State Association of County Executives which voted unanimously, Democrat and Republican alike, to back the "Rebuild New York" bond.

"Almost daily we hear from more State and local government officials and public and private organizations which recognize the critical need to begin addressing our transportation needs. Through the "Rebuild New York" effort, county executives and mayors from Buffalo to Long Island are working with us and we welcome the growing support," he said.

Governor Attends Long Island Bond Rally (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 5, 1983

Governor Mario M. Cuomo today came to Long Island to kick-off the Long Island campaign for the Rebuild New York Bond Issue, which will appear on the ballot on November 8 as Proposition One.

The Governor was accompanied by numerous Long Island officials supporting the Bond Issue including: Nassau County Executive Francis Purcell; Suffolk County Executive Peter Cohalan; State Senators Carol Berman and Owen Johnson; Assembly members Lewis Yevoli, Barbara Patton, Angelo Orazio, May Newburger, and Patrick Halpin; Islip Supervisor Michael LoGrande; Huntington Supervisor Ken Butterfield, Babylon Supervisor Anthony Noto; Southold Supervisor William Pell; Presiding Officer of the Suffolk County Legislature Lewis Howard; and Deputy Presiding Officer of the Suffolk County Legislature John Wehrenberg.

Speaking at a rally for the Bond Issue, Governor Cuomo said:

If we do not support our roads and bridges, they will stop supporting us. The Rebuild New York Bond Issue provides us with the opportunity to rebuild and repair our transportation facilities, while creating 36,000 jobs and taking advantage of almost \$2 billion in Federal aid.

What will the Bond Issue mean to Long Island? The money from the Bond Issue and the matching funds it will make available will provide a total of \$425 million for Long Island's roads, highways, and bridges.

Editor's Note: Projects included: addition of Long Island Expressway service roads; study, design and construction of high priority needs along Meadowbrook and Northern State Parkways; improvement of the LIE - Sagtikos State Parkway interchange; resurfacing of the LIE for 5.9 miles; reconstruction of Route 25 to four lanes; reconstruction of the Old Country Road and Clinton Road intersection; an additional westbound lane to the Southern State Parkway; installation of median barriers and lighting on the Northern State Parkway; elimination of the LIRR Robin Lane at-grade crossing;

Governor Supports Bond Issue in NYC (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 7, 1983

Governor Mario M. Cuomo and Mayor Edward I. Koch today inaugurated an intensive one-month effort on behalf of the "Rebuild New York" Bond Issue, which will appear on ballots throughout the State in the November 8 elections.

New York City Council President Carol Bellamy and Comptroller Harrison J. Goldin also voiced support for the Rebuild New York Bond Issue, joining business, labor and community groups and public officials from across the State who are supporting the "Rebuild New York" program.

In remarks prepared for delivery to a noon-time gathering at 60th Street and Second Avenue in Manhattan, Governor Cuomo said:

The alternative to the Rebuild New York Bond Issue is continued decay and disrepair of our transportation infrastructure, and the increasingly costly disruption, inconvenience and danger in the daily life and commerce of the City.

Mayor Koch said:

I support the Rebuild New York Bond Issue not only because it will directly benefit many important roads and bridges in New York City, but also because it will have a positive impact on our long-term plans for rehabilitation of the transportation infrastructure, enabling us to expedite many projects.

In a statement issued by her City Hall office, Council President Bellamy said:

I support the Rebuild New York Bond Issue and urge New Yorkers to vote for it on November 8. We must accelerate our efforts to repair and rebuild our crumbling transportation facilities, especially the City's highways and bridges.

In his statement of support, Comptroller Goldin said:

The Rebuild New York Bond Issue offers the most effective and fiscally sound method of putting our transportation infrastructure repair program into high gear, now. We cannot wait to begin to upgrade our roads, bridges and railroads, which are so vital to the safety of our citizens and the economy of the City.

Governor Cuomo also pointed out that, while the Rebuild New York Bond Issue enjoys widespread support throughout the City and State:

We cannot be apathetic or overconfident about its approval. We must convince the voters of the overriding importance of repairing and rehabilitating our roads, bridges and rail systems.

Governor Releases Statements of Support (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 8, 1983

Governor Cuomo today released the attached statements in support of the "Rebuild New York" Bond Issue and \$7.4 billion program for roads, bridges, ports and canals.

Editor's Note: Statements of support were released from Josie Anderson McMillian, President, New York Metropolitan Area Postal Union; Harrison J. Goldin; Carol Bellamy; and Lew Rudin, President, Association for a Better New York.

**Governor Announces Rebuild New York
Labor Committees (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 18, 1983

Governor Mario M. Cuomo today announced the formation of Vote Yes — Rebuild New York Labor Committees across the State. In making the announcement, Governor Cuomo said:

The unions serving on these committees represent over two million New Yorkers.

The extent and breadth of these committees makes one point very clearly — the Rebuild New York Bond Issue means both safety and jobs for New Yorkers. We now have an opportunity to put over 36,000 New Yorkers to work for five years, fixing our roads and bridges, making them safer.

I am delighted that so many well-respected leaders of the union movement have agreed to lend their voices and help educate their members and the public about the benefits of the Rebuild New York Bond Issue.

Editor's Note: The committees included the Statewide Rebuild New York Labor Committee and regional committees representing Long Island, Western New York, Rochester, Central New York, the Capital District, the Hudson Valley, the Southern Tier and the North Country.

Governor Releases Research Findings

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 27, 1983

Governor Mario M. Cuomo today released a memorandum analyzing a series of opinion and attitudinal research experiments concerning the "Rebuild New York Bond Issue."

* * *

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 25, 1983

TO: Governor Cuomo
FROM: Bob Sullivan
RE: Research on Public Attitude Toward the
Rebuild New York Bond Issue

At the request of the Vote Yes — Rebuild New York Committee, I have been conducting a series of opinion and attitudinal research experiments concerning the Bond Issue. I have used open-ended questions among a randomly selected population that is stratified by region. Over the last ten days approximately 1,000 New Yorkers were interviewed by trained volunteers. (Of course, all calls were made on non-State phones in the evening hours.)

These tests are not complete and are by no means conclusive. However, it is possible to infer from them the following:

I. There is strong predisposition among potential voters toward support of a Bond Issue that would repair roads and bridges in New York State. The principal reason is that the public seems to understand that the condition of these facilities is very bad and they want them repaired. In fact, the only published poll to date conducted by the *New York Post* July 7 through 11, showed that the public supports the Bond Issue by a margin of 70 percent in favor, 21 percent opposed and 9 percent undecided. These numbers were gathered only days after the collapse of the Mianus Bridge. I also understand various polls taken by Democratic county organizations

and county executive candidates show similar levels of support ranging from 2-1 to 3-1 in favor of the Bond Issue.

Our research also shows this predisposition of the electorate in favor of the Bond Issue. This broad support cuts across socio-economic, philosophical and geographical strata. The attitudes toward the Bond Issue seem to be remarkably insensitive to customary political divisions. I do not, however, expect this margin to remain static. As the awareness of the Bond Issue in a political context increases I believe that some people will pick up cues as to where they are "supposed" to be ideologically on this matter and we will then see some reforming of the electorate along more traditional political lines. A very low turnout, which is expected, may narrow the issue further.

Nevertheless, I think the overwhelming positive response that the Bond Issue evokes at this stage will insure it sufficient support among "swing" populations and therefore success at the polls.

II. Those who are for the Bond Issue are for it because:

1. "We need it." A generalized expression that puts into words a very low rating of the conditions of our roads.

2. It's a matter of safety. People often mention the "safety" issue. The condition of our bridges is a specifically acute concern with many people and mention of the bridge collapse in Connecticut is notable.

3. Another, but more distant consideration, is the issue of "jobs."

4. A small number understand that the Bond Issue will cost more if we wait longer.

III. Those who oppose the Bond Issue do *not* dispute the problem of the roads but they tend to depart with the majority as to whether they want a Bond Issue. The reasons they give are:

1. They do not want to accept the cost of a bond: "It is too much money — too much in taxes" etc. This and many of the other reasons seem to ignore their own judgement which agrees with the majority that the roads and bridges do need work badly.

2. They say that the public has "already paid" for the repair of roads and bridges with taxes, fees, tolls and specifically the 5 percent gas tax. They are currently prepared to believe that these can pay for the major capital overhaul we need.

3. They express a skepticism that the bonded money will actually be spent on what it is supposed to be spent on. "The politicians will get it and waste it" is a native cynicism that is frequently expressed. When informed about the specific project lists, their response is positive.

4. A smaller group believes that some other part of the State (usually New York City) will get most of the money and they will get shortchanged.

N.B. (Our research indicates that the campaign's arguments for the Bond Issue which counter those four negative attitudes are persuasive with undecided voters.)

IV. Awareness of the Bond Issue appears to be higher than I expected. I believe you could extrapolate from the information I have that at least one-third of the potential voters are aware of the Bond Issue two weeks before the election.

I would conclude that, at this point, a large majority of the people in our State thinks the roads and bridges are in terrible shape and wants them repaired. They want to feel safe. For the most part they accept the Bond Issue as the appropriate funding vehicle to accomplish this, but they would also like some reassurance about the certainty and equity of its use.

That being said, I am convinced that New Yorkers will vote yes for the Rebuild New York Bond Issue by a clear margin.

**Governor Announces Public Safety Groups'
Support (Excerpts)**

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 28, 1983

Governor Mario M. Cuomo today announced that scores of police and public safety organizations around the State have endorsed the "Rebuild New York" bond

program to rehabilitate roads, highways, bridges, ports and waterways.

"Sheriffs, police chiefs, police benevolent associations and police officers around the State know the importance of safe, well-built, passable roads and bridges. To them, the improved safety which the "Rebuild New York" program would bring to their patrols and to the publics they serve is paramount," Governor Cuomo said.

Governor Releases Moynihan-D'Amato Statement

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 31, 1983

Governor Mario M. Cuomo today released the text of a statement by Senators Daniel P. Moynihan and Alfonse M. D'Amato in support of the Rebuild New York Bond Issue.

In releasing the statement, Governor Cuomo said:

This joint letter is particularly important not just because of its persuasive arguments in support of the Bond Issue, but also for the unity of opinion that it represents. Just think for a moment of the significance of this agreement. Here we have New York's two United States Senators, one a Republican, the other a Democrat; one from Delaware County, the other from Long Island; two men of very different political philosophies joining together in supporting the Rebuild New York Bond Issue because of what it can do for the entire State. In short, their support emphasizes one very important point: safety is not a partisan issue. People who disagree on other political issues all agree that we need to rebuild our roads and bridges. This telling point could not be made more forcefully or more convincingly than by Senators Moynihan and D'Amato.

As mentioned in their statement, both Senators worked very hard to make New York eligible for \$1.92 billion in funds from the Federal five-cent per gallon tax. And both Senators agree that Proposal One to Rebuild New

York provides the best opportunity for New York to receive those funds. We are grateful for the Senators' efforts in securing these Federal funds for our State. And I am particularly delighted that Senator Moynihan and Senator D'Amato have both agreed to emphasize their support for the Bond Issue and what it can do for New York by joining with me in a statewide swing on Monday November 7 in support of Rebuild New York, Proposal One.

* * *

UNITED STATES SENATE

October 31, 1983

Dear Mario:

We are pleased to express our support for Proposition One, the Transportation Infrastructure Renewal Bond Act of 1983.

We are acutely aware of the necessity to rehabilitate our transportation network, and we agree that the Bond Issue offers a great opportunity for New York to address this need. The \$1.25 billion bond authority, to be supplemented by billions of dollars in other Federal and State funds, will enable New York to improve its vital transportation systems while providing a powerful stimulus to the State's economy.

We are especially pleased that the Rebuild New York Bond Issue recognizes the infrastructure needs throughout the State. The proposal incorporates an equitable distribution of funds, with significant infrastructure projects and benefits in every region of the State and in every congressional district.

We congratulate you and the State Legislature for developing this vital proposal, and we offer our support to help secure passage on November 8.

Sincerely,

(Signed) DANIEL P. MOYNIHAN (Signed) ALFONSE M. D'AMATO

Governor Announces Congressional Delegation Support

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 1, 1983

Governor Mario M. Cuomo today announced the support of 30 members of New York State's Congressional Delegation for the Rebuild New York Bond Issue.

In a joint letter to the Governor the Congressmen stressed that the Rebuild New York proposal is "of critical importance to the infrastructure needs of New York State." They also cited the "statewide recognition of the need for improving the transportation network in the State" and the fact that the Bond Issue "will produce substantial infrastructure benefits for every congressional district in the State."

In releasing the congressional letter, Governor Cuomo said:

This is an unprecedented event both for our Congressional Delegation and for the entire State. Thirty of our State's Congressmen have joined together in support of Proposal One to Rebuild New York.

This letter provides the clearest signal to date that New Yorkers across the State will benefit from Proposal One. What other issue could engender such unity on the part of our wonderfully diverse Congressional Delegation? What other issue could unite a conservative Republican like Congressman Barber Conable with a liberal Democrat like Congressman Ted Weiss. From Congressman David Martin in the North Country to Congresswoman Geraldine Ferraro in Queens; from Congressman Thomas Downey on Long Island to Congressman Henry Nowak in Western New York, there is unprecedented unanimity on what the Rebuild New York Bond Issue can do to make our roads and bridges safer.

We all often make mention of how important it is that our delegation cooperate for the good of the entire State. In that spirit, our delegation worked together to make New Yorkers eligible for almost \$2 billion in Federal funds from the

five-cent per gallon gas tax. I am particularly pleased that they have now pledged their joint support for Proposal One to make our roads and bridges safer.

* * *

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 1, 1983

Dear Mario:

We are writing to express our support for the Rebuild New York Bond Issue.

We share your view that this transportation bond proposal is of critical importance to the infrastructure needs of New York State. The \$1.25 billion in bonding authority will supplement more than \$1.9 billion in Federal transportation funding. As you know, last year Congress enacted the Surface Transportation Assistance Act of 1982 which substantially increased Federal funding for highway and mass transit construction and contained major favorable program modifications of unique value to New York. We believe that the transportation Bond Issue will allow the State to make full and expeditious use of these additional Federal funds generated by congressional action last year.

The overwhelming support for this bond proposal in the State Legislature reflects a statewide recognition of the need for improving the transportation network in the State and its critical importance to the State's economy.

Approval of Proposition One, the Transportation Infrastructure Renewal Bond Act of 1983, on the November 8 ballot will produce substantial infrastructure benefits for every congressional district in the State. We are therefore pleased to join you, the State Legislature and a wide range of business and public interest groups in advancing this critically important proposal.

Editor's Note: The following individuals signed the letter: Samuel S. Stratton; Frank Horton; Sherwood L. Boehlert; Joseph P. Addabbo; Thomas J. Downey; Charles E. Schumer; Robert Garcia; Robert J. Mrazek; Geraldine A. Ferraro;

Norman F. Lent; Stan Lundine; Richard L. Ottinger; Henry J. Nowak; Gary L. Ackerman; James H. Scheuer; John J. LaFalce; Matthew F. McHugh; Mario Biaggi; Barber B. Conable, Jr.; Ted Weiss; Edolphus Towns; David O'B. Martin; S. William Green; Raymond J. McGrath; Stephen J. Solarz; Major R. Owens; Hamilton Fish, Jr.; Charles B. Rangel; Benjamin A. Gilman; and George C. Wortley.

Governor Releases NSC Endorsement (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 3, 1983

The National Safety Council has informed Governor Mario M. Cuomo that it endorses the "Rebuild New York" program as an important "accident prevention program."

Governor Cuomo today released the attached letter from Fred Potenza, Vice President for Safety and Health Programs, for the Council.

* * *

NATIONAL SAFETY COUNCIL

November 2, 1983

Dear Governor Cuomo:

Historically, New York State has been the leader in the field of driver improvement. Working in cooperation with the National Safety Council, New York was one of the first states to legislate driver improvement programs for the problem driver, as well as the drunk driver. You were one of the first states to institute a child restraint law. A sincere effort has been made to improve the driving habits and safety of New York motorists.

All of this is academic, if we neglect our highways and bridges. The best informed motorist, equipped with occupant restraints, and driving a well equipped, safety engineered vehicle, can be a candidate for a serious accident on a highway in poor condition.

It is estimated that over 20 percent of New York's highways are rated in poor condition. Age and wear have taken their toll on our complex highway system. We need this accident prevention program!

In the interest of highway safety, the National Safety Council supports the "Rebuild New York" program.

Mrs. Cuomo Urges Bond Issue Approval (Excerpts)

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 3, 1983

Mrs. Matilda Cuomo visited Buffalo this morning, and in remarks prepared for a downtown press conference urged voter approval of the \$1.25 billion "Rebuild New York" Bond Issue.

In the true spirit of the family of New York, "the Rebuild New York program recognizes the needs of every region of the State, and will stimulate a \$7.4 billion total package to finance rebuilding of our vital roads, bridges, ports and waterways," she said. Mrs. Cuomo noted that the transportation improvement program, if approved by voters on November 8, "will bring much needed safety improvements to many of the roads and bridges which are now in disrepair."

"From one end of New York State to the other, support of the 'Rebuild New York' initiative is universal. It enjoys the support of nearly the entire State Legislature, nearly all of the State's Congressional Delegation; business and economic development groups and professionals who recognize the importance of transportation in our economy; civic and educational groups; public officials of all political parties, and law enforcement and public safety officials concerned about the safety of the family of New York," she said.

Mrs. Cuomo was also scheduled to hold press conferences in Rochester and Syracuse before returning to Albany this afternoon.

Present at the Buffalo press conference to announce their endorsement of the "Rebuild New York" effort were the following organizations: Greater Buffalo Chamber of Commerce; Forest District Civic Association; Tonawanda Industrial Expansion Corporation; Towne Gardens Business Association; University Heights Community Center; and Filmore Neighborhood Housing Service.

Editor's Note: The Chamber of Commerce and the Urban League endorsed the Bond Issue at Mrs. Cuomo's Rochester press conference.

Governor Tours Metropolitan Region

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 4, 1983

Governor Mario M. Cuomo today gathered widespread support for the "Rebuild New York" Bond Issue during a train ride on the Long Island Railroad originating from Penn Station through Queens to Nassau and Suffolk counties.

"The Bond Issue is important to the Island and to the region. It will mean the addition of service roads, improvements and resurfacing on the Long Island Expressway. It will mean new safety features on the Northern State Parkway. It will mean the addition of a westbound lane on the Southern State Parkway from New York City to Valley Stream. It will mean the State can proceed with the elimination of the dangerous LIRR grade crossing at Mineola," Governor Cuomo said.

The LIRR train ride originated at Penn Station, where the Governor was joined by former New York Attorney-General Louis J. Lefkowitz and former New York City Mayors Abraham Beame and Robert Wagner.

"The support of these three dedicated public servants who know so well the problems of this State, and especially New York City, is further recognition of the need for Proposal One to Rebuild New York," Governor Cuomo said.

In announcing his support of Proposal One, Mr. Lefkowitz, a Republican who served this State as Attorney-General for 22 years, said "Safety should not be a partisan or political issue. All of us have families and friends who are endangered by deteriorated roads and bridges."

"It takes perhaps five minutes at the most to vote and only seconds to pull the lever for Proposal One. The 'Rebuild New York' Bond Issue give us a chance to make

sure that our roads and bridges are repaired," Mr. Lefkowitz said.

"I do not think that anybody questions the fact that our City needs the money from the 'Rebuild New York' Bond Issue. We all know that many of our major roads and bridges are seriously deteriorated. Now we finally have a chance to do something about it," Mayor Beame said.

"The problem of deteriorating roads and bridges is no secret to New York City residents. We are all intimately familiar with it — from the FDR Drive in Manhattan to the Brooklyn-Queens Expressway, from the Richmond Avenue Bridge in Staten Island to the Cross Bronx Expressway — every part of our City will benefit from 'Rebuild New York,'" Mayor Wagner said in announcing his endorsement of the Bond Issue.

The train stopped for rallies at the Jamaica, Hicksville and Huntington stations. At Jamaica, the Governor was greeted by Mrs. Patricia Octtinger of Rego Park, President of the Queens Citizens Organization. The organization, which represents some 40 churches in Queens, handed the Governor a 3'x6' "pledge card" committing 35,000 of its members to vote for Proposal One on Election Day November 8.

XII

APPOINTMENTS

XII APPOINTMENTS

Introduction

Section 4 of Article V of the State Constitution provides that:

The head of the department of audit and control shall be the comptroller and of the department of law, the attorney-general. The head of the department of education shall be The Regents of the University of the State of New York, who shall appoint and at pleasure remove a commissioner of education to be the chief administrative officer of the department. The head of the department of agriculture and markets shall be appointed in a manner to be prescribed by law. Except as otherwise provided in this constitution, the heads of all other departments and the members of all boards and commissions, excepting temporary commissions for special purposes, shall be appointed by the governor by and with the advice and consent of the senate and may be removed by the governor, in a manner to be prescribed by law.

The State Comptroller and the State Attorney-General are elected officials. The members of the Board of Regents are elected by the Legislature for terms of seven years each, one term expiring each year.

Several statutory provisions explicitly empower the Governor to make specified types of appointments. Some of these authorizations give the Governor sole responsibility for certain appointments, rather than requiring consultation with the Senate. These are referred to as direct appointments.

Appointments are listed in chronological order within each division and subdivision of this section. The announcements of appointments provide biographical sketches of individual appointees and background information on the responsibilities of various offices. All judicial appointments appear in Section VII, "Judicial Designations."

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PUBLIC PAPERS OF GOVERNOR CUOMO

GOVERNOR DIRECT

PERSONAL STAFF TO THE GOVERNOR

1983

Secretary to the Governor

Jan. 1 Michael J. Del Giudice.

*Deputy Secretary to the Governor for
Policy and Program*

Jan. 1 William B. Eimicke.

Special Assistant to the Governor

Jan. 1 Andrew M. Cuomo.

Special Assistant

Jan. 1 Gail E. Aroeste.

Counselor to the Governor

Jan. 1 Timothy J. Russert.

Counsel to the Governor

Jan. 1 Alice Daniel.

Oct. 8 Gerald C. Crotty.

Senior Legislative Counsel

Jan. 1 Mitchell J. Birzon.

Jul. 11 Steven J. Hoffman.

First Assistant Counsel to the Governor

Jan. 1 Gerald C. Crotty.

Oct. 15 Elizabeth D. Moore.

Special Counsel to the Governor

Jan. 1 Fabian Palomino.

Special Assistant Counsel to the Governor

Jan. 1 Bennett Liebman.

Assistant Counsel

Jan. 1 Wendy E. Cooper.
 Scott N. Fein.
 Elizabeth D. Moore.
 3 Patricia K. Bucklin.
 10 Richard L. Higgins.
 17 Ben Wiles.
 19 James W. Lytle.

Executive Assistant to the Governor

Jan. 1 Pamela U. Broughton.

*Director of Scheduling and Advance
for the Governor*

Jan. 1 Peter A. Drago.

Deputy Director of Scheduling

Jan. 1 Patricia Hanrahan.

Administrative Assistant to the Governor

Jan. 1 Alexander A. Levine.

Special Assistant to the Governor

Jan. 1 Mark Gordon.

Finance Officer

Jan. 1 Carol P. Somers.

Personnel Officer

Jan. 1 Suzanne M. Hechemy.

Director of the Governor's New York City Office

Jan. 1 Ellen Conovitz

*Executive Assistant to the Governor,
New York City Office*

Jan. 1 Mary Tragale.

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*Confidential Assistant to the Governor
for Ethnic Affairs*

Jan. 1 John Nikas.

Confidential Assistant

Jan. 1 Rosemary Galina.
Gary R. Eisenman.
Herbert Santiago.
Patricia M. Carey.
Toby Dolgoff.
Dino Amoroso.
Glenn Liebman.
Raymond A. Charles, Jr.
Maria Giammarino.
Kallye K. Latimer.
13 Brian M. Rinella.
Jun. 1 Linda M. Boyd.
Sept. 6 Denise Kelly.

Deputy Press Secretary to the Governor

Jan. 1 Richard J. Starkey.

Press Officer to the Governor

Jan. 1 Joseph G. Slakas.
Elizabeth A. Buechner.
Sept. 8 Stephen Morello

Press Officer

Jan. 1 Peter James Johnson.
Jul. 14 Maria Taddei.
Oct. 10 Matthew Monahan.

Appointments Officer to the Governor

Jan. 1 Tonio Burgos.

*Executive Deputy Appointments Officer
to the Governor*

Jan. 1 Martha M. Borgeson.

Deputy Appointments Officer to the Governor

Jan. 1 John Iaccio.

Aug. 19 Jonathan Swiss.
Dec. 15 Audrey Davis.

Assistant Appointments Officer to the Governor

Jan. 1 Audrey Davis.
Kristin Mannion.
Jonathan Swiss.
Kathleen Linchan.
Apr. 1 Michael J. Lendino.
Mitzi Joe Glenn.
Jun. 20 Royce Anthony Mulholland.
Dec. 15 Lawrence S. Belinsky.
Dec. 19 Kenneth M. MacKintosh.

Director of Criminal Justice

Jan. 1 Lawrence T. Kurlander.

Director of Intergovernmental Affairs

Jan. 1 Timothy P. Sheridan.

Director of State Operations

Jan. 1 Henrik N. Dullea.

*Assistant Director to the Governor for
Management and Productivity*

Jan. 1 Sidney Schwartz.

*Assistant Secretary to the Governor for
Energy and the Environment*

Jan. 1 Francis J. Murray, Jr.

*Assistant Director to the Secretary to the Governor
for Intergovernmental Relations*

Jan. 1 Carolyn Walsh.

Program Associate

Jan. 1 Elaine Ryan.
Frank Murray.
3 Ethan M. Riegelhaupt.
Feb. 17 Andre D. Dawkins.

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PUBLIC PAPERS OF GOVERNOR CUOMO

Program Assistant

- Jan. 1 Edwin Levin.
Assistant to the Governor for Community Affairs
- Jan. 10 Dr. Israel Mowshowitz.
Assistant Director - Women's Division
- Jan. 13 Iris T. O'Malley.
*Assistant Secretary to the Governor for Education,
Local Government and the Arts*
- Jan. 27 Cornelius J. Foley.
*Director of the New York State Office
of Federal Affairs*
- Feb. 10 Brad C. Johnson.
Director - Women's Division
- Mar. 1 Ronnie Eldridge.
Deputy Director - Women's Division
- Apr. 1 Carolyn Walsh.
*Assistant Secretary to the Governor for
Health and Human Services*
- Apr. 1 Ilene Margolin.
*Assistant to the Governor for
State Advertising Programs*
- Apr. 20 Harvey Cohen
Legislative Counsel
- Jun. 24 Carole J. Dunn.
Special Office Assistant
- Jul. 28 Diane R. Henderer

Special Projects Assistant

- Sept. 15 Peggy Snyder.
*Director of Executive Services
to the Governor*
- Oct. 11 Timothy P. Sheridan.
*Special Assistant to the Governor for
Productivity and Management*
- Oct. 18 John J. Feeney.
Coordinator for Special Projects
- Nov. 9 Kristin A. Mannion.
*Assistant to the Governor for
Regional Services*
- Nov. 14 Gary R. Eisenman.
Director of Administration
- Dec. 13 Alexander A. Levine.
*Deputy Secretary to the Governor for
Health and Human Services*
- Dec. 13 Ilene Margolin.
Assistant to the Director of State Operations
- Dec. 13 Mark Gordon
Executive Deputy for Appointments
- Dec. 15 John Baniak.
Director of Executive Services to the Governor
- Dec. 15 Tonio Burgos.
Deputy Press Secretary to the Governor
- Dec. 19 Gary Fryer.

**MISCELLANEOUS BOARDS, COMMISSIONS
AND COUNCILS**

1983

Director — Division of the Budget

Jan. 1 Michael Finnerty of Clifton Park.

*Commissioner — State Division of Housing
and Community Renewal*

Jan. 1 Yvonne Scruggs-Leftwich of New York.

Public Authorities Control Board

Feb. 1 Michael Finnerty, of Clifton Park, to
replace C. Mark Lawton, term expired.
Hon. Arthur J. Kremer, of Long Beach,
reappointed.
Sen. John J. Marchi, of Staten Island,
reappointed.
Sen. Donald Halperin of Brooklyn.

Nov. 14 Hon. Kemp Hannon of Garden City.

Task Force on the Homeless

Feb. 15 Cesar Perales, of Albany, Co-chair.
Yvonne Scruggs-Leftwich, of New York,
Co-chair.
Corinne Plummer of Albany (designee).
Nancy Travers of New York (designee).
William B. Eimicke, of Albany,
Coordinator.
Msgr. John Ahern of New York.
Ellen Lovitz of New York (designee).
Thomas DeStephano of Brooklyn.
Richard Hlavacek of Brooklyn (designee).
Jack Doyle of New York.
Robert Hayes of New York.
Amy Hauss of New York (designee).
Michael J. Hoblock of Albany.
Rima Bostick of Albany (designee).
Kim Hopper of New York.
Joseph Laden of Albany.
Brenda Brook of Albany (designee).
David Liederman of New York.
Leslie Loring of New York (designee).

- Feb. 15 Tommy Loeb of New York.
 Verona Middleton-Jeter of New York.
 Sarah Connel of New York (designee).
 William F. Morris of Albany.
 John E. Edmonds of Albany (designee).
 Philip Pinsky, Esq. of Albany.
 Steven Sanders of Albany.
 Evelyn Lewis of Albany (designee).
 Joan Stake of New York.
 Maurice Tierney of Rochester.
 Patricia Mannix of Rochester (designee).
 Dr. Eugene S. Callendar of Albany.
 Brendan Sexton of New York.
 Margaret L.W. Boepple of New York.

*Metropolitan Transportation Authority Capital
 Program Review Board*

- Mar. 23 Hon. Arthur J. Kremer of Long Beach.
 June 14 James L. Larocca, of Albany,
 to replace John Mladinov.
 Sept. 13 Peter Brown, of Castleton,
 to replace Ronald Weintraub.

Editor's Note: On June 14, Governor Cuomo designated Mr. Larocca as
 Chairman of the Board.

New York State Judicial Screening Committee

- Mar. 24 Domenick Gabrielli, of Bath, Chairman.

New York City Transit Authority Advisory Council

- Mar. 30 Kathleen E. Stein-Hudson, of New York,
 to replace Ann Goldstein, resigned.
 Apr. 11 Michael Strasser of New York.
 Oct. 12 Gerald J. Connolly, of Staten Island,
 reappointed.
 Mary J. Keller, of Brooklyn, reappointed.
 Carolyn S. Konheim, of New York,
 reappointed.
 Sharon L. Landers of New York.
 Jacob Sodden of the Bronx.
 Oct. 13 Elinor C. Guggenheimer, of New York,
 reappointed.
 Alexandra Lovis Rosa, of Queens Village,
 to replace Douglas Sussman, resigned.
 Carmine C. Santa Maria of Brooklyn.

Job Training Partnership Committee

- Apr. 11 Jewel Jackson McCabe, of New York,
Chairman.
Alfred Del Bello, of Albany,
Vice-Chairman.
Gordon Ambach of Albany.
Herman Badillo of New York.
Robert Baker of Kenmore.
Ismael Betancourt of the Bronx.
Herbert Bienstock of Flushing.
Laura Blackburne of New York.
Mary Ellen Boyd of New York.
John Carroll of Bethpage.
Frank A. Cipriani of Farmingdale.
Peter Cohalan of Hauppauge.
Juanita Crabbe of Binghamton.
Herbert Dahm, Jr. of Nanuet.
William J. Donohue, Jr. of Albany.
Ronnie Eldridge of New York.
Arthur O. Eve of Albany.
Sandra Feldman of New York.
Edwin D. Fessenden of Kings Ferry.
Thomas Friacano of Buffalo.
Ronald T. Gault of New York.
Thomas Whalen of Albany.
James Griffin of Buffalo.
Bunny Grossinger of Grossinger.
Richard Hannis of Binghamton.
Thomas Hobart of Albany.
William A. Johnson of Rochester.
James A. Krauskopf of New York.
Vincent Lasala of Westbury.
Robert Lawler of Ogdensburg.
Raquel Levin of New York.
Frank Macchiarola of New York.
John Mannion of Syracuse.
John D. Perry of Rochester.
Lucille A. Pattison of Poughkeepsie.
Arlene Penfield of Rouses Point.
Cesar Perales of Albany.
Joseph R. Pisani of Albany.
Lillian Roberts of Albany.
Thomas Ryan of Rochester.
Ted Small of New York.
J. W. Stone, Jr. of New York.
Joseph Talarico of Utica.
George Wessel of Buffalo.

- Apr. 11 Clifton R. Wharton of Albany.
Patricia Wilde of Rochester.
Thomas Pisa of Buffalo.
Louis J. Billittier of Buffalo.
Louis Scozzafava of Niagara Falls.

New York State Board of Elections

- Apr. 28 George D. Salerno, of the Bronx,
reappointed.
Aug. 30 Thomas J. Sullivan, of Elmira,
to replace William McKeon.
Nov. 30 Donald A. Rettaliata, Esq., of Bayport,
reappointed.
R. Wells Stout, of Wellsville,
reappointed.

Conservation Fund Advisory Council

- May 2 James D. Bennett, Esq., of Garden City,
reappointed.
David B. Vanderwalker, of St. Regis Falls,
reappointed.
Robert G. Cross, of Bearsville,
reappointed.

Monroe Community College Board of Trustees

- May 9 Claire S. Montgomery, of Rochester,
to replace W. T. Hanson, Jr., resigned.

*Fact-Finding Panel on the Shoreham Nuclear Power Plant
(NYS Representatives)*

- May 16 Dr. John Marburger III, Chairman.
Dr. David Axelrod.
Karen S. Burstein.
Marge Harrison.
Dr. Alfred Kahn.
Dr. Paul Alan.
Hugh Wilson.

Council on Fiscal and Economic Priorities

- May 20 John Brademas, of New York, Chairman.
John Bierwirth of Cedarhurst.
Manuel Bustelo of New York.
David L. Call of Ithaca.

- May 20 David Campbell of Buffalo.
Raymond Corbett of Brooklyn.
George B. Cox of Schenectady.
Walter Fallon of Irondequoit.
Barry Feinstein of New York.
Nancy Lorraine Hoffman of Syracuse.
Alfred Kahn of Trumansburg.
Penny Kaniclides of New York.
Jewell Jackson McCabe of New York.
Norman McConney, Jr. of Albany.
Richard Ravitch of New York.
James Robinson of New York.
Felix Rohatyn of New York.
Donna Shalala of New York.
James Smith of Long Island.
William Stern of New York.
Bishop Joseph M. Sullivan of Brooklyn.
Wilbert A. Tatum of New York.
Delores Wharton of Albany.

Governor's Advisory Committee for Hispanic Affairs

- June 3 Herman Badillo, of the Bronx, Chairperson.
Nancy Padilla, of Rochester,
Vice-Chairperson.
Fernando Fuentes of Yonkers.
Rafael Morales of Mechanicville.
Dr. Flora Mancuso-Edwards of the Bronx.
Most Rev. Rene Valero of Jackson Heights.
Lillian Malave of Buffalo.
Magdalena Torres of Lynbrook.
Angelo Del Toro of New York.
Olga Mendez of New York.
Honorable Carlos Romero-Barcelo of
Puerto Rico.
Manuel Amadeo of New York (Governor
Romero-Barcelo's alternate).

*Gateway National Recreation Area Advisory
Commission (Federal)*

- June 8 Orin Lehman, of New York, reappointed.
Dr. George D. Ruggieri, of Brooklyn,
to replace Alexander Greeley.

State University Trustees

- June 9 Judith Davidson Moyers, of Garden City,
Vice-Chairperson.

*State Advisory Council for the Education
Consolidation Improvement Act*

June 14 Michael T. Sillerman, Esq., of New York,
to replace Nancy Tickton.

*Special Committee on Oversight with Respect to Expenditures
for Committees, Studies, Projects of/or Programs not
Represented by an Employee Organization*

June 15 Thomas F. Hartnett, of Loudonville,
to replace Meyer S. Frucher.

New York State Council on the Arts

June 23 Kitty Carlisle Hart, Chairperson.

New York Statue of Liberty Centennial Commission

July 5 Hon. Edward Abramson, of Howard Beach,
Chairman.

Dec. 19 Alfred F. Calabro of East Quoque.
Faye Carol Feller of Northport.
Laquita O. Henry of New York.
Arthur Markewich of New York.
Paul O'Dwyer of New York.
John L. Procope of Malba.
Philip J. Rotella, Sr. of Garnerville.
Harry Van Arsdale of Flushing.
Anne Wilder of New York.
Katherine F. Wyant of Potsdam.

State Soil and Water Conservation Committee

July 7 Philip C. Griffen, of Stillwater,
reappointed.
George Fesko, of Skaneateles, reappointed.

State University Construction Fund

July 11 Edward V. Mele, of Barnveld,
to succeed James Warren, retired.
Sept. 21 Sheldon L. Goldstein of Suffern.

Labor Relations Board

July 11 John J. Fanning, of Plainview,
to replace Edward Culvert.

Editors Note: On July 11, Governor Cuomo designated Mr. Fanning as Chairman of the Board.

State Board of Equalization and Assessment

July 11 Richard Lewisohn, of New York,
Chairman, to replace Thomas A. Martin.

Temporary State Commission of Investigation

July 13 Edward R. Korman, of Brooklyn,
to replace Bernard C. Smith.
David G. Trager, of Brooklyn,
to replace Lola S. Lea.

*Long Island State Park, Recreation and Historic
Preservation Commission*

July 20 Myron H. Blumenfeld, of Port Washington,
to replace Daniel Sweeney, term expired.

Editor's Note: On July 20, Governor Cuomo designated Mr. Blumenfeld as Chairman of the Commission.

Commission on Domestic Violence

Aug. 4 Marjorie Fields, of New York,
Co-chair, reappointed.
Karen Burstein, of Woodmere,
Co-chair, reappointed.

*Select Commission on the Future of the State-Local
Mental Health System*

Aug. 7 Jerome M. Goldsmith.
Robert L. Schiffer.
Chester Burrell.
Dr. Peter Regan.
Leslie Brower.
Phyllis Harrison-Ross.
Howard Levine, Esq.
Dick Netzer.
Martin S. Begun.
Jaime Inclan.
Ellen Grant.
Eugene Aronowitz.
Mary Seigle.
Thomas A. DeStefano.

Aug. 7 Dr. Martin Kesselman.
Irving Berkowitz.

Editor's Note: On August 7, Governor Cuomo designated Mr. Goldsmith as Chairman.

*Central New York State Park, Recreation and Historic
Preservation Commission*

Aug. 12 Esther M. Aswad, of Binghamton,
Chairman.

*Council for the State University of
New York at Albany*

Aug. 18 Alan V. Iselin, of Albany, Chairman.
Nov. 18 Peter D. Kiernan, of Newtonville,
to replace Thomas M. Whalen III, resigned.

Task Force on Rural Development

Aug. 23 Joseph Gerace, Chair.
Michael Finnerty.
William Donahue, Jr.
Henry Williams.
David Gaskell.
Yvonne Scruggs-Leftwich.
Robert Dormer.
Lillian Roberts.
Clifton Wharton.
Gail Shaffer.
James Larocca.
William Stern.

New York State Board of Tourist Commissioners

Sept. 1 Abraham I. Milstein, of Albany,
to succeed Nick Monte.

New York State Director of Veteran's Affairs

Sept. 8 Nicholas Francis Sallese, of Syossett, to
succeed Joseph C. Anderson, term expired.

Low-Level Radioactive Waste Disposal Advisory Committee

Aug. 17 Senator John R. Dunne of Garden City.
Robert H. Fakundiny of Rensselaer.

- Aug. 17 Hon. Maurice D. Hinchey, Jr. of Saugerties.
Hon. Angelo F. Orazio of Albertson.
Senator Dale M. Volker of Depew.
- Sept. 9 Keith W. Amish of Penfield.
Martin V. Chauvin of Mechanicville.
Lisa Finaldi of Buffalo.
William Edward Kiker of Ithaca.
Carolyn Kobrynski of Schenectady.
Dr. Letty G. Lutzker of Dobbs Ferry.
H. David Maillie of Henrietta.
John M. Matuszek of Delmar.
Donald Milligan of Perrysburg.
Lana Redeye Rozler of Little Valley.
Arthur Trappier of Brooklyn.
Henry G. Williams of Guilderland.

Editor's Note: On September 26, Governor Cuomo appointed Mr. Maillie as Chairman.

*Temporary Commission on the Allocation of Power
Authority Hydroelectric Power*

- Sept. 11 Robert I. Millonzi, Esq., of Buffalo,
Chairman.
- Oct. 11 Terry Agriss of New York City.
Richard F. Campbell, Esq. of Buffalo.
William D. Cotter of Albany.
Mark I. Hampton, Esq. of Jamestown.
Eugene Nicandri, Esq. of Massena.
B. Robert Piller, Esq. of Albany.
Howard Shapiro, Esq. of Albany.
Gerald Wright, Esq. of Hempstead.

*Temporary State Commission on Returnable
Beverage Containers*

- Sept. 14 J. Henry Neale, Jr. of Scarsdale.
Peter C. Nelson of Rochester.
Norman Steisel of New York City.

State Fire Prevention and Building Code Council

- Sept. 15 Mary Pat Ciccariello, of Elmira,
to replace Donald Ninestine.
- Sept. 16 John Brezinski of Frankfort.
Joseph Nicoletti of Syracuse.
- Oct. 20 Donald Reile, of Herkimer,
to replace John Brezinski.

*Temporary State Commission on Banking, Insurance
and Financial Services*

- Sept. 18 **Adrian W. DeWind, of New York City,
Chairman.**
Robert M. Best of Binghamton.
Leon H. Charney of New York City.
John J. Creedon of Larchmont.
Maurice R. Greenberg of New York City.
Elinor C. Guggenheimer of New York City.
Alfred S. Howes of Scarsdale.
Ludwig Jaffe of New York City.
Louis J. Lefkowitz of New York City.
Arthur Levitt, Jr. of New York City.
Adele D. Noble of Kingston.
John J. Phelan, Jr. of Locust Valley.
Marianne C. Spraggins of New York City.
John R. Torell III of Bronxville.
Raymond Van Houtte of Ithaca.
Malcolm Wilson of Scarsdale.

"Vote Yes — Rebuild New York Bond Issue Committee"

- Sept. 25 **John G. Heimann, of New York City,
Chairman.**
John C. Bierwirth.
Laura Bongiovanni.
Lydia Colon.
Raymond Corbett.
Peter J. Crotty.
Hazel Dukes.
Melvin A. Eggers.
Robert Gioia.
Alan C. Greenberg.
Ross B. Kenzie.
Alton Marshall.
William O'Shaughnessy.
George G. Raymond, Jr.
Raymond T. Schuler.
Percy Sutton.
Thomas Wilmot.
Richard Wilson.
John W. Wydler.

Education Advisory Committee

- Sept. 26 **Anthony J. Alvarado.**
Gordon M. Ambach.

- Sept. 26 Adrienne Y. Bailey.
 Msgr. Vincent D. Breen.
 Clyde Eidens.
 Albert Shanker.
 Joseph S. Murphy.
 Peter S. O'Brien.
 Arlene Penfield.
 Diane Ravitch.
 Frank H. T. Rhodes.
 David Z. Robinson.
 Alvin I. Schiff.
 Michael I. Sovern.
 Clifton R. Wharton, Jr.

Onondaga Community College Board of Trustees

- Sept. 27 Gertrude K. Swerdlow, of Syracuse, to re-
 place Dr. Anthony Malfitano, term expired.

State Superfund Management Board

- Sept. 28 Robert J. Fitzpatrick of Garden City.
 Richard H. Forbes of Rochester.
 Theresa Mudd of Lewiston.
 Charles Paul Shaw of Millbrook.

*Advisory Committee to the New York State Office
 for the Aging*

- May 11 Miriam Jackson of New Rochelle.
 Sept. 12 Bea DeSantis of Utica.
 Sept. 30 Dr. Encarnacion Padilla Armas, of
 New York City, reappointed.
 Lowell Iberg, of New York City,
 reappointed.
 Edward G. Lindsey, of Grand Island,
 reappointed.
 Garson Meyer, of Rochester,
 reappointed.
 Robert L. Popper of Armonk, Chairman,
 reappointed.

*Metropolitan Transportation Authority Inspector General
 Management Advisory Board*

- Oct. 3 Frederick D. Wilkinson, Jr.
 of Mount Vernon.
 Philip L. Toia of Brooklyn.

- Oct. 3 Jan Pierce of Port Washington.
 Carole A. Morning of New York City.
 Owen J. Flanagan of Hartsdale.
 James M. Hartman of New York City.
- Oct. 19 William F. Plunkett, Jr. of Tarrytown.
- Nov. 29 Louis L. Levine of Valley Stream.

Editor's Note: On October 3, Governor Cuomo designated Mr. Toia as Chairman.

State Committee on Sentencing Guidelines

- Oct. 16 Joseph W. Bellacosa, of Guilderland,
 Chairman.
 Arthur L. Liman of New York City.
 Austin Gerald Lopez of the Bronx.
 Robert M. Morgenthau of New York City.
 Vincent O'Leary of Slingerlands.
 Lynn Walker of New York City.

State University College at Geneseo

- Oct. 24 Robert Joseph Eaton, of Geneseo,
 to replace Joseph P. Quirk.

State University College of Optometry

- Oct. 24 Dr. Murray I. Blanchard, of Rochester, to
 replace Melvin G. Schwartz, term expired.

*State University Agricultural and Technical
 College at Canton*

- Oct. 24 Barbara A. Walker, of Odgensburg,
 reappointed.

*New York State Thoroughbred Racing Capital
 Investment Fund*

- Oct. 31 William Levin, of Harrison,
 Chairman.
 Martin Simon of New York City.
 Frank Wright of Floral Park.

New York City Transit Authority Advisory Council

- Oct. 31 William Spencer Lane, of Brooklyn,
 reappointed.

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- Oct. 31 Philip Weinberg, of Little Neck,
reappointed.
Dec. 20 George Haikalis, of New York City,
to replace Paul DuBrul, resigned.

Municipal Police Training Council

- Nov. 3 Raynor Weizenecker of Patterson.
Thomas C. Whorrall of Manlius.

Editor's Note: On November 3, Governor Cuomo designated Mr. Weizenecker as Chairman.

Albany Port District Commission

- Nov. 4 Irwin Stewart, of Rensselaer,
reappointed.
Dec. 16 M. Elizabeth Reddish of Albany.

New York State Mortgage Agency

- Nov. 18 Robert J. Milano, of New York City,
to replace Francisco Lugovina, resigned.

Editor's Note: On November 18, Governor Cuomo designated Mr. Milano as Chairman.

*Advisory Council on the Acquired Immune
Deficiency Syndrome*

- Nov. 18 Rev. Paul Moore, Jr., of New York City,
Chairman.
Peter B. Vogel, of Brooklyn,
Vice-Chairman.
Robert Lee Cecchi of New York City.
David C. Leven of Pelham Manor.
Diego J. Lopez of New York City.
Lola Poisson of Brooklyn.
Doris Turner of Mount Vernon.
Dr. James Mohn, of Buffalo,
ex officio.

New York State Commission on Judicial Nomination

- Dec. 1 Arnold I. Biegen, of New York City,
to replace Robert F. Wagner, resigned.

Mental Health Services Council

Dec. 7 Eleanor Mallach Bromberg of New Rochelle.

Editor's Note: On December 7, Governor Cuomo appointed Ms. Bromberg as Chairperson of the Council.

Law Revision Commission

Dec. 7 Kalman Finkel, of Brooklyn, to replace W. L. M. Reese, term expired.

Thoroughbred Racing Task Force

Dec. 13 Jerry Weiss, of New York City,
 Chairman.
 Thomas Bancroft.
 Peter Brant.
 Tony Chamblin.
 Penny Tweedy Chenery.
 William Corbellini.
 David Etkin.
 Bert Firestone.
 Victor Gelordi.
 John Giovanni.
 Charles Harris.
 P. G. Johnson.
 Robert Milano.
 Harry McCabe.
 William McMillan.
 Frank Pagano.
 Angel Penna.
 Ogden Mills Phipps.
 David Stevenson.
 John Van Lindt.
 Andrew Cuomo.
 William Eimicke.
 Michael Finnerty.

Harness Racing Task Force

Dec. 13 John Van Lindt, Chairman.
 Stanley Bergstein.
 Andrew Cuomo.
 Stanley Dancer.
 Leo Doobin.
 William Eimicke.
 Davis Etkin.

- Dec. 13 Michael Finnerty.
 Jack Hardy.
 William Hopkins.
 Billy Houghton.
 Alexander Levine.
 Charles Lornfink.
 Harry McCabe.
 David Morris.
 Timothy Rooney.
 Charles Russo.
 Carmello Sabatino.
 Martin Satalino.
 Gaston Valequette.
 Frank White.

State University of New York at Binghamton

- Dec. 16 Rev. Gerald G. Sudick, of Endicott,
 reappointed.

Advisory Council to the Advocate for the Disabled

- Dec. 16 Geraldine Ruth, of Brooklyn,
 Chairman.
 Msgr. Thomas F. Cribbin, of Brooklyn,
 Vice-Chairman.
 William Abrams of Salamanca.
 Barbara B. Blum of New York City.
 Marc N. Brandt of Liberty.
 James W. Cain of Albany.
 Anne Emerman of New York City.
 Patricio Figueroa, Jr. of New York City.
 Michael F. Fox of Guilderland.
 Sterling N. France of Horseheads.
 Milton S. Herman of Monroe.
 Morton M. Kleinman of Flushing.
 Robert B. Kugel of Armonk.
 Terence J. Moakley of West Nyack.
 Anthony M. Serra of Elma.
 Roger R. Sibley of Interlaken.
 Clayton E. Simons of Colonie.
 Erik W. Van Lare of Rochester.
 Laura E. Wagman of New York City.
 Mary Lou Williams of Plattsburgh.
 Joel D. Ziev of Port Washington.

Long Island Rail Road Commuter's Council

Dec. 21 Virginia R. Bull, of Central Islip,
to replace Susan M. Maytan, resigned.

Empire State College

Dec. 21 Harvey M. Spear, Esq., of
New York City, reappointed.

New York State Housing Finance Agency

Dec. 31 Donald M. Bachman, of New York City,
to replace Robert J. Morgado.

Editor's Note: On December 31, Governor Cuomo designated Mr. Bachman as
Chairman.

GOVERNOR AND SENATE*Secretary of State*

Jan. 5 Gail S. Shaffer of North Blenheim.
Confirmed January 18.

Commissioner of Social Services

Jan. 5 Cesar A. Perales of New York City.
Confirmed January 18.

Executive Director — Consumer Protection Board

Jan. 5 Karen Burstein of Woodmere.
Confirmed January 18.

Commissioner of Commerce

Jan. 5 William Donohue, Jr. of Buffalo.
Confirmed January 18.

Superintendent of Banks

Jan. 5 Vincent Tese of New York City.
Confirmed February 8.

Commissioner of Health

Jan. 17 Dr. David Axelrod of Albany.
Confirmed January 18.

Commissioner of General Services

- Jan. 17 John C. Egan of Albany.
Confirmed January 18.

Commissioner of Environmental Conservation

- Jan. 17 Henry G. Williams of Guilderland.
Confirmed January 18.

Commissioner of Correctional Services

- Jan. 24 Thomas A. Coughlin III of Ravenna.
Confirmed May 10.

State Commission on Cable Television

- Feb. 2 William B. Finneran, of White Plains, to
succeed George A. Cincotta, term expired.
Confirmed March 15.
- July 11 Barbara T. Rochman, of New York City,
to replace Michael H. Prendergast, resigned.
Ms. Rochman's nomination was not acted upon.

Public Service Commission

- Feb. 8 Edward P. Larkin, of Hempstead,
reappointed. Confirmed February 23.

Power Authority of the State of New York

- Feb. 8 George L. Ingalls, of Binghamton,
reappointed. Confirmed June 7.
- June 22 James L. Larocca, of Albany, reappointed.
Confirmed July 12.

New York State Urban Development Corporation

- Feb. 10 William Stern, of New York City, to
succeed George C. Dempster, term expired, as
Director, and Richard A. Kahan, resigned, as
President. Confirmed March 22.
- May 11 Robert J. Milano, of New York City, to
succeed Pazel Jackson, Jr., term expired.
Confirmed June 21.
- June 22 William C. Mattison, Jr., of Plandome, to
succeed Ronald A. Stott, term expired.
Confirmed June 25.

- June 24 Jeremiah Bloom, of Brooklyn, to replace Arthur H. Barnes, resigned. Confirmed June 25.
- June 25 William L. Mack, of Great Neck, to replace George G. Dempster, resigned. Confirmed July 12.
- July 12 David Dinkins, of New York City, to replace Donald Glickman, resigned. Confirmed September 15.

Commissioner of Taxation and Finance

- Feb. 17 Roderick Chu, of Briarcliff Manor, to replace James H. Tully, Jr., resigned. Confirmed March 8.

Superintendent of Insurance

- Feb. 22 James P. Corcoran, of Garden City, to succeed Albert B. Lewis, term expired. Confirmed March 8.

Commissioner of Human Rights

- Feb. 23 H. Carl McCall of New York City. Confirmed March 1.

*Commission on Alcohol and Substance Abuse
Prevention and Education*

- Feb. 23 Julio A. Martinez of Albany. Confirmed June 2.

State Banking Board

- Mar. 1 Russell C. Carlson, of Fayetteville, to replace Vincent H. Cawford, term expired. Confirmed March 15.
- June 9 Francisco Lugovina, of the Bronx, reappointed. Mr. Lugovina's nomination was not acted upon.
- June 15 Barbara S. Thomas, of New York City, to succeed Owen E. Hague, resigned. Ms. Thomas' nomination was withdrawn. Spencer S. Crow, of Arkport, to replace John T. O'Toole, resigned. Confirmed June 23.

- July 5 Leroy Wilson, Jr., Esq., of White Plains, to replace Ralph P. Cannizzaro, term expired. Confirmed July 12.
- July 11 Lynn Hecht Schafran, Esq., of New York City, to replace Howard Coughlin, term expired. Confirmed September 15. Frank H. Odell, of Delmar, to replace Claude F. Schuchter, term expired. Confirmed September 15.
- July 22 Eugene Morrison, of Middletown, reappointed. Confirmed September 15.
- Aug. 15 John R. Torell III, of Bronxville, to replace Donald C. Platten, term expired. Confirmed September 15.
- Sept. 2 Luke A. Baione, of Staten Island, reappointed. Mr. Baione's nomination was withdrawn.

Director of Division for Youth

- Mar. 8 Leonard G. Dunston, of Glenmont, to succeed Frank Hall. Confirmed May 17.

Board of Visitors — Agricultural and Industrial School at Industry

- Mar. 8 Bishop Leroy Robert Anderson, of Amherst, to succeed John D. Remelt, term expired. Wanda M. Budd, of Rochester, to succeed Frances Bell, term expired. Theodore C. Juroe, of Rush, to succeed Clarence Gruschow, term expired. Lucy L. Parsons, of Rush, to succeed Lois P. Davis, term expired. Marcia H. Wishengrad, of Rochester, to succeed Joseph Gendron, term expired. Stanley T. Zawacki, of Webster, to replace Franklin King, resigned.
- Apr. 4 Reverend Thomas L. Hanson, of Pittsford, reappointed.
- Apr. 14 Meredith J. Sorenson, of Fairport, to succeed Dennis Lavadas, term expired.
- Apr. 27 Frank Pirano, of Avon, reappointed. (All of the above nominations were confirmed on May 10.)
- June 15 Donald Garcia, of Rochester, to succeed Franklin J. Meglich, resigned. Mr. Garcia's nomination was not acted upon.

Battery Park City Authority

- Mar. 9 Richard Sirota, of New York City, to replace John F. Hennessy, Jr., term expired. Confirmed May 10.

State Board of Parole

- Mar. 10 Joseph Anthony Mulholland, of Douglaston, to replace Maurice F. Dean, term expired.
 June 10 Wilhelmina Holliday, of New York City, reappointed. Confirmed June 24.
 Sept. 12 Joseph V. Salo, of Watervliet, reappointed. Confirmed September 15.
 July 7 Joseph Anthony Mulholland, of Douglaston, to replace John J. Maffucci, resigned. Confirmed July 12.
 Aug. 24 J. Kevin McNiff of Delmar.
 Dec. 14 Benjamin J. Malcolm of New York City.
 Dec. 16 Barbara Treen of Westbury.

Editor's Note: On December 14, Governor Cuomo designated Mr. Malcolm as Chairman. Mr. Malcolm's, Mr. McNiff's, and Ms. Treen's nominations were not acted upon.

Port Authority of New York and New Jersey

- Mar. 14 Howard Schulman, Esq., of New York City, to succeed Joseph F. Cullman III, term expired.
 Sept. 2 Robert F. Wagner, of New York City, reappointed.
 Nov. 16 Dr. William J. Ronan, of New York City, reappointed.
 (All confirmed November 16.)

Commissioner of State Energy Office

- Mar. 15 William D. Cotter, of Skaneateles, to succeed James L. Larocca, term expired. Confirmed May 17.

Commissioner of Motor Vehicles

- Mar. 21 John Passidomo, of White Plains, to succeed Leslie G. Foshio, term expired. Confirmed April 26.

Metropolitan Transportation Authority

- Mar. 23 Stephen Berger, of New York City, reappointed. Mr. Berger's nomination was not acted upon.
- Sept. 12 Alfred E. Werner, of Bayport, reappointed. Mr. Werner's nomination was not acted upon.
- Nov. 14 John F. McAlevey, Esq., of Monsey, reappointed. Mr. McAlevey's nomination was not acted upon.
- Oct. 14 Robert Kiley, of New York City, to replace Richard Ravitch, resigned. Confirmed November 16.

Editor's Note: On October 14, Governor Cuomo designated Mr. Kiley as Chairman.

Commissioner of Labor

- Mar. 23 Lillian Roberts of Cambria Heights. Confirmed April 26.

Director of the Office for the Aging

- April 4 Reverend Eugene S. Callender, of New York City, to succeed Lou Glasse, term expired. Confirmed April 26.

Job Development Authority

- Apr. 14 David Peirez, of Great Neck, to succeed Louise M. Sunshine, resigned. Confirmed May 17.
- Jul. 7 Samuel Cohen, of Yonkers, to replace Penny Kaniclides, resigned. Confirmed September 15.

Commissioner of Criminal Justice Services

- Apr. 14 Richard J. Condon, of Staten Island, to replace Frank J. Rogers, deceased. Confirmed May 17.

City University Construction Fund

- Apr. 14 Sylvia Bloom, of the Bronx, reappointed. Confirmed May 3.
- Sept. 2 Margaret A. Titone, of Staten Island, reappointed. Confirmed September 15.

Commissioner of Parks and Recreation

April 14 Orin Lehman of New York City.
Confirmed May 3.

Workers' Compensation Board

Apr. 14 Robert Steingut, Esq., of Brooklyn, to
succeed Donald Vass, term expired.
Confirmed May 17.

Sept. 7 Francis J. Griffin, of Hamburg,
reappointed. Confirmed September 15.

Commissioner of Agriculture and Markets

Apr. 14 Joseph Gerace, of Lakewood, to succeed
J. Roger Barber, term expired.
Confirmed May 10.

State Advocate for the Disabled

Apr. 28 Frances G. Berko of Guilderland.
Confirmed May 10.

*Rochester-Genesee Regional Transportation
Authority*

May 2 Thomas F. Ferrarese, of Rochester, to
replace William H. Bristol, resigned.
Thomas F. Toole, of Rochester, reappointed.

Jun. 15 James Lloyd, of Rochester, reappointed.

July 11 Shirley R. Muench, of Pittsford, to
succeed Elizabeth Knight, term expired.

Nov. 14 William Bishop, Jr., of Sodus, to
replace Robert Waterman, resigned.
(All were confirmed on November 16.)

*Board of Visitors — St. Lawrence
Psychiatric Center*

May 11 Joseph M. Keenan, of Ogdensburg, to
replace Gregory J. Rowley, deceased.
Confirmed May 24.

June 9 Reverend Paul J. Kelly, of Lake Placid,
reappointed. Confirmed June 21.

Aug. 16 Karl R. Kramer, of Plattsburgh,
reappointed. Confirmed September 15.

Board of Visitors — Willard Psychiatric Center

- May 11 Irene Wald Stein, of Ithaca, to
succeed Ellen Y. Rich, term expired.
Confirmed May 24.
- June 9 Joseph A. Gilroy, of Waterloo,
reappointed. Confirmed June 21.
- July 5 Peter Honsberger, of Dundee,
reappointed. Confirmed July 12.

*Board of Visitors — West Seneca
Developmental Center*

- May 11 Richard D. Gorrow, of Niagara Falls,
reappointed. Confirmed June 7.

Board of Visitors — Wassaic Developmental Center

- May 11 Joan E. Klink, of Fishkill, reappointed.
Confirmed May 24.
- May 19 Eugene Brooks, of Millerton, to
succeed Matthew Levin, term expired.
Confirmed June 2.
- June 25 Ronald Stuart Lehrer, of Poughkeepsie,
reappointed. Confirmed July 12.

Board of Visitors — Manhattan Developmental Center

- May 11 Betty Pendler, of New York City,
reappointed. Confirmed May 24.

Board of Visitors — Sunmount Developmental Center

- May 11 Carolyn Smith, of Massena, reappointed.
Confirmed May 24.
Arthur F. Thompson, of Lake Placid, to
replace Gerald Edwards, resigned.
Confirmed May 24.

Board of Visitors — Suffolk Developmental Center

- May 11 Walter L. Krudop, of Patchogue,
reappointed. Confirmed June 7.

Board of Visitors — Middletown Psychiatric Center

- May 11 Alice Leiman, of Port Jervis, reappointed.
Confirmed May 24.

Board of Visitors — Manhattan Psychiatric Center

- May 11 Dr. Robert G. Newman, of New York City, to replace Frederick Hartmann, resigned. Confirmed May 24.

Board of Visitors — Capital District Psychiatric Center

- May 11 Frank J. Kot, of Loudonville, reappointed. Confirmed May 24.
John H. Tucker, of Albany, to succeed Joseph F. Finn, term expired. Confirmed May 24.

State Commission on the Quality of Care for the Mentally Disabled

- May 11 Clarence J. Sundram, of Delmar, reappointed. Confirmed June 7.

Editor's Note: On May 11, Governor Cuomo designated Mr. Sundram as Chairman of the Commission.

Board of Visitors — Letchworth Village Developmental Center

- May 11 Dorothy W. Gasman, of Port Washington, reappointed. Confirmed May 24.
Nov. 13 Jan Deleeuw, of Stony Point, to replace Arline E. Rodgers, resigned. The nomination was not acted upon.

Board of Visitors — Pilgrim Psychiatric Center

- May 11 Dorian Edward Poole, of Glen Cove, reappointed. Confirmed June 7.
June 8 Rachel Herfield, of Montauk, reappointed. Confirmed June 24.
June 24 Stanley Fried, of Roslyn Heights, to replace Lynn Schaefer, resigned. Confirmed July 12.
Aug. 3 Lloyd Langley, of Westbury, to replace Maria Levy, deceased. Confirmed September 15.

Board of Visitors — Rome Developmental Center

- May 11 Jane G. Allen, of Lyons Falls, reappointed. Confirmed June 2.
 June 3 Thomas Yousey, Sr., of Lowville, reappointed. Confirmed June 14.

Board of Visitors — Buffalo Psychiatric Center

- May 11 Margaret V. Lombardi, of Buffalo, reappointed. Confirmed June 7.

State Liquor Authority

- May 12 Anthony V. Gazzara, of Long Island City, to succeed Edward J. McLaughlin, term expired. Confirmed May 24.

Editor's Note: On May 12, Governor Cuomo designated Mr. Gazzara as Chairman.

Board of Directors — New York Convention Center Operating Corporation

- May 12 Klaus Ottman, of New York City, to succeed John T. Fey, term expired. Confirmed June 24.
 June 24 Mary A. D'Elia, of New York City, reappointed. Confirmed June 25.
 Aug. 4 Sol Chaikin, Esq., of Great Neck, reappointed. Confirmed November 16.
 Nov. 15 Morton A. Kornreich, of Harrison, to succeed Barbara Scott Preiskel, term expired. Confirmed November 16.

Commissioner of Transportation

- Mar. 15 James L. Larocca, of Albany, to replace William Hennessy, resigned. Confirmed April 26.

Board of Visitors — Hudson River Psychiatric Center

- May 16 Mildred Starin, of Marlboro, to replace Willie Hardin, resigned. Confirmed May 24.

- May 18 Milton M. Haven, of Poughkeepsie,
reappointed. Confirmed June 2.
- June 8 May Evans, of Saugerties,
reappointed. Confirmed June 21.
Marion Ostrander, of Kingston,
reappointed. Confirmed June 21.

John Jay Homestead Association

- May 18 Ellen Jay Garrison, of New York City,
reappointed. Confirmed June 7.

Port of Oswego Authority

- May 18 Frank E. Sayer, of Oswego, reappointed.
Confirmed May 24.

*Thousand Islands State Park, Recreation and
Historic Preservation Commission*

- May 18 Gary L. Bouchard, of Ogdensburg, to
succeed Frank A. Pellegrino, term expired.
Confirmed June 7.
Harvey P. Branche, of Watertown,
reappointed. Confirmed June 14.

*Finger Lakes State Park, Recreation and
Historic Preservation Commission*

- May 18 John R. Battersby, of Elmira, reappointed.
Confirmed June 7.
- Oct. 18 Louise V. Stillman, of Montour Falls,
to replace George F. Stillman, deceased.
Confirmed November 16.

Editor's Note: Governor Cuomo designated Mr. Battersby as Chairman on May 18.

Schuyler Mansion Board of Trustees

- May 18 Patrick A. Foti, of Schenectady,
reappointed. Confirmed June 7.

New York State Bridge Authority

- May 18 Raphael Klein, of Hunter,
reappointed. Confirmed November 16.

Allegany State Park Recreation and Historic Preservation Commission

- | | | |
|------|----|---|
| May | 18 | Joan A. Milligan, of Perrysburg, reappointed. Confirmed June 7. |
| | | J. Charles Shine, of Wellsville, to succeed Constantine J. Rigas, resigned. Confirmed June 7. |
| July | 5 | Wayne Printup, of Salamanca, to succeed Edward A. Rath, Jr., term expired. Mr. Printup's nomination was not acted upon. |
| July | 8 | William A. Taylor, of Jamestown, reappointed. Confirmed July 12. |

Niagara Frontier State Park, Recreation and Historic Preservation Commission

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| May | 18 | George M. Martin, Esq., of Buffalo, reappointed. Confirmed June 7. |
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Editor's Note: On May 18, Governor Cuomo designated Mr. Martin as Chairman.

Board of Visitors — Rockland Psychiatric Center

- | | | |
|------|----|--|
| May | 19 | Walter C. Blount, Jr., of Orangeburg, reappointed. Confirmed June 2. |
| | | Barbara Greenblatt, of Spring Valley, reappointed. Confirmed June 2. |
| July | 5 | Glory W. Katz, of Yonkers, reappointed. Confirmed July 12. |

Board of Visitors — Utica Psychiatric Center

- | | | |
|------|----|--|
| May | 19 | Harry Savett, of Utica, reappointed. Confirmed June 2. |
| June | 9 | Esther B. Panaro, of New Hartford, reappointed. Confirmed June 24. |
| | | Alan B. Peabody, of Deansboro, to replace Rev. Joseph Beck, resigned. Confirmed July 12. |
| July | 11 | Margaret Felice, of Utica, reappointed. Confirmed September 15. |

Board of Visitors — Newark Developmental Center

May	19	Albert J. McNaney, of Palmyra, reappointed. Confirmed June 2.
June	14	John B. Nesbitt, of Palmyra, reappointed. Confirmed June 24.

Board of Visitors — Mid-Hudson Psychiatric Center

May	19	Irene C. Kenny, of Albany, to replace Donald Grundwald, resigned. Confirmed June 2.
June	24	Caroline Miller of Albany. Confirmed June 24.

Board of Visitors — Craig Developmental Center

May	19	Sam J. Dio Guardi, of Mount Morris, reappointed. Confirmed June 7.
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Board of Visitors — Bronx Developmental Center

May	19	Ralph Alvarado, of the Bronx, to succeed Sister Patricia Connors, term expired. Confirmed June 2. Eleanor Clarke, of the Bronx, reappointed. Confirmed June 2.
Sept.	2	Al Agovino, of the Bronx, reappointed. Confirmed November 16.

Board of Visitors — Creedmoor Psychiatric Center

May	19	John B. Howey, of Forest Hills, reappointed. Confirmed June 2. Alfred Koral, of Jamaica, reappointed. Confirmed June 2.
May	23	Henry G. Kufahl, of Malverne, reappointed. Confirmed June 2.

Board of Visitors — Broome Developmental Center

May	19	Raymond W. Delaney, of Endicott, reappointed. Confirmed June 2. John E. Denny, of Maryland, to succeed Roger M. Battistella, resigned. Confirmed June 2.
July	7	Katheryn M. Paddock, of Binghamton, reappointed. Confirmed July 12.

Public Health Council

- May 23 Morton P. Hyman, of New York City, reappointed. Confirmed June 2. Dr. Gerald Edmund Thomson, of Brooklyn, to succeed Joseph Fontanetta, term expired. Confirmed June 14.
- July 7 Beatrix A. Hamburg, of New York City, to succeed Mary McLaughlin, term expired. Confirmed September 15.
- Aug. 19 William Lee Frost, of New York City, reappointed. Confirmed September 15. Dr. Victor Sidel, of the Bronx, to succeed Robert J. Collins, term expired. Confirmed September 15.
- Sept. 2 Reverend Monsignor Charles J. Fahey, of Syracuse, reappointed. Confirmed September 15.

New York State Mortgage Agency

- May 26 William F. Haddad, of New York City, to succeed Francisco Lugovina, term expired. Mr. Haddad's nomination was withdrawn.
- June 24 Robert J. Milano, of New York City, to succeed Bernard Charles, term expired. Confirmed June 25.
- Nov. 16 Herman Badillo, of the Bronx, to succeed Francisco Lugovina, term expired. Mr. Badillo's nomination was not acted upon.

Editor's Note: On May 26, Governor Cuomo designated Mr. Haddad Chairman. On Nov. 16, Governor Cuomo designated Mr. Badillo Chairman.

Capital District Transportation Authority

- May 26 Robert G. Lyman, Esq., of Albany, reappointed. Mr. Lyman's nomination was not acted upon.
- Aug. 3 Brigadier General Hamilton D. South (ret.) reappointed. The nomination was not acted upon.

Board of Visitors — Marcy Psychiatric Center

- June 8 Treva C. Wood, of New Hartford, to succeed Laura F. McCarey, term expired. Confirmed June 21.
- June 9 Clara Mae Durant, of Utica, to succeed Pierrepont T. Noyes, term expired. Ms. Durant's nomination was withdrawn.

Cornell University Board of Trustees

- June 9 Frances L. Loeb, of New York City, reappointed. Confirmed June 21.

State Director of Probation

- June 10 Edmund B. Wutzer, of Loudonville, to succeed Thomas J. Callanan. Confirmed July 12.

State Civil Service Commission

- June 10 Josephine L. Gambino, of Jackson Heights, reappointed. Confirmed June 21.
- June 25 Karen Burstein, of Woodmere, to succeed Joseph A.F. Valenti, resigned. Confirmed June 25.

Editor's note: On June 25, Governor Cuomo designated Ms. Burstein President.

State Commission of Correction

- June 10 William G. McMahon, of Troy, to replace Joseph Wasser, resigned. Mr. McMahon's nomination was withdrawn.
- Aug. 24 William G. McMahon, of Troy, to replace Joseph Wasser, resigned. Mr. McMahon's nomination was not acted upon.

State Board of Equalization and Assessment

- June 13 Helen M. Baran, of Westfield, reappointed. Confirmed June 24.
- July 11 Robert B. Dellecese, of Utica, to succeed Joseph Murphy, term expired. Mr. Dellecese's nomination was not acted upon.

*Commission of Mental Retardation and
Developmental Disabilities*

June 17 Arthur Y. Webb, of Glenmont,
to replace Zygmund L. Slezak.
Confirmed September 15.

Commissioner of Mental Health

June 17 Dr. Steven E. Katz, of New York City,
to succeed James Prevost, term expired.
Confirmed September 15.

Board of Visitors — South Beach Psychiatric Center

June 20 S. Annette Curtis-Williams, of
Brooklyn, reappointed.
Confirmed June 24.

Aug. 4 Thomas J. Prisco, of Staten Island,
reappointed. Confirmed September 15.

*Long Island State Park, Recreation and Historic
Preservation Commission*

June 21 Myron H. Blumenfeld, of Port Washington,
to succeed Lynn Burke Hederman, term
expired. Confirmed July 12.

Editor's Note: On July 20, Governor Cuomo designated Mr. Blumenfeld as
Chairman to succeed Daniel Sweeney, whose term expired.

Board of Visitors — Kings Park Psychiatric Center

June 22 Richard DiRocco, of Setauket, to
replace Lois Bruchhausen, resigned.
Confirmed June 25.

New York State Financial Control Board

June 22 Edward J. Babb, Esq., of Jamaica Estates,
to replace Leopold P. Oberst, resigned.
Confirmed July 12.

June 22 Penny Kaniclides, of New York City, to
replace Gertrude C. Michelson, resigned.
Confirmed June 25.

July 11 Stanley Shuman, of New York City,
reappointed. Confirmed July 12.

Board of Visitors — Bronx Psychiatric Center

- June 22 Cynthia J. Fox, of the Bronx, reappointed.
Confirmed June 25.
- June 25 Sylvia Hershkowitz Lask, of the Bronx,
to succeed Carl T. Johnson, term expired.
Confirmed July 12.
- Oct. 13 Helen T. Rosello, of the Bronx, to
succeed Margaret Glinsman, term expired.
Confirmed November 16.

Board of Visitors — Wilton Developmental Center

- June 23 Marcella B. Ryan, of Hudson Falls,
reappointed. Confirmed June 25.

Adirondack Park Agency

- June 23 Joanne Nadeau, of Putnam Station, to
succeed J. Barron Clancy, resigned. Ms.
Nadeau's nomination was not acted upon.
- Oct. 17 Herman F. Cole, Jr., of Ray Brook, to
succeed Theodore Ruzow, term expired.
Mr. Cole's nomination was
not acted upon.

*Board of Visitors — Oswald D. Heck
Developmental Center*

- June 24 Richard Bossert, of Valatie, to
replace Joseph R. Tatarczuk, resigned.
Confirmed July 12.
- July 5 Philip M. Lewis, of Schenectady,
reappointed. Confirmed July 12.

NYS Housing Finance Agency

- June 24 Donald M. Bachmann, of Jamaica Estates,
to replace Frances Levenson, resigned.
Confirmed June 25.

Board of Visitors — Elmira Psychiatric Center

- June 24 Marion S. Lagonegro, of Elmira,
reappointed. Confirmed June 25.

*Board of Visitors — Sagamore Children's
Psychiatric Center*

July 7 Grace E. Clench, of Brentwood,
reappointed. Confirmed July 12.

Board of Visitors — Monroe Developmental Center

July 7 Berna Falkoff, of Fairport, to replace
Elmer F. Dustman, Jr., resigned.
Confirmed July 12.

July 8 Rev. David W. Mura, of Rochester,
reappointed. Confirmed July 12.
James T. Tonery, of Henrietta, to
replace Eileen Corcoran, resigned.
Confirmed September 15.

Small-Business Advisory Board

July 7 Edward J. Panarello, of Larchmont,
reappointed. Confirmed July 12.
July 11 Paul Kessler, of Island Park, to
replace Mary Ann Benincasa, resigned.
Confirmed September 15.
Nov. 15 Richard G. Clark, of Cazenovia.
Confirmed November 16.
Lester Petracca of Manhasset.
Confirmed November 16.

Council on the Arts

July 7 Ruth W. Houghton, of Corning,
reappointed. Confirmed July 12.
Lila Harnett, of New York City, to
succeed Edward F. Albee, term expired.
Confirmed November 16.
Sept. 12 Arthur Levitt, Jr., of New York City,
reappointed. Confirmed November 16.

Facilities Development Corporation

July 8 Howard Miller, of Schenectady, to
replace Donald M. Bachman, resigned.
Confirmed July 12.
July 11 Peter J. Pettibone, of New York City,
to succeed Edward A. Laskins, term
expired. Confirmed September 15.

Nov. 15 Ethan C. Eldon, of Huntington, to replace Howard Miller, resigned. Mr. Eldon's nomination was not acted upon.

Editor's Note: On July 12, Governor Cuomo designated Mr. Miller as Chairman.

Higher Education Services Corporation

July 11 Mimi Fischbein, of New York City, to replace Raphael DuBard, Jr., resigned. Ms. Fischbein's nomination was not acted upon.

Sept. 15 Scott Schuler, of Kew Gardens, to succeed Wilson J. Vasquez, term expired. Confirmed November 16.

Sept. 28 Marina Chianello, of Rochester, to replace Anne Marie Gamel. Ms. Chianello's nomination was not acted upon.

Nov. 9 Jane F. McAlevey, of New York City, to replace Karen M. Stellpflug. Ms. McAlevey's nomination was not acted upon.

Office of the Metropolitan Transportation Authority Inspector General

July 11 Sidney Schwartz of Cedarhurst. Confirmed July 12.

State University Construction Fund

July 11 Sheldon L. Goldstein, of Suffern, to replace Irving H. Freedman, resigned. Confirmed September 15.

Labor Relations Board

July 11 Karl Burns, of Watertown, to succeed Edward R. Culvert, term expired. Confirmed July 12.

Theresa E. Hammer, of Saratoga Springs, to succeed Helen M. Wolfson, term expired. Confirmed July 12.

Aug. 11 John J. Fanning, of Plainview, confirmed.

Editor's Note: On September 2, Governor Cuomo designated Mr. Fanning as Chairman.

State Athletic Commission

- July 11 John R. Branca, of Mount Vernon, to succeed John M. Prenderville, term expired. Confirmed July 12.
- July 12 James Dupree, of Syracuse, to succeed Floyd Patterson, term expired. Confirmed September 15.
- Sept. 2 Jose Torres, of New York City, to succeed Louis E. Rios, term expired. Confirmed September 15.

Niagara Frontier Transportation Authority

- July 12 James M. Wadsworth, of Buffalo, reappointed. Confirmed September 15.
James H. Wolford, of Amherst, reappointed. Confirmed September 15.

Superintendent of State Police

- July 12 Donald O. Chesworth, Jr., of Rochester, to replace William G. Connelie. Confirmed July 12.

Mental Health Services Council

- July 12 Martin S. Begun of New York City.
Robert E. Detor, Jr. of Huntington.
Jerome M. Goldsmith of New York City.
Dr. Edwin L. Hunger of Poughkeepsie.
Hamilton F. Kean of New York City.
Mary Margaret Litzenberger of Orchard Park.
Beverly McClure of Brooklyn.
John P. McCrea of Jamesville.
Sister Mary Rose McGeady of Albany.
James E. Ramseur of Hempstead.
William J. Serafin of Potsdam.
Bernice Skirboll of Rochester.
John Andrew Talbott of New York City.
- July 22 Carol P. Horn of New York City.
- Aug. 3 Eleanor Mallach Bromberg of New Rochelle.
Dr. Ernesto Ferran, Jr. of New York City.
Muriel D. Sheperd of New Paltz.
(All confirmed September 15.)

- Sept. 2 Joseph O. Giaimo of Douglas Manor. Mr. Giaimo's nomination was not acted upon.
 Sept. 12 Philip L. Toia of Brooklyn.
 Sept. 14 Chester E. Burrell of Delmar.
 Oct. 14 Joseph Wagman of Rego Park.
 Nov. 15 Lynn Ohrenstein of New York City.
 (The preceding four nominations were confirmed on November 16.)

Board of Visitors — Kingsboro Psychiatric Center

- Aug. 3 Henry Samuel, of Brooklyn, to replace Hector L. Ramos, resigned. Confirmed September 15.

Central New York State Park, Recreation and Historic Preservation Commission

- Aug. 12 Esther M. Aswad of Binghamton as Chairperson.
 Dick MacPherson, of Syracuse, to succeed Laurence Martel, term expired. Confirmed September 15.
 Aug. 22 Adrienne Kay Mannion, of Fayetteville, to succeed William Kehoe, term expired. Confirmed September 15.

Buffalo and Fort Erie Public Bridge Authority

- Aug. 22 Rosemarie Scamacca, of Tonawanda, to replace Melvia W. McDonough, deceased. Confirmed September 15.

Hospital Review and Planning Council

- Aug. 24 Dr. Ira Greifer, of Manhasset Hills, to succeed Gerson Lesser, term expired. Confirmed September 15.
 Sept. 15 Dr. Joseph Goodgold, of New York City, to replace Robert C. Osborne, resigned. Confirmed September 15.

Ogdensburg Bridge and Port Authority

- Sept. 2 Edward J. Thompson, of Ogdensburg, reappointed. Confirmed November 16.
 Sept. 15 Vernon D. Burns, of Ogdensburg, reappointed. Confirmed November 16.

- Nov. 28 John H. Greene, of Norfolk,
reappointed. Mr. Greene's
nomination was not acted upon.

Director of Office of Business Permits

- Sept. 2 Joseph A.F. Valenti of Albany.
Confirmed September 15.

New York State Racing Commission

- Sept. 12 Earle I. Mack, of New York City,
to succeed Michael Merkin, term expired.
Confirmed September 15.

State Fire Prevention and Building Code Council

- Sept. 15 Mary Pat Ciccariello, of Elmira, to
replace Donald C. Ninestine, resigned. Ms.
Ciccariello's nomination was not acted upon.
Robert William Brunner of Hartsdale.
Confirmed November 16.

Municipal Assistance Corporation

- Oct. 2 Felix G. Rohatyn, of New York City,
reappointed.

Editor's Note: On October 2, Governor Cuomo appointed Mr. Rohatyn as
Chairman.

Ohio River Valley Water Sanitation Commission

- Oct. 18 Thomas A. Storch, of Fredonia, to
replace Robert L. Barber, resigned.
Confirmed November 16.

St. Lawrence-Eastern Ontario Commission

- Nov. 4 Louis W. Kent, of Oswego, reappointed.
Confirmed November 16.

New York State Racing and Wagering Board

- Nov. 15 Michael Lee, of Jamaica Estates, to
succeed Joseph O'Dea, term expired.
Mr. Lee's nomination was
not acted upon.

*New York State Medical Care Facilities
Finance Agency*

Nov. 15 Nicholas D'Arienzo, of Forest Hills, to replace Albert H. Sanders, deceased. Mr. D'Arienzo's nomination was not acted upon.

Harlem Valley Psychiatric Center

Nov. 16 Esther D. Mallach, of White Plains, reappointed. Confirmed November 16.

**ANNOUNCEMENTS OF GUBERNATORIAL
APPOINTMENTS**

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 1, 1983

Governor Mario M. Cuomo administered the oath of office today to Acting Secretary of State Gail S. Shaffer, and she in turn administered the oath to 18 members of his Executive Chamber staff in ceremonies at 11 AM in the Red Room of the Capitol.

The 18 sworn in are:

- Michael J. Del Giudice as Secretary to the Governor;
- Alice Daniel as Counsel to the Governor;
- Fabian Palomino as Special Counsel to the Governor;
- Michael Finnerty as Director of the Division of the Budget;
- Timothy J. Russert as Counselor to the Governor;
- Andrew M. Cuomo as Special Assistant to the Governor;
- Lawrence T. Kurlander as Director of Criminal Justice;
- Sidney Schwartz as Assistant to the Governor for Management and Productivity;
- Henrik N. Dullea as Director of State Operations;
- Tonio Burgos as Appointments Officer to the Governor;
- Alexander A. Levine as Administrative Assistant to the Governor;
- Elizabeth A. Buechner as Press Officer to the Governor;

- William B. Eimicke as Deputy Secretary to the Governor for Policy and Program;
 - Ellen Conovitz as Director of the Governor's New York City Office;
 - Yvonne Scruggs-Leftwich as Commissioner of the State Division of Housing and Community Renewal;
 - R. Wayne Diesel as First Deputy Budget Director;
 - Peter A. Drago as Director of Scheduling and Advance for the Governor; and
 - Timothy P. Sheridan as Director of Intergovernmental Affairs.
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STATE OF NEW YORK—EXECUTIVE CHAMBER

January 10, 1983

Governor Mario M. Cuomo today appointed Henry G. Williams as Commissioner of the State Department of Environmental Conservation and Dr. Israel Mowshowitz as his Assistant for Community Affairs. He also appointed two incumbents to continue in their present positions — State Health Commissioner David Axelrod and Office of General Services Commissioner John C. Egan.

Williams served as Director of Statewide Strategies and Programs under Lieutenant-Governor Cuomo for the past four years, advising him on environmental, coastal zone management, resource recovery and solid waste management issues. Previously, he was Director of the Division of State Planning with the Department of State during the Governor's tenure as Secretary of State.

In 1969, Williams was named Deputy Director of the State Office of Planning Coordination, later known as the State Office of Planning Services. From 1957 through June 1969, he was an Associate Professor at the State University College of Environmental Science and Forestry at Syracuse University. Last year, he served as President of the Empire State Chapter of the Soil Conservation Society of America. Williams earned his bachelor's and master's degrees from Syracuse University and completed course work for his doctorate in geography from Syracuse.

Dr. Mowshowitz will serve as the Governor's liaison to the religious community and assist him in his effort to create a "family of New York". Dr. Mowshowitz is

spiritual leader of the Hillcrest Jewish Center, one of the largest conservative synagogues in the United States. He is a graduate of Yeshiva University and holds a doctorate degree from Duke University. He is past President of the New York Board of Rabbis and the recipient of the Medallion of the City of New York for his service to the City. Dr. Mowshowitz is a lifetime member of the NAACP.

Dr. Axelrod was originally appointed State Health Commissioner in January of 1979. Prior to his appointment, Axelrod spent two years as Director of the Division of Laboratories and Research for the State Health Department. From 1968 to 1977 he was Director of the Infectious Disease Center in that Division. A magna cum laude graduate of Harvard College and cum laude graduate of Harvard Medical School, Axelrod is a nationally recognized authority on environmental toxicology. He was the first to focus State and Federal attention on the potential health problems associated with the Love Canal landfill in Niagara Falls, New York.

Egan was appointed OGS Commissioner in June 1980 after having served as Executive Deputy Commissioner since September of 1975. He was Director of the OGS Facilities Planning and Operation Group prior to that. A 35-year veteran of State service, Egan began his career as a power plant helper at the former Clinton State Prison at Dannemora in 1947. Prior to joining OGS in 1961, Egan was employed by the Department of Mental Hygiene and the State University.

Salaries for State commissioners and agency heads are set by law. Dr. Axelrod's salary is \$69,200. The salaries for the OGS and Environmental Conservation Commissioner are \$65,700 each. Dr. Mowshowitz will earn \$45,000 annually.

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 18, 1983

Governor Mario M. Cuomo today nominated Thomas A. Coughlin III to continue as Commissioner of the State Department of Correctional Services. Coughlin, 44, who has headed the agency since August 1, 1979, was recommended for nomination by the Governor's Director

of Criminal Justice, Lawrence T. Kurlander.

"I instructed Larry Kurlander to review all candidates for appointment or nomination to positions in the State's criminal justice system. He has recommended that Tom Coughlin be nominated, based on his performance over the last three and one-half years in dealing with the difficult issues facing the State's prison system. His handling of the crisis at Ossining last week only reinforced the respect I have for him. Tom Coughlin's knowledge of the prison system and its problems and his proven abilities will be invaluable to my Administration," Governor Cuomo said.

A native of Brooklyn, Coughlin was a trooper with the New York State Police in the Watertown area from 1962 to 1968. After serving as Executive Director of the Jefferson County Association for Retarded Children for seven years, Coughlin joined State service in 1975 as Deputy Commissioner for the Office of Mental Retardation and Developmental Disabilities. He was named Commissioner there in 1978 and served in that capacity until his confirmation as Correctional Services Commissioner. He holds a bachelor's degree in public administration from Goddard College in Plainfield, Vt. He attended Syracuse University Law School and is a candidate for a doctorate degree in public administration at New York University.

The salary for the position is \$69,200 annually. The nomination requires confirmation by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 19, 1983

Governor Mario M. Cuomo announced today the appointment of William B. Eimicke as Deputy Secretary for Policy and Program. Among Mr. Eimicke's responsibilities will be liaison with New York City, coordination of the housing and human service agencies and monitoring of public authorities. In addition, the Governor named Mr. Eimicke as Coordinator of Housing for the Homeless. He will head the Administration's efforts to provide permanent housing and decent shelters for the tens of thousands of New York's homeless people.

Mr. Eimicke recently served as Deputy Commissioner of the NYC Department of Housing Preservation and Development, in charge of managing the 10,000 residential buildings taken by the City in tax foreclosure actions. He has previously served as Assistant Director of the NYC Office of Management and Budget, Director of Tax and Fiscal Studies for the NYS Senate Finance Committee, and Director of Studies for the NYS Temporary Commission on State and Local Finances. He has taught government and finance at Indiana University, Russell Sage College, Syracuse University and SUNY at Albany.

Mr. Eimicke holds a Ph.D. in Public Administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University. He also studied at Victoria University in England and the University of California at Santa Barbara. His salary will be \$65,000 annually.

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 25, 1983

Governor Mario M. Cuomo today announced the nomination of William Finneran as Chairman of the Commission on Cable Television. "Bill Finneran is eminently qualified to serve as Chairman of the Commission. He has experience both within government and in the private sector in the area of commissions, telecommunications, and systems management. I am pleased that he has agreed to join my Administration," Governor Cuomo said.

Finneran, who was the candidate for State Comptroller in 1982, represented Westchester's 89th AD in the Assembly from 1977 through 1982. As an Assemblyman, Finneran served on the Committee on Corporations, Authorities and Commissions, as well as on committees dealing with consumer protection, banking, local government, and energy. He chaired the Assembly Subcommittee on Utility Rates.

Prior to entering public service as a Councilman in the Town of Greenburgh from 1974 to 1976, Finneran had extensive experience in the field of telecommunications. Finneran served as a management consultant to business and industry in telecommunications from 1970 to 1976.

He was also the Director of Systems for International Data Systems in New Orleans (1969-1970), a Project Consultant for Union Carbide (1966-1969), and Vice President of Advanced Business Systems with the Interpublic Group of Companies (1964-1966). A graduate of MIT (B.S. - 1959), Finneran was also Vice President and cofounder of Data Systems Corporation in NYC, which provides programming support and consulting for client corporations.

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 25, 1983

Governor Mario M. Cuomo today announced his recommendation of Wallace Ford II as Executive Director of the State of New York Mortgage Agency. "Wallace Ford has the diversity of knowledge and experience and the sensitivity that is needed in an agency like SONYMA, which affects the lives of so many thousands of New Yorkers. Ford's experiences have spanned all three branches of government — executive, legislative, and judicial; he will be able to apply this experience to furthering the economic development goals of my Administration. Equally important is Wallace's understanding not just of the system and how it works, but of what needs to be done as well. There is no one more qualified for the post than he," Cuomo said.

As Deputy Commissioner for the Division of Minority Business Development of the NYS Department of Commerce since 1981, Ford has been responsible for the formulation and administration of minority business economic development policy for NYS. From 1979 until 1981, Ford served as Executive Vice President of Amistad DOT Venture Capital, Inc., a wholly-owned subsidiary of the Inner City Broadcasting Corporation, where he supervised administrative activities of the minority enterprise small business investment corporation.

Ford has also served as Counsel to the law firm of Silvera, Brooks and Latimer (1979-1981), Counsel to the NYS Assembly Committee on Banking (1979), and law secretary to the New York State Supreme Court, First Judicial District (1975-1979). A former President of the Harlem Lawyers Association, Ford received his J.D. from Harvard Law School in 1973, and his A.B. from Dartmouth College in 1970.

Governor Cuomo also announced that Edward Bopp, current Executive Director of SONYMA, will undertake new responsibilities on behalf of the Administration in three important areas aimed at developing and implementing the Governor's economic development and capital investment program. They are developing financing programs and legislation to rebuild the State's infrastructure; developing alternatives and reorganized structures for the State's housing, health and educational financing agencies; and identifying improved methods of public authority financing control methods.

STATE OF NEW YORK—EXECUTIVE CHAMBER

January 28, 1983

Governor Mario M. Cuomo today announced the nomination of Leonard Dunston as Director of the New York State Division for Youth. In announcing Dunston's nomination, Governor Cuomo praised his "vast experience in dealing with troubled and unfortunate youth." Cuomo added that "Dunston has dealt with youth not only in New York City but also in North Carolina." He has a strong background in supervising, administering and implementing large programs. This is particularly important, as the Division for Youth can play such a large role in preventing crime and preparing New York's youth for more constructive roles.

Since 1978, Dunston has served as Program Development Specialist for the Division of Youth Services in North Carolina, where he has dealt with over 250 programs, ranging from group homes and youth service bureaus to foster care and alternative school programs. As Regional Coordinator in the NYC Mayor's Office of Service Coordination from 1976 to 1978, Dunston supervised the delivery of youth service programs to communities throughout Manhattan. In addition, he administered, coordinated and supervised the year-round and summer neighborhood youth corp programs which involved approximately 10,000 youth. Dunston first served as a Youth Employment Counselor during the summer of 1966, and later worked as a Street Club Worker, Supervisor, and then a Program Evaluator for the NYC Youth Board (1966-76).

Dunston, who has made numerous conference presentations and guest appearances on both TV and radio, consulted for the U. S. Justice Department's Office of Juvenile Justice and Delinquency Prevention in 1980. He has also been affiliated with the North Carolina Chapter of Blacks in Criminal Justice and the African-American Civic Association in Yonkers. Mr. Dunston is 42 years old.

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 8, 1983

Governor Mario M. Cuomo today announced the nomination of Roderick Chu as Commissioner of Taxation and Finance. Governor Cuomo praised Mr. Chu's "obvious intelligence and experience in the private sector." "It is particularly noteworthy that Roderick Chu brings with him proven management skills from the private sector in addition to a thorough knowledge of the State's GAAP accounting system. I am pleased that he has accepted this position in public service," Governor Cuomo added.

The Governor has directed Mr. Chu to undertake a complete review of the Department's operations and use the latest systems technology to improve collections. "The Tax Department must use all the technology and management techniques currently available to maximize revenues through a system of audits which will target those returns with the greatest potential return on investment. Mr. Chu, a recognized expert in the area of large systems development and management reporting, provides the Department with the kind of leadership necessary to undertake a large scale modernization of the Department," the Governor said.

Chu, who joined Arthur Andersen and Co. in 1971, was named a partner in 1981. At Arthur Andersen he worked for the management information consulting division of the New York office. During the last two years, Chu worked on a project for the State Comptroller designing and implementing the State's new GAAP accounting system. Over the last six months, he also consulted on GAAP for the Division of the Budget.

Chu, 34, who presently resides in Briarcliff Manor in Westchester, was born in Manhattan. He attended New

York City public schools until enrolling in the UN International School for his high school years. He received his B.S. from the University of Michigan in 1969, majoring in math and physics. In 1971, he received his MBA from Cornell, graduating with distinction. A member of the Organization of Chinese Americans, Mr. Chu speaks Cantonese. Mr. Chu will earn \$65,700.

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 10, 1983

Governor Mario M. Cuomo today announced the redesignation of Brad C. Johnson as Director of the New York State Office of Federal Affairs. Brad Johnson has served as Director of the Office since 1978.

"Brad Johnson has demonstrated a unique ability to work effectively with the New York Congressional Delegation on a wide range of matters of concern to the State. His experience and knowledge of Washington will be valuable assets to this Administration," the Governor said in making the announcement.

As Director, Mr. Johnson will be responsible for developing and advancing New York State initiatives in Washington, as well as coordinating all State agency activities in the nation's capital. "Brad Johnson will serve as my spokesman and personal representative in Washington on a day-to-day basis, coordinating his activities in Albany with the Counselor to the Governor, Timothy J. Russert," the Governor announced.

The Governor also announced his intention to work closely with the New York Congressional Delegation on a bipartisan basis. "New York State enjoys the benefit of a hard working and effective congressional delegation. I look forward to working with our State representatives in Washington in a spirit of partnership and cooperation," he added.

Mr. Johnson, 33, received his law degree from Georgetown University Law Center in 1975 and is a member of the District of Columbia Bar and the American Bar Association's Committee on State and Local Government. He served as staff assistant to Senator Hubert H. Humphrey in 1971 and was a member of the

Senator's 1972 Presidential campaign staff. He is married to Marguerite Millhauser. His salary as Director of the New York State Office of Federal Affairs will be \$55,000.

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 15, 1983

Governor Mario M. Cuomo today announced the nomination of James P. Corcoran as Superintendent of Insurance. Governor Cuomo praised Mr. Corcoran as "a man with extensive experience in both the insurance industry and in government." Cuomo added that "Corcoran has a familiarity not just with the insurance industry but with both national and international commerce needs as well."

"It is particularly important that the Superintendent of Insurance be aware of the forces outside the industry that are affecting the economy of the State. This ability to see the larger scheme coupled with a particularly impressive expertise in the industry make Mr. Corcoran a promising choice," Governor Cuomo noted. Governor Cuomo also stated that Corcoran, who has had extensive dealings with the National Association of Insurance Commissioners as well as the State Insurance Department, "is very familiar with the workings of the Department and with the legislative process."

A resident of Garden City, Long Island, Corcoran presently serves as Vice President for Government Relations of the Prudential Insurance Company of America. Prior to joining Prudential in October 1980, Corcoran had served as Assistant General Counsel for the Mutual Life Insurance Company of New York since 1969. While at MONY, Corcoran participated in the Presidential Interchange Executive program, serving from July 1978 to November 1979 in the Office of the Secretary at the U. S. Department of Commerce. At the Commerce Department, Corcoran dealt with U. S. Export Policy and the licensing of U. S. technology, international trade regulations and the impact of anti-trust laws.

Mr. Corcoran, 38, has a wife, Emily, and is father of two children, Megan Elizabeth, age 10, and Christian James, age 7. Mr. Corcoran will earn \$65,700. His nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 17, 1983

Governor Mario M. Cuomo today announced the appointment of Thomas F. Hartnett as Director of the Governor's Office of Employee Relations. Hartnett, who has served for the past five years in OER, was praised by the Governor for his "detailed knowledge of the collective bargaining process, both from the public and private sector perspectives and from the management and union points of view."

The Governor added that "Mr. Hartnett is widely respected by union representatives and State management. We will draw on his expertise to bring labor and management closer together in the State." As Director of OER, Hartnett will serve as the Governor's chief negotiator in contract talks with the State's ten bargaining units and as an advisor on labor matters.

Hartnett, 37, has been Deputy Director of Contract Negotiations and Administration at OER since 1979. From 1978 to 1979, he was an Assistant Director at the agency. Prior to joining State service, Hartnett worked as a labor relations manager with New York Telephone in NYC from 1972 to 1978. From 1965 to 1972, while a craftworker at New York Telephone, Hartnett was a union representative for the Communications Workers of America, AFL-CIO. He served two years in the U.S. Army during that period.

A native of the Bronx, Hartnett received a B.S. degree in business management from Farleigh Dickinson University in 1972. In 1976, he received his J.D. from the School of Law at Seton Hall University, South Orange, N.J. Hartnett, who lives in Loudonville, is married to the former Alicia Cytowicz. They are the parents of three children: Jeffrey, Tricia, and Christopher. Hartnett will be paid \$65,700 annually.

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 20, 1983

Governor Mario M. Cuomo today nominated H. Carl McCall as Commissioner of the State Division of Human

Rights and renominated Julio A. Martinez to the Commission on Alcohol and Substance Abuse Prevention and Education. "I am pleased that persons with the professional backgrounds and talents of Carl McCall and Julio Martinez will be part of my Administration. Both will be a credit to the State and to the constituencies that they serve," the Governor said.

A former Senator, McCall, 47, of NYC, most recently was Senior Vice President and Director of the Metropolitan Division of WNET public television station in New York. He resigned that position to campaign last year for the Democratic nomination for Lieutenant-Governor. In 1979 and 1980, he was a Deputy to Donald McHenry, former Ambassador of the United States to the United Nations. He served in the State Senate from 1975 through 1979.

An ordained minister, McCall was graduated from Dartmouth College with an A.B. degree. He attended the University of Edinburgh, Scotland, and was graduated from the Andover Newton Theological School. In previous positions, McCall was a Deputy Administrator for the NYC Human Resources Administration, Chairman of the Editorial Board of the *New York Amsterdam News*, President of the Inner City Broadcasting Corporation and Executive Director of the Schumann Foundation of Montclair, NJ.

Martinez, 39, of Albany, has served as Director of the State Division of Substance Abuse Services since 1979. A founding member of the Phoenix House program for ex-addicts, Martinez has worked in several public and private drug rehabilitation programs since 1967. From 1971 through 1978, he was President of Project RETURN Foundation, Inc. of New York, devoted to working with former addicts who relapsed after becoming drug-free.

The nominations require confirmation by the State Senate. Upon confirmation of Martinez to the Commission, Governor Cuomo will designate him to continue as Director of Substance Abuse Services. The salary for that position is \$65,700 annually. The position of Human Rights Commissioner carries a \$59,800 annual salary.

STATE OF NEW YORK—EXECUTIVE CHAMBER

February 23, 1983

Governor Mario M. Cuomo today announced he is renominating Lillian Roberts as Commissioner of the New York State Department of Labor. Roberts, 55, became the first black and the third woman to head the 7,500-employee Department when she won confirmation to the post in June, 1981.

"The Department of Labor affects the lives of millions of New Yorkers through the administration of unemployment insurance benefits, the job service and training programs, enforcement of the Fair Labor Standards Law and occupational safety and the gathering of vital labor market data. I have every confidence in Mrs. Roberts' ability to continue to oversee these important programs with fairness and dedication," Governor Cuomo said.

A native of Chicago, Roberts began her career in the labor movement in 1945 as a nurses aide and an operating room technician in Chicago. From 1958 through 1965, she worked for the American Federation of State, County and Municipal Employees' Councils 19 and 34 organizing state mental health and hospital workers in Illinois. In 1965, she moved to New York City to become the Hospital Division Director for District Council 37, AFSCME, organizing municipal hospital workers. Prior to becoming State Labor Commissioner, Roberts was Associate Director of DC 37, a position she held since 1967. Today, DC 37, with 110,000 members, is the largest municipal employee union in the nation. She also served as International Vice-President of AFSCME International.

The nomination requires confirmation by the State Senate. The position pays \$65,700 annually.

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 2, 1983

Governor Mario M. Cuomo today announced the nomination of Eugene S. Callender of New York City, a Presbyterian minister, a lawyer and long-time community leader, as Director of the NYS Office of the Aging. "Mr.

Callender's vast experience in such diverse areas as housing, education, employment opportunities, the ministry, the law, and community activities and his administrative abilities make him eminently qualified to serve as Director of the Office of the Aging," Governor Cuomo said.

Mr. Callender, who is black, is 57 years old. He currently is Senior Minister and Chief Executive Officer of the Church of the Master, where he has served since September 1975, and previously, from 1959 to 1966. He received his J.D. degree from the New York Law School last year.

From 1980-1982, he was City Director of New York "Cities in Schools," a federally-funded experimental program for disruptive and emotionally disturbed students. Previously, he was President and Chief Executive Officer of the New York Urban Coalition, a post he held from 1969 to 1975. At that time, Callender restructured the Coalition to create innovative programs in housing, education and employment.

Beginning in 1967 Callender served for two years as a Deputy Administrator for the NYC Housing and Redevelopment Administration. From 1966 to 1967 Callender was Executive Director of the New York Urban League. During this time, Callender initiated "Street Academies," a concept which gained national attention. He was founder and pastor of the Mid-Harlem Community Parish from 1955 to 1959.

His professional associations include: President of the SYDA Foundation; Consultant to the Ford Foundation; member of the President's Task Force on Manpower and Urban Unemployment under President Johnson; and consultant to the IBM Corporation and Motorola Corporation. Mr. Callender has lectured at Columbia Graduate School for Business, York College and New York University. For six years from 1970 to 1976, Callender hosted the NBC program "Positively Black," a program which is now in its twelfth year. Mr. Callender is a 1947 graduate of Boston University. In 1950, Callender was the first black graduate of Westminster Theological Seminary. For the next two years he studied at Union Theological Seminary in New York City.

The nomination requires confirmation by the State

Senate. The position pays \$59,800 a year.

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 2, 1983

Governor Mario M. Cuomo today announced the nomination of John A. Passidomo as Commissioner of the Department of Motor Vehicles. Governor Cuomo praised Passidomo for:

his considerable experience in a wide range of fields. In particular, John Passidomo has a great deal of expertise as an administrator, having managed the day-to-day operations of municipal government for the last 18 years. As Supervisor of Harrison, he has gained experience as a negotiator, a land use planner and a fiscal administrator. In fact, as Supervisor, he has raised Harrison to an AA credit rating, the highest possible for a community its size.

Passidomo has served as Supervisor/Mayor of the coterminous Town/Village of Harrison since 1966. As Supervisor, he has managed the operations of Harrison which has an annual Town budget of \$12 million and 265 employees. From 1947 to 1965, Passidomo served as a senior accountant, group chief, and hearing referee at the Bureau of Excise Taxes in NYC. In those positions, he directed the audits of taxpayers' books and records and supervised the findings of staff accountants.

A registered public accountant, Passidomo is a past President of the Westchester Association of Town Supervisors, and current Chairman of the Westchester Joint Water Works. From 1966 to 1969 he served on the Westchester Board of Supervisors. A member of the NYS Bar Association, Passidomo received his J.D. from Brooklyn Law School in 1953. He received a Bachelor of Science from the Fordham University School of Business in 1948 and served in the United States Army Air Force from 1943 to 1944.

Born in Italy, Passidomo, 61, is married to the former Gloria Massaglia. They are the parents of five children, John and Janet, both 31; Laura, 28; Paul, 26; and Peter, 24. Passidomo's salary will be \$65,700 annually. His

nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 10, 1983

Governor Mario M. Cuomo today announced the nomination of James L. Larocca as Commissioner of Transportation. "Jim Larocca brings to this new post a wealth of experience at both the Federal and State levels — experience which will be invaluable in the effort to obtain the resources necessary to maintain and improve the State's transportation systems," the Governor said.

"Our first priority will be legislative and voter approval of a \$1.25 billion Transportation Infrastructure Bond Issue, which will be used in combination with other capital resources to rehabilitate our deteriorating highways and bridges, to improve rail transit and rail freight services, and to expand port and airport facilities. We must build for today — and tomorrow, and in the process, put tens of thousands of New Yorkers to work," the Governor said.

Larocca is currently serving as the State's first Commissioner of Energy and Chairman of the Energy Research and Development Authority, posts he has held since 1977. He has also been a Trustee of PASNY since 1982. Previously, Larocca served as Director of the NYS Office of Federal Affairs in Washington from 1975 to 1977. Counsel to the Vice Chairman of the National Commission on Water Quality from 1974 to 1975, Larocca served in staff positions in the U.S. House of Representatives from 1969 to 1973. From 1965 to 1968, he was on active duty as a U.S. naval officer, serving in the Mekong Delta of Vietnam in 1967.

Larocca, 39, received his B.A. from Hofstra University in 1964 and his J.D. from Catholic University Law School in 1974. He is a member of the American Bar Association and the Federal Bar Association and has lectured at the New School for Social Research, New York University, Columbia University and the Brookings Institution. Larocca is a native of Brooklyn and later resident of Staten Island. He resides now in Albany with his wife the former Dale Maizels and their three children Joshua, 10; Amy, 7; and Michael, 2.

The Commissioner of Transportation is paid an annual salary of \$69,200. His nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 10, 1983

Governor Mario M. Cuomo today announced the nomination of William D. Cotter as Commissioner of the State Office of Energy and Chairman of the Energy Research and Development Authority. In nominating Cotter, Governor Cuomo praised "his knowledge of the State and his proven ability as an administrator. I am pleased," the Governor said, "that we have been able to attract into public service a man of such high caliber and intelligence."

Cotter, who has been Editor of the *Syracuse Herald Journal* and *Sunday Herald American* since 1966, and City Editor since 1958, is also Chairman of the Onondaga County Energy Committee which has worked closely with the State Energy Office on energy matters in the area. Cotter has been a member of the 12-member Committee since 1975, and Chairman since 1977. Prior to moving to Syracuse, Cotter worked as a reporter and then editor for the Newhouse Newspapers (1947 to 1958). During this time Cotter worked at the *Long Island Star-Journal* in Long Island City, the *Nassau Review-Star* in Rockville Center, the *Long Island Press* in Jamaica, and the *Jersey City Journal*. From 1946 to 1947, Cotter worked as a credit analyst, first at the Prentice Hall Publishing Company and later at IBM.

A graduate of Fordham University, Cotter received his B.A. in 1943 with a major in physics. He later studied political science at St. John's University in Queens and at Syracuse University. A coding and intelligence officer in the Navy from 1943 to 1946, Cotter served in the South Pacific during World War II.

Cotter, 61, was President in 1980 of the New York State Society of Newspaper Editors and is currently Vice President of the New York State Associated Press Association. He is married to the former Alice K. Liller; they have six children, Carol Schneider, 36; Mary Cotter, 35; Alice Cotter, 34; William J. Cotter, 32; James Cotter, 31; and Donald Cotter, 29.

Cotter's salary will be \$65,700 annually. His nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 17, 1983

Governor Mario M. Cuomo today announced the reappointment of John Dennis Quinn as Director of the New York State Lottery. "Quinn has served the State ably over the last seven years. Under his stewardship, the State Lottery has become a significant revenue-producing division of the State government. In fact, during the first six and one-half years of its ticket-selling life (from September 1976 through January 1983), the Lottery has earned more than an average of \$131 million a year. I am pleased that John Quinn has agreed to continue to serve," the Governor said.

As Chief Executive Officer of the Lottery since April 1976, Quinn has provided technical knowledge as well as management and administrative control of the Division. Currently, Quinn also serves as President of the National Association of State Lotteries. Prior to joining State service in New York, Quinn worked for Michigan Governor William Milliken, starting in 1970 as Deputy Director of a Management Sciences Group. After a voter referendum approved a lottery for Michigan in 1972, Quinn became active in its organization.

Quinn served in the Army from 1946 until 1970, retiring as a Colonel. His overseas assignments included Taiwan, Germany and Vietnam. He holds several service medals and awards including two awards of the Legion of Merit. His experiences in the Service included duty as an Infantry Officer and as an Adjutant General Corp Officer.

John Quinn, the son of immigrants from Ireland, was born in Corona, Queens. He attended parochial schools in Corona and Bishop Loughlin Memorial High in Brooklyn. Quinn, 55, is married to the former Dora Dean Baldocchi; they are the parents of four grown children.

Cuomo made particular note of the fact that the announcement of Quinn's reappointment was made on St. Patrick's Day. "His parents did come from Ireland," the

Governor said. "But, more importantly, it is the 'luck of the Irish' that keeps everyone hoping that they'll strike it rich by playing the lottery."

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 23, 1983

Governor Mario M. Cuomo announced today that he has asked his Special Counsel, Fabian Palomino, to serve as the Executive Chamber's temporary liaison to William Stern, the Chairman and President of the Urban Development Corporation. Mr. Palomino will assist Mr. Stern in an evaluation and reorganization of the UDC to insure it functions as an effective and efficient agency for economic development. Mr. Palomino will continue to fulfill other responsibilities as Special Counsel to the Governor.

STATE OF NEW YORK—EXECUTIVE CHAMBER

March 30, 1983

Governor Mario M. Cuomo announced today the appointment of Ilene Margolin, Executive Director of the New York State Council on Children and Families since January 1978, as Assistant Secretary to the Governor for Human Services, effective April 1, 1983. Prior to becoming Executive Director at the Council, Ms. Margolin was the Assistant Regional Director for Children's Services at the NYC Regional Office of the NYS Office of Mental Health.

Ms. Margolin is a native of New York City and now resides in Albany. She received her Master's Degree in Social Welfare at New York University, and is a New York State Certified Social Worker.

As Assistant Secretary, Ms. Margolin's areas of responsibility will include social services, health, mental health, mental retardation and aging. In announcing her appointment, Governor Cuomo praised Ms. Margolin as uniquely capable of providing a comprehensive focus on the many critical human service issues facing all New Yorkers. "Ms. Margolin will bring to the Executive Chamber a diverse background in all aspects of human

services, the experience of coordinating a wide range of agency programs and a sensitivity to the needs of families," Governor Cuomo stated.

Ms. Margolin will continue to provide administrative leadership for the Council on Children and Families until her successor as Executive Director is appointed. She will be paid \$55,000 annually.

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 12, 1983

Governor Mario M. Cuomo today announced the nomination of Orin Lehman as Commissioner of the New York State Office of Parks and Recreation. Lehman has served as Commissioner since 1975. In making the announcement, Governor Cuomo praised Lehman's "record of concern and dedication for the Office of Parks and Recreation. I am pleased that Orin has agreed to continue to serve the State."

Before becoming Commissioner, Lehman produced plays in NYC as Chairman of Picket Productions, Inc. from 1968 until 1975. He served as Chairman of Colgreene Broadcasting, a radio broadcasting company, from 1958 until 1975. From 1951 until 1959, Lehman published newspapers in the Hudson Valley as publisher and Chairman of the Colgreene Publishing, Inc. He also served as an economist for Lehman Brothers from 1947 until 1952.

The founder and Chairman of Just One Break, Inc., an organization which places disabled people in jobs, Lehman has served on numerous boards and commissions. Since 1975, he has served as NYS Historic Preservation Officer and as Chairman of the NYS Commission for the Restoration of the Capitol. He was an adviser to the U.S. Delegation to the UN Conference on Trade and Development from 1964 to 1968 and has served as a member of the President's Committee on the Employment of the Handicapped since 1953. He was Chairman of the Board of Correction of the City of New York from 1974 to 1975, during which time he served on the Executive Committee of the NYC Criminal Justice Coordinating Committee. He has also served as Chairman of the New School for Social Research.

Lehman has received awards and citations from numerous organizations including the Anti-Defamation League, the Medical Society of the County of New York, the New York City and New York State Junior Chambers of Commerce, and the U. S. Civil Service Commission.

Born in Manhattan, Lehman grew up in Tarrytown. He received his B.A. in 1942 from Princeton University with a major in psychology. In 1960, he received his Ph.D. in American History from New York University. Lehman is also the recipient of an honorary degree from Hartwick College. A captain in the US Army, Lehman served in Europe during World War II and was awarded the Distinguished Flying Cross and the Purple Heart.

Lehman, 62, is married to the former Wendy Vanderbilt. They are the parents of three children: Susan, 18; Brooke, 10; and Sage, 7.

As Commissioner, Lehman's salary will be \$65,700 annually. His nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

April 15, 1983

Governor Mario M. Cuomo today announced the following nominations:

- Joseph Gerace, as Commissioner of Agriculture and Markets;
- Richard Condon, as Commissioner of the Division of Criminal Justice Services;
- Robert Steingut, as a member of the Workers' Compensation Board, to be designated Chairman upon confirmation;
- David Peirez, as a member of the Job Development Authority; and
- Richard Sirota, as a member of the Battery Park City Authority

Gerace has served as Chautauqua County's first County Executive since 1975. A member of the Chautauqua County Farmers Bureau and the Busti Grange, he was Chairman of the Chautauqua County Legislature from 1972 through 1974. Gerace was a

practicing lawyer from 1953 through 1974, in his own firm and with the firms of Bootey, Herrick and Gerace, and Gerace and Lodestro. Gerace was a claims examiner for the Glens Falls Insurance Company from 1952 through 1953. Gerace, 56, received his J.D. from Albany Law School in 1952 and his B.A. from Denison University in Granville Ohio in 1950. Born in Jamestown, he attended Chautauqua public schools and served in the U.S. Navy. Gerace is married to the former Mary Evelyn Dutcher. They have three children Andrea Magnuson, 28; Joseph, 24; and Vincent, 21.

Condon presently serves as Deputy to Lawrence Kurlander, the Governor's Director of Criminal Justice. Prior to becoming Kurlander's deputy, Condon served as Deputy Criminal Justice Coordinator in the Office of the Mayor in New York City. From 1976 until 1982, he served as Director of Investigations for the Office of Special Prosecutor in New York City. Prior to joining the Office of Special Prosecutor, Condon served for 20 years on the New York City Police Department, retiring in 1976 as a Deputy Inspector.

Condon received his M.A. in Criminal Justice at the John Jay College of City University in June of 1978. He received his B.A. from Pace University in 1965. He is the author of various articles on investigation including "The Investigation of Police Corruption in New York City," which appeared in the *Police Journal* in 1982. He has also lectured on crime prevention, organized crime, corruption, and investigative techniques in the United States, Canada, England and Hong Kong. Condon, 47, is married to the former Charlotte McCormack. They are the parents of three children: Richard, 23; Mary, 20; and Timothy, 14.

Robert Steingut has served in the New York City Council as Councilmember at Large from Brooklyn since 1974. He is currently Chairman of the Council's Committee on Standards and Ethics. From 1968 until 1971, Steingut served as a teacher in the New York City public schools. Steingut received his J.D., cum laude, from New York Law School in 1982, where he was a member of the *Law Review* staff. He received his B.A. as a history major in 1967 at Union College in Schenectady. Steingut has served as a member of the Executive Committee of the New York City Criminal Justice Coordinating Council and as a member of the Board of Directors of the Brooklyn Bureau of Community Service.

He also serves on the Advisory Board of the Juvenile Justice Information System.

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 3, 1983

Governor Mario M. Cuomo today announced that Matilda N. Cuomo has been named to serve as Honorary Chairperson of the New York State Council on Children and Families. "The Council is an effective mechanism for fostering cooperation and communication among and between State agencies whose programs serve children and families. Matilda will work to ensure that the Council is responsive to the needs of the entire family of New York," the Governor said.

As the Council's Honorary Chairperson, Mrs. Cuomo said she:

will work with the Council to explore new initiatives to improve the quality of life for children and families in New York State. I am particularly interested in parent education, especially as a strategy for preventing child abuse, and nutrition education to ensure adequate health for children.

The Council was established as a State agency in 1977 for the purpose of better coordinating the services and programs of the many State and local agencies serving children and families in New York State. Comprised of the commissioners and directors of relevant human service agencies, the Council is chaired by the Secretary to the Governor, Michael J. Del Giudice.

As the mother of five children, a former elementary school teacher, and an active participant in community affairs, Mrs. Cuomo brings to the Council a deep personal commitment to child and family issues. During 1980, Mrs. Cuomo served as Chairperson to the Governor's Commission on the International Year of the Child. In addition, she is a member of several health and social services boards and committees.

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 10, 1983

Governor Mario M. Cuomo today announced the nomination of Frances Berko as State Advocate for the Disabled. Berko has served as State Advocate since April, 1981. "I have often said that our solemn obligation as government is not just to balance budgets, but also to aid the infirm, to help lift the disabled out of wheelchairs. The Office of Advocate for the Disabled represents the commitment of this Administration to aiding the disabled lead independent, productive, and happy lives. I am pleased that Frances Berko has agreed to continue serving both the disabled and the State," the Governor said.

Prior to becoming State Advocate, Berko served as Social Consultant to the Director at the Suffolk Developmental Center (June 1980 to November 1981). From 1979 until 1980, she was Chief of Program Development and Standardization of Services at the Center and was Chief of Mental Retardation Treatment Services of the Children's Transitional Unit from 1974 through 1979. Berko was the Executive Director of the Special Children's Center in Ithaca from 1963 through 1974. From 1950 until 1962, Berko worked at the Institute of Logopedics in Wichita, Kansas, serving first as a Special Education Teacher and then after 1959 as a Supervisor of Pupil Placement, Curriculum, and Teacher Training in the Institute's Department of Education. Berko was also Editor-in-Chief of the *Cerebral Palsy Review* (1952-56). From 1945 through 1950, Berko worked as Director of Research and then Assistant to the Director at the Federation of the Handicapped in NYC.

Berko is the author of numerous publications including *Management of the Brain Injured Child* (1970), *Communication Training in Childhood Brain Damaged* (1966), and *Special Therapy in Cerebral Palsy* (1960). She is also a Fellow of the American Association of Mental Deficiency and of the American Academy for Cerebral Palsy and Developmental Medicine. Berko received her A.B. from Hunter College in 1941 and her J.D. from Fordham Law School in 1944. She received an M.A. in Vocational Rehabilitation from New York University in 1946 and an M.A. in Speech Therapy and Special Education from Wichita State University in 1956. In

1982, Berko participated in the Program for Senior Executives in State and Local Government at the JFK School of Government at Harvard University.

Berko will be paid a salary of \$52,100 annually. Her nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

May 12, 1983

Governor Mario M. Cuomo today announced the nomination of Anthony Gazzara as Chairman of the State Liquor Authority. He is "a man who has proven his devotion to the people of the State of New York. His experience in both houses of the State Legislature as well as his extensive legal experience make Tony particularly well qualified. I am delighted that he has agreed to join my Administration," the Governor said.

Gazzara, who was elected to the New York State Assembly in February 1974, has served in the State Senate since March 1976. He has served on numerous Senate committees, including: Codes, Commerce and Economic Development; Judiciary; Transportation; and the Legislative Commission on Economy and Efficiency in Government. He also served as Ranking Minority Member of the Committee on Investigations and Taxation.

Elected President of the Long Island City Lawyers Association in 1974, Gazzara has been a senior partner at Gazzara, Quinn and DeVenuto since 1975. He was also a partner at DiPaola and Gazzara (1967 through 1975) and Santaella and Gazzara (1963 through 1967). A resident of Long Island City, Gazzara attended Long Island City High School and graduated with a B.A. from the City University of New York in 1955. He received his LL.B from Brooklyn Law School in 1961 and was admitted to the New York State Bar in April 1962. Gazzara is affiliated with numerous organizations including the Queens Bar Association, the Astoria Civic Association, and the Lady of Mt. Carmel Holy Name Society. He is founder of the Federation of Italian-American Societies of Queens and Chairman of the Italian-American Regular Democratic Club.

Gazzara, 45, is married to the former Marilyn Klika.

They have two children, Diane, 15, and Anthony, 9.

Gazzara will be paid an annual salary of \$59,800. His nomination must be confirmed by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 3, 1983

Governor Mario M. Cuomo today announced the appointment of the 11 members of the Governor's Advisory Committee for Hispanic Affairs. In announcing the appointments, Governor Cuomo stressed his Administration's:

commitment to ensuring that all members of the family of New York receive equal opportunity. I am particular aware of our obligation to remain sensitive to the needs of groups such as the Hispanic community, which has contributed so much to our State and nation.

Governor Cuomo named Herman Badillo, former Congressman and Deputy Mayor of NYC as Chairperson of the Advisory Committee. Nancy Padilla, Director of Program Operation Management and Planning Offices with the Ibero-American Action League, Inc. in Rochester was named Vice-Chairperson. In 1981, Padilla became the first Hispanic elected to a citywide office in Rochester.

The Committee was created by Executive Order in February in order to insure that members of the Hispanic community are given equal opportunity to participate in all levels of government. In addition to Badillo and Padilla, those appointed include:

- Fernando Fuentes, Executive Director of Spanish Community Progress Foundation, Inc. of Yonkers;
- Most Reverend Rene Valero, an Auxiliary Bishop of Catholic Charities, Diocese of Brooklyn
- Rafael Morales, Field Representative for the Equal Employment Opportunity Office in the NYS Department of Transportation;
- Dr. Flora Mancuso-Edwards, President of Hostos Community College;
- Lillian Malave, Director of the Bi-Lingual Education Program under the Department of Learning

and Instruction at SUNY Buffalo;

— Magdalena Torres, Chairperson of the National Puerto Rican Coalition and District Staff Manager: Media Relations New York Telephone Company in New York;

— Angelo Del Toro, State Assemblyman from New York County;

— Olga Mendez, State Senator from New York County; and

— Hon. Carlos Romero-Barcelo, Governor of the Commonwealth of Puerto Rico. Mr. Romero-Barcelo has named as his alternate representative: Manuel Amadeo, Director of Migration and Labor of the Commonwealth Puerto Rico in NYC.

The Committee will evaluate and recommend actions to the Governor in the following areas:

1. Development of increased opportunities for involvement by Hispanics in all aspects of State government.

2. Coordination of resources to create effective bilingual education and vocational training programs.

3. Evaluation of policy decisions affecting the Hispanic community.

4. Analysis of State policies to insure that business enterprises owned by Hispanics are given full opportunity to participate in State contracting opportunities.

The Governor announced the appointments at a ceremony at which he proclaimed June 6 through 12, as Puerto Rican Week. "Our citizens of Puerto Rican descent have played a significant role in the educational, cultural, economic and civic well being of the State of New York. The proud heritage of the Puerto Rican community is enhanced by their achievements," the Governor said.

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 14, 1983

Governor Mario M. Cuomo today announced the nomination of Donald O. Chesworth, Jr. as Superintendent of the State Police. "Don has a great deal that he can add to State service. He is intimately familiar not just with the police and law enforcement needs of the State but also

with the entire criminal justice system as a whole. I am delighted that he has agreed to serve as Police Superintendent," the Governor said.

Chesworth is presently the District Attorney of Monroe County, a post to which he was first appointed by Executive Order in January of 1981, and to which he won election on his own in November of that year. From 1977 through 1981, Chesworth served as the First Assistant District Attorney having general administrative and supervisory responsibility for 60 attorneys and 50 other employees. He served as Second Assistant District Attorney from 1976 through 1977.

Prior to entering the District Attorney's office, Chesworth worked as an Associate in the Rochester law firm of Goldstein, Goldmar, Kessler and Underberg (1972 through 1975). He served as a Special Agent for the Federal Bureau of Investigation from 1966 through 1972, first in New Haven, Connecticut and then in Rochester. As a Special Agent, Chesworth served as a criminal investigator, a Legal Advisor within the FBI, and an instructor on legal matters to other law enforcement agencies. From 1969 through 1972, he conducted or supervised all Federal organized crime investigations in the Monroe County area.

Chesworth received his B.A. in 1963, with a major in religion from Graceland College in Lamoni, Iowa. He received his J.D. in 1966 from Yale Law School. In 1966 he was admitted to the Connecticut Bar, and has since been admitted to the New York Bar (1972), the U.S. District for the Western District of New York (1972), the U.S. Court of Appeals for the 2nd Circuit (1975), and the U.S. Supreme Court (1975).

Chesworth is a member of numerous organizations, including the American Bar Association, the National District Attorney's Association, and the Executive Committee of the NYS District Attorney's Association. He is also Chairman of the Advisory Committee on DWI of the NYS District Attorney's Association and former Chapter Chairman of the Society of Former FBI Agents. Born in Missouri, Chesworth, 42, is the father of three children: Cynthia, Deborah, and Donald.

As Superintendent, Chesworth will be paid an annual salary of \$65,700. His nomination is subject to

confirmation by the State Senate.

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 17, 1983

Governor Mario M. Cuomo today nominated Dr. Steven E. Katz as Commissioner of Mental Health, and Arthur Y. Webb as Commissioner of Mental Retardation and Developmental Disabilities. "The mental health community will be well served by the nominations of Dr. Katz and Mr. Webb. They are acknowledged by their peers as having outstanding qualifications for the positions, substantive expertise in their fields and demonstrated administrative abilities," Governor Cuomo said in announcing his choices.

The Governor thanked the ten-member panel of mental health experts, headed by James Introne, former Commissioner of Mental Retardation and Developmental Disabilities, who interviewed candidates for the positions. "Members of the committee not only are expert in their professions but are sophisticated in understanding the needs of government," he said.

Katz, 45, who is in the private practice of psychiatry in NYC, is Medical Director of the Department of Psychiatry and an Attending Physician at Bellevue Hospital. He also is a Staff Psychoanalyst and Lecturer in Psychiatry at Columbia University's Psychoanalytic Center for Training and Research, a Consultant in Psychiatry at the Manhattan Veterans Administration Hospital, and an Associate Professor of Clinical Psychiatry, Vice-Chairman of the Department of Psychiatry and Attending Psychiatrist at the New York University Medical Center, as well as a faculty member at the New York University School of Medicine's Psychoanalytic Institute. A graduate of Cornell University and Hahnemann Medical College, Katz is the author or coauthor of numerous articles, book chapters and books on psychiatry and treatment methods.

Webb, 39, of Glenmont, currently is Executive Deputy Commissioner at the State Department of Social Services. He served as Acting Commissioner of the Department for six months until January of this year. From November 1979 through January 1982, Webb was with the State

Department of Correctional Services, first as Assistant Commissioner for Health and Mental Health Services and later as Deputy Commissioner for Programs. Previously, he was Executive Director of the State Health Planning Commission (January 1977 through November 1979) and a Senior Budget Examiner with the State Division of the Budget (June 1974 through December 1976). He holds a bachelor's degree from New York University's Washington Square College and is a candidate for a Ph.D. degree from the Graduate School of Arts and Science at New York University.

The nominations are subject to confirmation by the State Senate. The salary for each position is \$69,200 annually.

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 17, 1983

Governor Mario M. Cuomo today announced the nomination of Edmund Wutzer as Director of the Division of Probation.

Wutzer has served in the Division of Probation for the past 24 years, most recently as Acting Director, a post to which he was appointed by Governor Cuomo in March. Prior to becoming Acting Director, Wutzer has served as Deputy Director for Field Operations since September 1977, Probation Practice Review Officer (1974 to 1977), Acting Deputy Director for Administration (1974), Probation Program Area Administrator (1969 to 1974), Chief of the Bureau of Staff Development/Associate Probation Consultant (1971 to 1973), Personnel Officer (1971 to 1972), District Probation Consultant (1965 to 1969), Field Parole Officer (1962 to 1965), Institutional Parole Officer (1959 to 1962), and Parole Officer (1959). A Colonel in the U.S. Army Reserve since 1959, Wutzer presently serves as Hospital Commander of the 376th Combat Support Hospital.

Wutzer, 46, received his B.A. from LaSalle College in Pennsylvania in 1958, and received his Master of Arts in 1960 from the University of Notre Dame. He is a member of the NYS Council of Probation Administrators, the NYS Criminal Justice Educators' Association, the American Correctional Association, and the National Council on

Crime and Delinquency. A resident of Loudonville, Wutzer is married to the former Carol Ann Keller. They have three children, John, Elaine, and Theresa.

Wutzer's nomination is subject to confirmation by the State Senate. He will be paid an annual salary of \$59,800.

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 23, 1983

Governor Mario M. Cuomo today announced the appointment of Kitty Carlisle Hart as Chairman of the New York State Council on the Arts. Hart has served as Chairman of the Council since 1976 and as Vice-Chairman from 1971 through 1976.

Hart has been involved in numerous artistic performances. She made her debut with the Metropolitan Opera in 1976 as Prince Orlofsky in *Die Fledermaus* and during the summer of 1973 appeared in the Met's series of Operas in the Park. She created the role of Lucretia in the American premiere of Benjamin Britten's *Rape of Lucretia*. Her first appearance on Broadway was in *Champagne Sec*, and her movie appearances include such films as *A Night at the Opera* with the Marx Brothers. In recent years, she has lectured extensively throughout the United States and was a regular panelist on the television show "To Tell the Truth." She is currently appearing in the Broadway show *On Your Toes*.

Hart has served on numerous boards and organizations, including the Visiting Committee of the Board of Overseers of Harvard's Music School, Chair of the Statewide Conference on Women, and a member of the Board of the Empire State College and of the Girl Scouts Council of Greater New York. A native of New Orleans, Hart was educated in Switzerland, France and England, where she studied both at the London School of Economics and the Royal Academy of Dramatic Arts. She holds honorary doctorates in fine arts from the College of New Rochelle and C.W. Post College of Long Island University and honorary doctorates in humane letters from Hartwick College and Manhattan College in Riverdale.

Hart's term as Chairman is at the pleasure of the Governor and does not require Senate confirmation. In 1982, she was reappointed to membership on the Council for a term through March 31, 1987. Hart serves without salary.

STATE OF NEW YORK—EXECUTIVE CHAMBER

June 26, 1983

Governor Mario M. Cuomo today announced the nomination of Karen Burstein as a member of the Civil Service Commission, to be designated President of the Commission upon confirmation. "Karen has proven her ability in legislative, regulatory and administrative capacities. As President of the Board of Directors of the Center for Women in Government, she has been active in efforts to remove the barriers to advancement faced both by women and minorities. I am pleased that Karen has agreed to serve in this new and exciting capacity," Governor Cuomo stated.

Burstein has served as Chairperson and Executive Director of the NYS Consumer Protection Board since June 1981. Previously, she had served on the Public Service Commission (1978 to 1980) and as the Senator for Long Island's Ninth District (1973 to 1978). For the past five years, Burstein has also co-chaired the 27-member Governor's Task Force on Domestic Violence, which has helped in bringing the tragedy of family violence into sharp public focus. Prior to her election to the Senate, Burstein served as staff attorney for Nassau County Law Services. Known for her commitment to human rights, she was a participant in the 1965 right-to-vote march from Selma to Montgomery, Alabama.

A 1964 Bryn Mawr College graduate, Burstein did post-graduate work in race relations at Fisk University in Nashville, Tennessee and earned her Juris Doctor at Fordham University Law School. She also studied abroad at the Sorbonne, the University of Grenoble, and in Tel Aviv. She has served as a Special Professor of Law at Hofstra University (1976 to 1978), an Instructor at New York's New School for Social Research (1978), and as a Fellow at the Institute of Politics at the Kennedy School of Government at Harvard University.

Burstein is the recipient of awards from numerous groups including the Anti-Defamation League Appeal, B'nai B'rith Women of Queens County, the Business and Professional Women's Clubs of New York State, Hadassah, Negro Business and Professional Women in New York, and the New York City Committee on Women and Alcoholism. Burstein, 40, is a resident of Woodmere. Her nomination, to a term through February 1, 1987, is subject to confirmation by the Senate. As President of the Commission, she will be paid a salary of \$65,700.

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 4, 1983

Governor Mario M. Cuomo today announced the appointments of Nicholas Sallèse as NYS Director of Veterans Affairs and Assemblyman Edward Abramson as Chairman of the Statue of Liberty Centennial Commission. "It is particularly fitting that as we celebrate our Day of Independence we remember the Statue of Liberty, the symbol of those who came to these shores for freedom, and veterans, who have fought to keep us free," Governor Cuomo said.

Sallèse has been a prominent member of the Modern Foreign Languages Department of St. John's College for over 35 years. He is Director of the Language Laboratory and has also served as Chairman of the Modern Language Department at St. John's College.

A former Vice Commander of the American Legion for Queens County, he served as a Counsel of Boys' State for 30 years. He currently serves the veterans' organization as the NYS Executive Director of the Boys' State Program and has been named Outstanding Legionnaire of the Year for his work in the program. Sallèse has also been Executive Director of the Syosset Chamber of Commerce since 1951. During World War II, Sallèse flew 34 missions as a First Lieutenant bombardier for the U.S. Army Air Force over enemy-occupied territories and was decorated with the Air Medal and four Oak Leaf Clusters, as well as a Presidential Citation.

Sallèse received his B.S. degree in Social Studies from St. John's College in 1942. He received Master's degrees in Latin American History from Niagara University and in

Spanish from Columbia University. His Doctorate in Education was conferred by Columbia University's Teachers College in 1948. Sallèse, 60, is a resident of Syosset. He is married to the former Patricia Anne Buckley. They are the parents of two sons and have two grandchildren. As Director, Sallèse will be paid an annual salary of \$55,300.

The Statue of Liberty Centennial Commission, created by legislation enacted last July, is responsible for planning the observance of the one hundredth anniversary of the Statue of Liberty's dedication. That will occur on October 28, 1986.

Assemblyman Abramson was the prime Assembly sponsor of the bill to establish the 25-person Commission. He was also the first member appointed to the panel by Governor Hugh L. Carey. Abramson is a NYC native who was educated at Thomas Jefferson High School, CUNY and New York University. He is a former editor and publisher of a community newspaper and public relations executive. He represents the 32nd Assembly District and lives in Jamaica. Abramson and other Commission members will serve without salary.

STATE OF NEW YORK—EXECUTIVE CHAMBER

July 13, 1983

Governor Mario M. Cuomo today announced the appointments of David G. Trager and Edward R. Korman, two former U.S. Attorneys, as Chairman and Commissioner of the Temporary State Commission of Investigation, respectively. In making the announcement, Governor Cuomo praised,

the willingness of these two former United States Attorneys to serve the people of the State of New York in this extremely important capacity. The fact that both David Trager and Edward Korman, recognized by their colleagues as clearly superior in terms of knowledge, intellect and experience, are willing to serve the State is testimony to the respect that New Yorkers have for their State and government. I am particularly pleased that we have been able to attract such talented prosecutors who have proven they have the

independence and integrity necessary for these particularly sensitive positions.

Trager served as U.S. Attorney for the Eastern District of the State of New York from 1974 through 1978. Since leaving that office, he has been Professor of Law at Brooklyn Law School, where he served as an Associate Professor from 1972 through 1974. Prior to joining Brooklyn Law School, Trager served as Assistant U.S. Attorney and Chief of the Appeals Division of the Office of the U.S. Attorney for the Eastern District of New York (1970 through 1972). He was a law clerk to Judge Kenneth B. Keating of the NYS Court of Appeals from 1968 through 1969, and Assistant Corporation Counsel of the City of New York Appeals Division in 1967.

Trager was an Associate in the law firms of Butler, Jablow & Geller from 1965 through 1967 and of Emile Zola Berman & A. Harold Frost, Esqs. from 1963 through 1965. Trager is the author of a number of articles, including "The Law of Standing Under the Fourth Amendment" (*Brooklyn Law Review*, Spring 1975); "Harmless Error: A Doctrine for All Seasons" (*Brooklyn Law Review*, Spring 1973); and "Contract Zoning" (*Maryland Law Review*, Spring 1963).

Trager is Chairman of the Mayor's Committee on the Judiciary; Vice President of the Federal Bar Council; and Vice Chairman of the Committee on Professional Ethics of the NYS Bar Association. He is also a member of the American Law Institute and was Chairman of the U.S. Magistrate Merit Selection Panel for the Eastern District of New York. In addition, Trager is a member of the Board of Trustees of Congregation Baith Israel Ashei Emes in Brooklyn and a member of the Executive Board of the New York Chapter of the American Jewish Committee.

Trager received his B.A. from Columbia College in 1959 and his LL.B. from Harvard Law School in 1962. He was admitted to the New York Bar in March 1963. Trager, 45, is married and the father of two children. He is a resident of Brooklyn.

Edward Korman, presently a partner of Stroock & Stroock & Lavan, served as U.S. Attorney for the Eastern District of the State of New York from 1978 through

1982. He had served as Assistant and then Chief Assistant U.S. Attorney from 1970 to 1972 and from 1974 to 1978, respectively. He also spent two years as Assistant to the Solicitor General of the U.S. from 1972 to 1974. From 1968 through 1970, Korman was an Associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison. He served as law clerk to Judge Kenneth B. Keating of the NYS Court of Appeals from 1966 through 1968.

A graduate of Brooklyn College, Korman received his LL.B. in 1966 from Brooklyn Law School, where he served as Editor-in-Chief of the *Brooklyn Law Review*. A native of Brooklyn, Korman, 40, is married and the father of two children.

Trager will replace Lola Lea whose term expired April 30, 1983. Korman will replace Bernard C. Smither whose term expired April 30, 1981. The appointments are not subject to confirmation by the Senate, take effect immediately, and are for terms through April 30, 1984, when the Temporary State Commission of Investigation expires. As Chairman, Trager will be paid a salary of \$45,800 annually; Korman will be paid \$39,770 as one of the three Commissioners.

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 8, 1983

Governor Mario M. Cuomo today named Gerald C. Crotty as Counsel to the Governor, succeeding Alice Daniel, whose resignation he accepted today. The Governor said Ms. Daniel's name will be submitted for consideration as a judge of the State Court of Claims in a vacancy which will occur in January. Governor Cuomo also announced that Elizabeth D. Moore, the most senior of the Governor's Assistant Counsels, will succeed Mr. Crotty in the post of First Assistant Counsel. The appointments are effective October 15.

"Alice has long planned and worked toward a career on the bench. She was one of the first people appointed to this Administration, and since that time she has performed superbly. We are in her debt for her integrity, her dedication, and her unflagging reverence for the role of law in our society, and her outstanding service especially in the early organization of the Administration

and in the success of our legislative program this year," Governor Cuomo noted in accepting Ms. Daniel's resignation.

Noting her considerable experience in the Criminal Appeals Bureau of the Legal Aid Society, her work on the Model Penal Code and her service as an Assistant Attorney General in the Federal Department of Justice, Ms. Daniel said, "I look forward to returning to my first legal interest, criminal law and an opportunity to serve in the Judiciary." Ms. Daniel's judicial appointment is subject to a finding of "well qualified" by the Judicial Screening Committee and to confirmation by the Senate.

"It would be difficult to find the unique combination of broad legal knowledge, administrative experience and understanding of government which is necessary in a Counsel to the Governor and possessed by Jerry Crotty, who brought all those prerequisites to the post of First Assistant. He is an avid and precise student of the law with particular expertise in public finance. He is a skilled negotiator — tireless and resourceful," Governor Cuomo said.

He has served as First Assistant Counsel to Governor Cuomo since January, having also served as First Assistant Counsel to Governor Carey from April 1981 through 1982. He first joined the Counsel's Office in February 1979. A native of Buffalo, Mr. Crotty is a graduate of Fordham University and the New York Law School, where he was an Editor of the *Law Review*. He is a former Associate in the New York City firm of Hawkins, Delafield & Wood where he specialized in constitutional and municipal law, municipal finance and securities laws. In the Office of Counsel to the Governor he has focused on such finance activities and issues as the Municipal Assistance Corporation and Financial Control Board in NYC, State and local government, judiciary, and legislative relations.

Mr. Crotty, his wife, the former Lucille Ortolani, and their three children, Alexandra, Sarah, and Joseph Patrick, live in Albany. Mr. Crotty's salary will be \$75,000.

Elizabeth Moore, 29, joined State government as Assistant Council to the Governor in 1981. A native of NYC, Ms. Moore is a graduate of the Cornell University

School of Industrial and Labor Relations and the St. John's University Law School. She is currently a candidate for a Master's Degree in labor law from New York University Law School. In the Counsel's Office, Ms. Moore has specialized in commerce, economic development, labor, civil service and public employment, affirmative action and human rights issues.

She formerly held legal and labor relations posts with the Equitable Life Assurance Society of the U.S., American Express Company and Consolidated Edison. She is a member of the NYC Bar Association, the New York Women's Bar Association and the National Conference of Black Lawyers. Ms. Moore's salary will be \$55,000.

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 9, 1983

Governor Mario M. Cuomo today announced the nomination of Jose Chegui Torres as a Member of the New York State Athletic Commission. Torres' nomination, to an unexpired term ending January 1, 1984, requires confirmation by the Senate. The position pays \$110 a day while on State business.

Torres, a former world light heavyweight boxing champion, is the first Hispanic ever to win a heavy classification (1965-67). A noted sportswriter, Mr. Torres has authored articles in the *Atlantic Monthly*, *Inside Sports*, *Ring* and *Sports* magazines. He currently is a socio-political columnist for *El Diario-La Prensa*. He serves on the boards of UNICEF, the Federation of Protestant Welfare Agencies, National Congress for Puerto Rican Rights, Kings County Hospital, Boricua College, Phoenix House and Staying Out, a drug rehabilitation program in the City and State prisons.

The Governor also announced the establishment of the Governor's Advisory Committee for Hispanic Affairs offices at Two World Trade Center.

The Committee was created by Executive Order to evaluate and recommend actions to the Governor in a number of areas: to develop increased opportunities for Hispanics in all aspects of State government, coordinate resources to create effective bilingual education and

vocational training programs, evaluate policy to insure that business enterprises owned by Hispanics are given full opportunities to participate in State contracting activities.

The Committee will be staffed by four persons on loan from State agencies. They are Nestor Llamas, as Executive Director, \$49,379, from the Department of Social Services; Marty Reyes, Executive Deputy Director, \$32,088, and Jose Noriega, Deputy Director, \$34,132, from the Department of Labor, and Elia Christensen, Research Specialist, \$41,330, on loan half-time from the Department of Civil Service.

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 11, 1983

Governor Mario M. Cuomo today announced the appointment of Buffalo attorney Robert I. Millonzi as Chairman of the nine-member Temporary Commission on the Allocation of Power Authority Hydroelectric Power. Millonzi is a former member of the PASNY Board of Trustees.

The Temporary Commission was created by Executive Order to conduct a thorough study of the current and potential future disposition of PASNY electric power from its Niagara and St. Lawrence-FDR projects. It will assist the Governor and the Legislature in developing an appropriate response at the next Legislative Session to the difficult questions raised by the impending expiration of PASNY contracts and recent ruling by the Federal Energy Regulatory Commission.

In announcing Millonzi's appointment, Governor Cuomo said, "Everything in his background suggests that Bob Millonzi will give earnest and impartial consideration to the complex issues that this study will involve." The report is to be completed by November 1 this year. The other eight members of the Temporary Commission will be announced shortly, the Governor said. Members of the Temporary Commission receive no salary, but will be reimbursed for necessary expenses.

Millonzi, a former Commissioner of the U.S. Securities and Exchange Commission, has been active in numerous

civic and cultural organizations in Buffalo, including the Buffalo Philharmonic Orchestra Society and SUNY Buffalo. He served on the PASNY Board of Trustees from May 1977 through December 1982.

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 22, 1983

Governor Mario M. Cuomo today announced that the Boards of Directors of the NYC Convention Center Development Corporation and the Convention Center Operating Corporation have agreed to consider the appointment of Thomas F. Galvin as the Chief Executive of both corporations.

Galvin, 56, an architect, currently is President of the Dallas-based Bramalea Texas Corp., which is developing a four and one-half square block \$1 billion office-hotel project in the City's downtown business district. A NYC native, Galvin previously was a Senior Vice President of Olympia & York in charge of a \$375 million development program in six cities across the U.S. and served as Senior Vice President and Chief Operating Officer of the Battery Park City Authority. From 1972 to 1974, he was Executive Vice President of the NYC Convention and Exhibition Center Corporation, a public benefit corporation set up to build an earlier version of the convention center on a 20-acre platform over the Hudson River in midtown Manhattan.

"Tom Galvin has the unique qualifications — with his experience in construction management, architecture, politics and marketing — to move the NYC Convention Center forward," said William J. Stern, Chairman and President of the UDC, which is the parent of the CCDC. He said the CCDC Board will meet next week to elect Galvin. Paul Hallingby Jr., Chairman of the Convention Center Operating Corporation, said the CCOC Board would meet October 12 to consider Galvin's election. "I think the concept of having a joint Chief Executive for the two corporations is entirely sound, and Mr. Galvin is eminently qualified to fill this role. We now are on a constructive tack," Mr. Hallingby said.

Richard Ravitch, Chairman of the MTA, the parent of the TBTA, which issued the bonds to finance the

Convention Center, said:

I have known Tom Galvin for 15 years or more. He is an extraordinarily talented and skilled person. He is a wise choice, which gives us a double benefit since for the past six months, I have indicated that we wanted George Schoepfer back at the TBTA so he can spend full time addressing his skills to our own capital improvement program and the issues affecting the TBTA.

With the approval of the two Boards, Mr. Galvin would receive a three-year contract under which he would earn \$120,000 for his first 18 months and \$135,000 over the next 18 months.

Galvin, a graduate of Pratt Institute with a Bachelor of Architecture Degree, practiced architecture before joining public service in 1970 as Chairman of the NYC Board of Standards and Appeals. A Republican, he was a candidate from Queens for political office, including the U.S. House of Representatives and City Counsel President. He is married and has two sons.

STATE OF NEW YORK—EXECUTIVE CHAMBER

September 26, 1983

Governor Mario M. Cuomo today announced the appointment of Rabbi Schulem Rubin of the Bronx as Director of the K kosher Law Enforcement Division of the Department of Agriculture and Markets. "Rabbi Rubin has compiled an outstanding record over the last eight years in his diligent enforcement of the State's laws covering kosher food. Agriculture and Markets Commissioner Joseph Gerace and community leaders have recommended his appointment, and he has earned it," Governor Cuomo said.

Rabbi Rubin, 57, was appointed Director of the Division in September 1975. He is spiritual leader of Young Israel of Pelham Parkway in the Bronx. Rabbi Rubin was ordained at Yeshiva Chaim Berlin in 1948. He earned a master's degree in psychology, guidance and counselling from Yeshiva University. Rabbi Rubin has visited the Netherlands as a guest of the government to

thank courageous nonJews who risked their lives to save Jews during the Holocaust, represented the Citizens Committee for Peace in Vietnam which toured Southeast Asia, and was spiritual advisor to the National League of POW in Southeast Asia.

"More than one million consumers purchase kosher food and kosher food products each day in New York State. With such a large market and the significance of kosher food and kosher food products, it is important that the kashruth of products is not misrepresented," Governor Cuomo said.

The Agriculture and Markets law, requires that a food product of any kind must be labeled and advertised truthfully and accurately. Therefore, food that is represented as kosher must, in fact, be kosher. Personnel from the Kosher Law Enforcement Division of the Department of Agriculture and Markets enforce these labeling laws. While they do not certify the kashruth of any product, they do protect consumers from misrepresentation and fraud, mislabeling, misbranding and deception. The kosher inspections are made in supermarkets, kosher restaurants, resort hotels, provision factories, catering and butcher establishments and nonmeat enterprises such as bakeries, candy manufacturers and wineries. Rabbi Rubin's salary is \$33,445.

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 2, 1983

Governor Mario M. Cuomo today announced the reappointment of Felix G. Rohatyn for a third term as Chairman of the Municipal Assistance Corporation, the State public authority which during the fiscal crisis of the mid-1970's managed the restructuring of NYC's debt, and which still manages much of the City's borrowing. In announcing the reappointment, Governor Cuomo expressed his gratitude for Mr. Rohatyn's willingness to continue his service to the City and the State. "Under Felix Rohatyn's leadership, MAC has played a central role in helping the world's greatest city restore its financial integrity and stability," he said.

"NYC has now produced a balanced budget for the third consecutive year, and has successfully reentered the

credit market on its own. I know that these accomplishments are in great part a direct result of the atmosphere of fiscal discipline which Mr. Rohatyn has helped create in both City and State governments. His contributions to the City and the State, and indeed to the nation, have been outstanding. And I believe that both the City and the State can benefit from his continued leadership as we move ahead with our efforts to bring greater long-term economic stability and security to New York," the Governor said.

"Since the Corporation's success in fulfilling its mandate to stabilize City financing is now clear, I have asked Mr. Rohatyn to begin charting a new role for MAC in assisting the City and the State in their efforts to stimulate the City's economy and fiscal base. The enormous financial strength of the Corporation, and the talent associated with it can be potent weapons in our continuing effort to build the City's future," the Governor said.

Mr. Rohatyn has been a partner in the investment banking firm of Lazard, Freres and Company since 1960. He is a graduate of Middlebury College. He is a director of several major corporations, and of the New York Philharmonic and a Trustee of the Vincent Astor Foundation. His reappointment, which requires Senate confirmation, would extend his tenure as MAC Chairman until December 31, 1987.

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 5, 1983

Today I am very pleased to announce, after an extensive search, my selection of Robert Kiley as the next MTA chair. His name came to us from many of the individuals who helped in the search. Over and over we were told of a person from the Boston area who has extensive leadership experience in transportation operations, management, and finance and who is an able administrator.

Bob Kiley will come to this position with all of the credentials that we are seeking. As Chairman and Chief Executive Officer of the Massachusetts Bay Transportation Authority — the Boston area's full service mass

transit system — for four years, he has proven experience running a major transit system and running it successfully. He has a proven track record in public management and finance, from his service as Deputy Mayor of Boston from 1972-1975, his chairmanship of the MBTA and his most recent consulting work with public transit systems across the nation in association with the Management Analysis Center in Cambridge, Mass.

He is knowledgeable of the governmental process on the Federal, state and local levels. He has had considerable experience in labor relations and contract negotiations. He has a proven record of sensitivity to riders and is familiar with their concerns and needs. And he has had extensive experience working with the business community in the Boston area.

On August 31, 1983, my Administration issued a statement outlining the Task Force's procedures in selecting a chair. We contacted Mayor Koch, all county executives and other appropriate public officials, MTA members, union leaders, representatives of the financial community and representatives of subway and commuter rail rider groups. These individuals, numbering about 400, helped us generate a list of approximately 75 names throughout the country. I owe a special thanks to Mayor Koch and the MTA Board for their cooperation and help throughout this effort. To all those involved in this concentrated effort, I am deeply appreciative.

I have met personally with Bob Kiley to discuss the issues which will require his immediate attention as he enters his initial tenure as MTA chair. His first effort will be geared to hiring a Transit Authority President with strong credentials in transit operations management. The search for the MTA chair resulted in identifying half a dozen potential candidates for the TA President. Those names will be forwarded to Bob Kiley and the MTA Board.

He also will begin focusing immediately on the 1984 budget. He will work closely with the other MTA Board members and staff to adopt a balanced budget that will not only provide necessary services in an efficient and affordable manner during the coming year, but will also begin to address longer term financial problems and concerns.

The new Chairman will begin working with the MTA staff to complete the Authority's five-year operating plan, preparation of which was mandated earlier this year by the Legislature. He will seek to assure that the capital needs assessment will be updated and that the review is completed in a prompt and comprehensive manner, that safety-related infrastructure needs receive top priority in the updating of the capital program, and that a five-year service plan is developed. As Chairman, Bob Kiley also will focus on those priority issues such as safety, crime, reliability, accessibility, financing, performances and productivity.

Unfortunately, Dick Ravitch is out of the country and could not join us today. But we have fully discussed Bob Kiley's appointment with him. He regards my selection as a sound one and a positive direction for the MTA. In commenting on the appointment, Massachusetts Governor Michael S. Dukakis said:

Bob Kiley did a tremendous job for me in my first term. In a few short years, he put the MBTA back on track. Obviously, his departure will be a tremendous loss to Boston and to the Commonwealth.

I will recommend to the MTA Board a salary of \$150,000 annually for the position. The unexpired term runs through June 30, 1987.

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 17, 1983

Governor Mario M. Cuomo today announced the nomination of Herman F. ("Woody") Cole, Jr. of Ray Brook as a member of the Adirondack Park Agency and his intention to designate Cole as Chairman. Cole, 52, a former minister and professor, has been Public Relations Director of the Gore Mountain Ski Center since April. He will resign that position upon confirmation by the Senate.

The Agency administers and enforces the "Adirondack Park Use and Development Plan" which covers approximately 3.7 million acres of private Adirondack lands. "I am pleased that Woody Cole has agreed to serve as APA Chairman. The Adirondacks are the jewels of

New York, and they must be preserved for the use and enjoyment of future generations. I have the utmost trust and confidence in Woody Cole's commitment to protect the precious resources of the Adirondacks and at the same time be sensitive to the concerns of the residents of the region," Governor Cuomo said.

Prior to his present position, Cole was the bob run announcer and public relations consultant at the Mount Van Hoevenberg Recreation Center in Lake Placid. From February 1979 through April 1980, he served as consultant to the National Fine Arts Committee of the Lake Placid Olympic Organizing Committee. During Governor Cuomo's tenure as Secretary of State, Cole served as Director of the Office for Economic Opportunity of the Department of State, Group Head of the Community Affairs Division in that agency, the Secretary of State's designee to the APA and Executive Director of the Governor's Committee on Sports and Winter Olympics.

Cole was graduated from West Liberty State College in West Virginia with a Bachelor's Degree, and the University of Chicago Divinity School with Bachelor of Divinity and Master of Arts degrees. While a graduate student, he served as an assistant pastor in several Chicago area churches.

From September 1962 through August 1968, he was an Assistant Professor of General Studies and Philosophy at SUNY Buffalo. During some of that time, he also served as pastor of the Riverside/Salem United Church of Christ in Buffalo. Cole left the classroom to become Coordinator of the Office for Equal Opportunity at SUNY Buffalo. He served in that position until December 1970, when he became pastor of St. Stephen's United Church of Christ in East Amherst.

He is named to a term extending through June 30, 1985, succeeding Theodore Ruzow, whose term expired. APA members are paid \$100 a day while performing agency business, not to exceed \$5,000 a year. Cole and his wife, Rosalea Mahon Cole, a dental hygienist, are the parents of four children.

STATE OF NEW YORK—EXECUTIVE CHAMBER

October 18, 1983

Governor Mario M. Cuomo today announced the appointment of John J. Feeney, Public Finance Vice President for Chemical Bank in NYC, as Special Assistant to the Governor for Management and Productivity.

Mr. Feeney, who was a career executive in the State Department of Audit and Control prior to joining Chemical Bank, will serve as a loaned executive heading the office which will have the dual objectives of implementing basic internal management systems in all State agencies and carrying out specific short-range management improvement projects. In that role Mr. Feeney succeeds Sidney Schwartz, who resigned to become Inspector General for the MTA in NYC.

Governor Cuomo also signed an Executive Order today creating the Office of Management and Productivity in the Executive Chamber, to draw upon the talents of State employees and loaned executives in addition to Mr. Feeney, to help agency leadership manage their resources most efficiently.

"We are fortunate that Jay Feeney will bring a wealth of experience in management and government to the task of the Special Assistant," Governor Cuomo said today. "And we are especially grateful to Chemical Bank for making Jay available on a loaned executive basis for the next year." The Governor noted that Mr. Feeney will receive no salary from State government, but will continue to be paid by Chemical.

Governor Cuomo explained that the Office's project teams and core staff will be composed of management, systems and administrative analysts drawn from existing State agency personnel on a project-specific basis, so that no additional expenditures are required. Private sector loaned executives will also continue to serve as project managers. Henrik Dullea, the Governor's Director of State Operations, and Michael Finnerty, Budget Director, will work with Mr. Feeney in selecting projects for the Office to focus upon.

As a first step in staffing the Office the Governor announced that Alexander Levine, currently Executive

Assistant to the Governor, would — in addition to his normal duties serve as a senior project director for the Office specializing in the area of large systems development. The internal control system it will seek for all State agencies is intended to assure that State operations, management practices and financial transactions are conducted efficiently and with the least opportunity for mismanagement.

Governor Cuomo also said he will appoint a Management and Productivity Advisory Council of private sector executives with management experience to help set an agenda for the Office, advise on methodologies, review recommendations and the permanent internal management controls and to help solicit the assistance of corporate talent through loaned executives.

Mr. Feeney, 57, retired from State service in May after serving in the Comptroller's office since 1960. He began his State career as an Internal Auditor and was quickly named Deputy Comptroller for Administration, and then Deputy for Municipal Affairs. In February, 1979 he was named First Deputy Comptroller, the position from which he retired. A graduate of Fordham University and native of Haverstraw, Mr. Feeney began his career in public accounting and then served with the Federal General Accounting Office in Washington from 1953 until he joined State government in 1960.

Now living in White Plains, Mr. Feeney is Treasurer Director and Executive Committee member of the State Society of Certified Public Accountants. In 1978 he was awarded the Alfred E. Smith Award for Distinguished Achievement in Public Service by the Capital District Chapter of the American Society for Public Administration.

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 10, 1983

Governor Mario M. Cuomo today named Edward Murphy of Saratoga Springs, a Vietnam veteran and prominent veterans' activist, as Assistant to Nicholas Sallesse, Director of the State Division of Veterans' Affairs. Mr. Murphy will coordinate veterans benefits programs with a focus on delivering those services to

Vietnam era veterans. Mr. Murphy's salary will be \$35,000.

A graduate of CUNY and the School of Arts Management at North Carolina State University, Mr. Murphy also has a Master's Degree from SUNY Albany.

From 1967 to 1970 he served with U.S. Army Intelligence in Vietnam and in Washington. Most recently, Mr. Murphy has served from 1981 to the present as founder and Executive Director of Pathfinders Institute, Inc., a nonprofit consultant corporation. From 1977 to 1981 he was Regional Coordinator for the Capital District Region in the State Office of Parks and Recreation and Historic Preservation.

Following his military service Mr. Murphy began his career as a Counselor with the NYC Addiction Services Agency and then as Program Evaluator with the NYC Human Resources Administration. From 1975-77 he was Executive Director of Ocean Beach Community Services, a human services agency in San Diego, California.

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 16, 1983

Governor Mario M. Cuomo today nominated Herman Badillo, former Congressman, Bronx Borough President and Deputy NYC Mayor, as Director of the State of New York Mortgage Agency, and indicated that upon Senate confirmation, he would designate Mr. Badillo Chairman. The Governor said that William Haddad, who had been nominated in May, has requested that his nomination be withdrawn.

Mr. Badillo, 54, would succeed Francisco Lugovina and serve in a term expiring January 1, 1986. SONYMA directors receive \$100 per day while on SONYMA business, not to exceed \$5,000 per year. The nomination is subject to confirmation by the Senate.

Mr. Badillo, a native of Puerto Rico, who moved to NYC at age 11, is a magna cum laude graduate of CUNY and the Brooklyn Law School. A partner in the law firm of Cohn, Glickstein, Lurie, Ostrin, Lubell and Lubell, Mr.

Badillo was Bronx Borough President from 1966 to 1969. He represented the 21st Congressional District from 1970 to 1977, and served as Deputy Mayor for Management in 1978 and for policy in 1979.

Mr. Badillo is also a certified public accountant and from 1951 to 1961 he was in private practice as a CPA and later as an attorney. In 1962 he served as Deputy Commissioner of the NYC Department of Real Estate and later, until 1965, as Commissioner of the Department of Housing Relocation.

"The State of New York Mortgage Agency has become an important tool by which government can help boost the construction economy and make affordable housing available to New Yorkers," Governor Cuomo said. "Herman Badillo possesses the excellent combination of skills and experience in government, public administration and housing necessary to direct SONYMA's future."

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 17, 1983

Governor Mario M. Cuomo today named veteran independent consumer advocate Richard M. Kessel as Deputy Executive Director of the State Consumer Protection Board. Mr. Kessel, 33, of Bellmore, Long Island, will be paid a salary of \$52,951.

A graduate of New York University with a Master's Degree from Columbia University, Mr. Kessel is Director of Long Island Consumer Action, and has served as a consultant on utility rates for the Manhattan Borough President, representing that office before the PSC as intervenor in electric and telephone rate proceedings.

As an independent consumer advocate Mr. Kessel was also active in such issues as local laws for perishable dating on foods, item pricing, taxes on heating fuels, and PSC actions on energy and telephone rates. He has also served as a member of the Board of Trustees of the Nassau Community College, and has for six years taught courses in consumer economics at Brooklyn College.

STATE OF NEW YORK—EXECUTIVE CHAMBER

November 23, 1983

Governor Mario M. Cuomo announced today that he has requested the Battery Park City Authority Board to appoint Meyer S. Frucher, the State's former chief labor negotiator who currently is Vice-President of New Corporate Development for Blue Cross/Blue Shield of Greater New York, as President and Chief Executive Officer, effective January 1. The Board has requested an orderly transition process that will begin December 1.

The Battery Park City Authority is a public benefit corporation responsible for residential and commercial development with private dollars of the 92-acre landfill at the tip of lower Manhattan on the Hudson River. When the project is completed, the area will have 14,000 housing units and six million square feet of office space. Currently, 1,712 housing units are completed, with the planning and development of the next 2,000 units approved for Rector Place. The office complex, which will be known as the World Financial Center, is now under construction. It will consist of four office towers and two nine-story office buildings. The first building will be occupied by the City Investing Corporation. American Express Company will occupy one of the towers in 1985.

Frucher, 37, served as Director of the Governor's Office of Employee Relations from December 1978 through January this year, when he joined Blue Cross/Blue Shield. Prior to that, he served as Executive Director of the Temporary State Commission on Management and Productivity in the Public Sector.

He is a graduate of the Kennedy School of Government at Harvard University with a Masters Degree in Public Administration. Frucher and his wife, Florence, are the parents of three children, Kathryn, Aaron and David.

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 13, 1983

Governor Mario M. Cuomo today released a memorandum to his senior staff from Secretary to the Governor

Michael J. Del Giudice outlining several staff promotions in the Executive Chamber.

* * *

December 13, 1983

To: Senior Staff
From: Michael J. Del Giudice
Subject: Executive Chamber Assignments

We have had a successful year. We're preparing now for a new one. We believe a strong Chamber staff can be made even stronger by moving several individuals, who have performed well, into new responsibilities.

Tonio Burgos will be promoted to the new position of Director of Executive Services. As per my November 16 memo, Tonio's current responsibilities have already been expanded to include oversight of both the Appointments and Intergovernmental Relations functions, as well as serving as the Governor's liaison to the Upstate Council and the Governor's liaison to the Secretary of State's Ombudsman Program. His added responsibility includes oversight and coordination of the schedule, travel and advance activities of the Governor.

Additionally, Ilene Margolin has been promoted to the position of Deputy Secretary to the Governor for Health and Human Services. In this new capacity, Ilene will participate more actively in representing the professional groups in the entire area of human services.

The responsibilities of Alexander A. Levine, currently Administrative Assistant to the Governor, will be expanded to administration of all phases of Chamber activity, including executive services and supervision of the Appointments Office. His new title will be Director of Administration.

The additional assignments have been made to supplement the program and policy coordination process, both within the Chamber and with the agencies.

Kristin A. Mannion will be moving from the Appointments Office to the Program staff working directly with me as Coordinator of Special Projects. Her

new responsibilities will include: coordination of Executive Chamber Subcommittee agendas, acting as liaison for Assembly/Senate member concerns directed to the Chamber; implementation of specific Chamber projects; Chamber program responsibility for the Division of Women, and coordination of special personnel searches.

Mark Gordon will be moving from the Press Office to the Program staff in a new capacity as Assistant to the Director of State Operations, Henrik N. Dullea.

In the Press Office, Gary Fryer will be appointed a Press Officer to the Governor having recently served as Public Information Officer in the Department of Taxation and Finance.

Lastly, we are completing our review of candidates for the position of Deputy Secretary for Affirmative Action and Contract Compliance. I will announce this appointment shortly.

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 27, 1983

Governor Mario M. Cuomo today announced the appointment of ten members to the New York Statue of Liberty Centennial Commission. The 25-member Commission is charged with planning the 1986 centennial celebration of the dedication of the Statue of Liberty.

Governor Cuomo appointed Assemblyman Edward Abramson of New York City as Chairman of the Commission in July. Assemblyman Abramson had been a prime sponsor of the 1982 legislation that created the Commission. Commission members serve without salary through 1986. Legislative leaders appoint the remainder of the Commission. The appointments announced by the Governor today include:

- Alfred F. Calabro of East Quogue, a New York advertising executive.
- Faye Carol Feller of Northport, a vocalist active in civic activities.
- Laquita O. Henry of New York, an advertising and promotion executive and Vice President of the New York Coalition of 100 Black Women.

— Arthur Markewich of New York, a retired Senior Justice of the Appellate Division of State Supreme Court and Chairman of the New York Masonic Grand Lodge Committee on the Statue of Liberty.

— Paul O'Dwyer of New York, an attorney and former President of the City Council of the City of New York.

— John L. Procope of New York, Chairman of the Board of E.G. Bowman Co. and publisher of the *New York Amsterdam News*.

— Phillip J. Rotella, Sr., of Garnerville, Town Supervisor of the Town of Haverstraw.

— Harry VanArsdale of New York City, President of the NYC Central Labor Council and Financial Secretary of the International Brotherhood of Electrical Workers, Local 3.

— Anne Wilder of New York, Chairman of the Board of Trustees of Playwrights Horizons, a nonprofit theatre for American playwrights.

— Katherine F. Wyant of Potsdam, a Trustee of the Regional Conference of Historical Agencies and Historian for the Village of Potsdam.

XIII

PARDONS, COMMUTATIONS AND REPRIEVES

XIII

PARDONS, COMMUTATIONS AND REPRIEVES

Section 4 of Article IV of the State Constitution provides, in part, that:

The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

* * *

He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 23, 1983

Governor Mario M. Cuomo today announced commutations of the sentences of seven individuals now serving State prison sentences. The minimum term of each individual's sentence, other than that of Matilde Aguerre, was commuted to be satisfied as of December 23, 1983. The commutation for Matilde Aguerre permits her minimum term to end on March 28, 1984.

The commutation of sentence permits the individuals to be considered by the Board of Parole for release at an earlier date than allowed by the original sentence. If released by the Board of Parole, the inmate remains under the Board's jurisdiction from the time of release until discharged in accordance with the provisions of the Executive Law. The inmate may be returned to prison by action of the Board if the terms of the commutation or of the parole are violated.

The individuals whose sentences were commuted today are:

Matilde Aguerre, 66, was sentenced on November 17, 1976, to two concurrent terms of imprisonment of 15 years to life upon a conviction of criminal possession of a controlled substance in the first degree and criminal sale of a controlled substance in the first degree in Kings County. Ms. Aguerre, a native of Colombia with only a limited facility in English, has physical problems that have twice required surgery during her seven years of incarceration at the Bedford Hills Correctional Facility. While continuing physical problems have had a somewhat limiting effect on her involvement, Ms. Aguerre has participated actively in Bedford's academic and counseling programs. Clemency has been recommended by the superintendent of the facility in which Ms. Aguerre is confined, by the Board of Parole and by the sentencing judge.

Dolores Donovan, 36, was sentenced on December 12, 1980, to two concurrent terms of imprisonment of 15 years to life upon a conviction of criminal possession of a controlled substance in the first degree and criminal sale of a controlled substance in the first degree in Nassau County. The mother of three adolescent children now

being cared for by her family, Ms. Donovan has been praised for her work at the Children's Center of the Bedford Hills Correctional Facility. She has worked there throughout most of her three years of incarceration, planning games and projects for the visiting children of inmates. Among her other activities, Ms. Donovan teaches infant care to inmates with children in the facility nursery and assists in the facility's mental hygiene program. Ms. Donovan's excellent disciplinary record has led to her placement in Fiske Cottage, Bedford's residential setting for its most responsible inmates. The sentencing judge, in recommending the granting of clemency, has advised that a lesser sentence would have been imposed if the law did not require the imposition of at least a 15-year minimum term. Clemency was also recommended by the facility superintendent and by the Board of Parole.

Michael Dread, 38, was sentenced on December 7, 1973, to a term of imprisonment of 20 years to life upon a conviction of criminal possession of a dangerous drug in the first degree in New York County. His accomplice in this crime, who had been sentenced to a term of 15 years to life for criminal possession of a dangerous drug in the first degree, was granted a commutation of sentence by Governor Carey in 1982 following about nine years in prison.

During his incarceration, Mr. Dread has participated actively in programs for his own development as well as for the benefit of other inmates. He earned an associate in arts degree from Clinton Community College in 1977, and he graduated magna cum laude with a bachelor of arts degree from Mercy College in 1980. He is currently enrolled in a master's degree program in counseling, and he has tutored other inmates in psychology and sociology. Mr. Dread has been an officer and active member of several inmate organizations, and he has received many commendations and awards for those activities. He has worked in his facility's Pre-Release Center since 1980, assisting other inmates in preparing for their return to the community. Since 1981, he has served as the Center's Director, a responsible position which he has handled exceptionally well according to assessments provided by facility staff members. Clemency has been recommended by the facility superintendent and by the Board of Parole.

Baxter Floyd, 48, was sentenced on May 23, 1974, to

two concurrent terms of imprisonment of 15 years to life upon a conviction of criminal possession of a dangerous drug in the first degree and criminal sale of a dangerous drug in the first degree in Kings County. Throughout his more than ten years of incarceration, he has been active in programs for his own development as well as for the benefit of other inmates. After having earned two associate in arts degrees while an inmate, Mr. Floyd went on to earn a bachelor of arts from Mercy College in 1982. He was an honor student, served on the college's student advisory board, and also tutored other students in mathematics. Mr. Floyd is currently enrolled in a master's degree program in counseling.

Mr. Floyd's primary facility assignment has been in the inmate law library, and his evaluations have described him as an excellent worker who willingly provides considerable assistance to other inmates. He also has been quite active as an officer and member of several inmate organizations, and he has assisted facility staff in the conduct of substance abuse therapy programs. Clemency was recommended by the facility superintendent as well as by the Board of Parole.

Lawrence Gallina, 34, was sentenced on October 5, 1981, to a term of imprisonment of three to six years upon a conviction of criminal possession of a controlled substance in the fourth degree in Nassau County. In the two years that he has been incarcerated, Mr. Gallina has received outstanding evaluations for his work in several clerical assignments. He has also received praise for exceptional performance in college courses, and he has enrolled in counseling programs. Mr. Gallina has recently been accepted for participation in temporary release programs. At the time of sentencing, the judge noted that the minimum sentence permitted by law was being imposed and expressed reservations that a lesser sentence could not be given. The sentencing judge has recommended clemency, as has the Board of Parole.

Charles Johnson, 36, was sentenced on February 26, 1976, to a term of imprisonment of 15 years to life upon a conviction of criminal sale of a controlled substance in the first degree in New York County. His two accomplices in the crime, who were subsequently convicted in Federal court, were sentenced to five years probation and five years incarceration, respectively. During his incarceration, Mr. Johnson has been considered

an unusually conscientious worker in his facility industrial assignment, and he has successfully completed a vocational course in cooking. His behavior has been exemplary; he has been cited for no disciplinary infractions in almost nine years of incarceration. Clemency has been recommended by the Board of Parole. The sentencing judge, noting that the law required the imposition of at least a 15-year minimum term in this case, expressed no objection to commutation of sentence.

Grace Morris, 45, was sentenced on March 3, 1977, to a term of imprisonment of eight and one-third to twenty five years upon a conviction of conspiracy in the first degree in New York County. The conspiracy involved traffic in controlled substances.

Ms. Morris, the mother of four children who are now young adults, has received high praise for her work in the Children's Center at the Bedford Hills Correctional Facility. Staff members have commented on her dedication and concern in coordinating programs for the visiting children of the facility's inmates. Ms. Morris is also on a committee that seeks to aid inmates in communicating with their children who may have been placed in foster homes due to the incarceration of a parent. In addition, she assists in the orientation of newly received Bedford inmates. Ms. Morris' excellent disciplinary record has led her to placement in Fiske Cottage, Bedford's residential setting for its most responsible inmates. Clemency has been recommended by the facility superintendent and by the Board of Parole.

APPENDIXES

APPENDIX A

ADMINISTRATION END OF YEAR REPORT GOVERNOR MARIO M. CUOMO 1983

STATE OF NEW YORK—EXECUTIVE CHAMBER

December 22, 1983

This report describes New York State activities conducted in 1983, outlining the programs initiated and accomplished and legislation proposed and enacted into law. It is organized by major program areas.

Described below is a summary of the activities in major functional areas.

State of the State

- The State of the State contained 116 program initiatives of the Administration. Sixty-nine of these were administratively or legislatively implemented this year. The remainder will be reviewed for completion in 1984.

Legislation

- The Legislative Program contained 116 bills. Of this number, 59 (51 percent) were passed by both Houses of the Legislature and signed into law.
- There were 447 agency departmental bills submitted to the Legislature by the March 3 deadline. Of these, 192 (43 percent) bills were passed by both Houses of the Legislature and approved by the Governor. Seventy-three departmental bills passed in one House.
- 1,110 bills were transmitted to the Governor for action. The Governor signed 1,019 (92 percent) into law. Ninety-one bills were disapproved by the Governor and returned to the House of origin with a message setting forth the reasons for his action. Approval Memoranda accompanied the Governor's action on 103 of the bills.

Public Participation

- During 1983, the Governor attended over 500 public events, including constituent group meetings, community forums, and statewide radio and television call-in programs.
- The amount of correspondences totalled more than 300,000 from NYS residents. This represents a 167 percent increase above the amount received last year.

Appointments

- o A total of 240 nominations were confirmed by the Senate — the most by a first-term elected Governor in more than 50 years. To date, 1,163 appointments have been made, of which 34 percent were women, 9 percent blacks, and 8 percent Hispanic. These percentages were higher than previous appointment ratios; more effort will be made in 1984 and future years.

Intergovernmental Affairs

- o The Governor serves as Chairperson of the Coalition of Northeastern Governors' Association Task Force on Infrastructure Renewal.
- o The Governor also chairs the National Governor's Association Task Force on the Homeless and represents NYS on the following NGA committees: Human Resources; Criminal Justice and Public Protection; and Transportation, Technology and Commerce.
- o The NYS Office of Federal Affairs has issued a Report on the First Session of the 98th Congress outlining NYS's Federal government initiatives.

By the Governor:

(Signed) MARIO M. CUOMO

(Signed) ALFRED B. DELBELLO

* * *

I. REFORM STATE PLANNING BUDGETING AND BORROWING

A. THE BUDGET PROCESS

1. Mid-Year Budget Summary: On November 1, 1983, Governor Cuomo released the 1983-84 Budget Summary on the developments in the economy and State programs during the first six months of the current fiscal year. The report indicated that the State's finances closely track original projections made in April, with revenues and expenditures for the fiscal year in balance at \$18.615 billion. The strict balance is in contrast to last year's Summary which projected a current year deficit of \$500 million and a \$1.8 billion deficit for 1983-84.

2. Balanced Budget on Time: Despite taking office facing a \$1.8 billion deficit, the Cuomo Administration was able to present a balanced 1983-84 budget to the Legislature without a general increase in sales, personal income, or corporate franchise taxes. This balance was achieved by a carefully designed program of expenditure cuts, enhanced revenue collection, increases in user fees and charges, and increased consumption taxes. This represents the first year since 1979 that the financial plan was finalized before the start of the fiscal year. The annual spring borrowing occurred as scheduled, and local school districts received their first State aid payments promptly for the first time since 1979.

School districts thereby saved millions of dollars in local borrowing costs.

3. Medicaid Takeover: After three years of negotiations, legislation was passed during the 1983 Legislative Session to relieve localities of a major share of the fiscal burden of providing care to the mentally disabled and those receiving long-term care services.

- By 1986, the local contribution to the costs of long-term care services — the fastest growing portion of the Medicaid program — will drop from the current 25 percent to 10 percent.
- In addition, the State will fully assume all local costs for services provided to the mentally disabled in 1984.
- Over the first three years of this program, it is estimated that local governments will be relieved of over \$1.6 billion in Medicaid costs.

4. Stable Revenues: Since 1981, the State has been unable to collect substantial revenue due under the provisions of a gross receipts tax on oil companies. The tax, first enacted in 1981 as a dedicated revenue source for mass transportation, was successfully challenged by the major oil companies through the Appellate Division of the Supreme Court. Prior to that decision, a modified version of the 2 percent tax was enacted as part of the current year financial plan. This version was immediately challenged in six different branches of State and Federal court.

- The State was, therefore, faced with the potential of extended, costly litigation on a \$200 million current year revenue source and the loss of an additional \$125 million due to potential Federal repeal of withholding of tax on interest and dividend earnings. In an effort to avoid a potential cash shortfall in the current year and recoup some of the over \$650 million due the State from the previous gross receipts and unitary taxes, the Governor sought an out-of-court settlement with the major companies.
- After extended negotiations, including meetings between the Governor and the chief executives of most major oil companies, a satisfactory settlement was reached. Under the terms of the agreement, the oil companies agreed to pay \$555 million of the July 1, 1983, accrued liabilities of \$735 million and not oppose a replacement for the old tax which would include all oil companies and petroleum products only.
- Legislative leaders agreed to pass a gross receipts tax of 3.25 percent through March 31, 1984, to replace the old 2 percent tax and a similar .75 percent tax dedicated to mass transit. The tax will drop to 2.75 percent on April 1, 1984, and the 2 percent General Fund portion will sunset on June 30, 1985. This legislation, coupled with the oil company payments, will totally compensate the Financial Plan for the loss of the old tax and a Federal repeal.

5. Five-Year Capital Plan: Legislation was passed that requires five-year capital planning for all State agency capital programs and all public authority public capital programs. The bill requires the Governor annually to submit a

plan on or before the date the Governor submits his budget to the Legislature. The first capital plan will be submitted in January 1984 and will include spending projections for all projects contained in the Capital Budget.

B. EMPLOYEE PROGRAMS

1. Workforce Reduction Program: As part of the effort to reduce expenditures, the State program to reduce overall General Fund supported State employment will total approximately 9,500 positions. When completed, the reduction will save taxpayers nearly \$300 million in direct salaries and fringe benefits annually. The Governor's Office of Employee Relations provided leadership for an interagency Reduction-in-Force Program; to date permanent employees still unemployed number 487.

2. State Employment Retirement Incentive Program: The State offered an incentive retirement option to all employees eligible to retire. It was originally estimated that 4,200 people whose positions were funded by tax dollars would accept the offer. By the end of the filing period, however, 8,054 employees had retired (over 6,300 of whom occupied positions funded from the General Fund).

3. Tier III Reforms: Legislation was enacted to improve the pensions for government employees hired after 1976. This new plan would remove the Social Security offset requirement from the existing retirement program for these employees.

- o In addition, disability benefits were improved for workers.
- o In order to offset the cost of these improvements, the automatic 3 percent annual supplementation was eliminated from the existing program.
- o The retirement before age 62 option was dropped and the death benefit reduced.
- o While not providing all improvements recommended by the Administration, the plan corrects the onerous inequities caused by the Social Security offset requirement, especially for lower salaried workers. The plan will increase total pension costs for all employees by less than 1 percent.

4. Increasing Protected Class Representation: During 1983, the Department of Civil Service invested a substantial effort to develop affirmative action goals and timetables for each State agency, which will be released in January 1984. These plans will pinpoint for State agencies the occupational titles in which protected classes are underrepresented, within the context of the local labor market and Standard Metropolitan Statistical Area (SMSA) population base. The Department of Civil Service completed the Ethnic Survey of New York State Agencies Work Force which will be printed and distributed in January 1984.

5. Improved Services for the Disabled: In 1983, legislation was enacted which increased the number of positions which may be filled by qualified disabled persons under Section 55.b from 500 to 700. Special consideration is given to

disabled Vietnam era veterans. The Department conducted self-identification surveys of New York State employees with disabilities and of Vietnam era veterans in the State work force. This survey has resulted in more accurate data related to this segment of the work force, thereby enabling more meaningful goal-setting in affirmative action efforts.

6. Day Care: The Governor announced the expansion of the nation's first statewide network of on-site day-care centers for State employees. Fourteen centers are now in operation and six are in development stages.

7. OER Program Accomplishments

- a. Developed the Retraining Grants Program for all State agencies as a supplement to other personnel reduction activities training.
- b. Initiated a comprehensive review of the State's Classification and Compensation System now underway by Arthur Young and Company, the first such review in over 30 years.
- c. Developed, jointly with CSEA, a contract for a study of possible sex and racial bias in the compensation of CSEA represented positions (Comparable Worth Study).

C. STATE OVERSIGHT OF AUTHORITIES

1. The Legislature also adopted a proposal by the Governor to protect further the State's credit rating by strengthening State oversight of the finances and investment practices and personal service contracts of public authorities. The bill also brings to ten the number of authorities covered under the Public Authorities Control Board Act.

II. CREATING NEW PARTNERSHIPS FOR ECONOMIC GROWTH

A. CREATION OF ECONOMIC DEVELOPMENT COUNCILS

1. Council on Fiscal and Economic Priorities: This Council was created by Executive Order. Their responsibilities include: establishment of a strategic plan for New York's capital management, planning, and spending; development of a strategy to secure a greater proportion of the procurement by the U.S. government; development of economic opportunity policy; and the development of a comprehensive fiscal and tax policy.

2. Regional Economic Development Councils: The Governor charged Lieutenant-Governor Del Bello with the establishment of ten Regional Economic Development Councils throughout the State. The Councils are working to create regional partnerships of government, business, labor and academia; coordinate capital investment to achieve optimal economic growth;

and to develop regional economic development strategic plans.

B. ECONOMIC DEVELOPMENT THROUGH IMPROVED TRANSPORTATION

1. **Rebuild New York Bond Issue**: This Bond Issue received much bipartisan support, as elected officials, newspapers and labor organizations endorsed the project that would help rebuild New York's infrastructure. Among the supporters of the Bond Issue was Republican State Comptroller Edward Regan who said that, 'I am supporting the Bond Issue because virtually all of my concerns relating to planning for the State's capital needs have been addressed by the Governor and the Legislature.' Mayor Edward Koch of NYC also supported the Bond Issue. He said the Bond Issue would benefit his City's most important bridges and roads, and would have 'a positive impact on our long-term plans for rehabilitation of the transportation infrastructure.'

Prior to the passage of the Bond Issue, New Yorkers had defeated three of the last five bond issues put before them. This bond will form the nucleus of a five-year \$7.4 billion program of urgently needed renewal and repair of highways, bridges, railroads, transit facilities, ports, waterways and airports comprising the State's transportation infrastructure.

2. **Bus Service to Upstate Communities**: The State reached agreement with Greyhound Lines to preserve bus service to approximately 125 communities in the State including about three dozen small communities which had been faced with the immediate loss of service along six upstate routes.

3. **Transportation Safety Board**: A New York State Transportation Safety Board has been created to review the safety programs of the State's transit system and to make recommendations to improve the effectiveness of such programs. The Commissioner of Transportation will chair the Board.

4. **Jobs in Hornell, Watertown and Brooklyn**: The Governor announced that Bombardier Inc., a Canadian manufacturer of transit vehicles, was awarded a \$25 million subcontract to produce in Watertown portions of braking systems for 825 subway cars. This is expected to provide 300 man-years of work in Watertown. In addition, the Governor announced the awarding of \$30 million in MTA contracts to rehabilitate 200 subway cars in Hornell and 100 in Brooklyn.

5. **Federal Trucking Regulations**: Legislation signed by the Governor will bring New York into conformity with recent Federal law regarding truck dimensions and weights and the routes open to truckers for use of such equipment to forestall the potential loss of \$600 to \$700 million annually in Federal aid for highways.

6. **Oak Point**: Construction was initiated on the South Bronx-Oak Point rail link in New York City, a new two-mile freight link along the Harlem River. The

Oak Point Link is the largest project in the Full Freight Access Program which, when completed in late 1985, will permit larger modern railroad cars full access to and from the metropolitan New York and Long Island areas.

7. High Speed Train: A study to identify the potential feasibility of high-speed rail service between NYC and Montreal has been undertaken in cooperation with the State of Vermont, the Province of Quebec, and the City of Montreal. The proposed service would reduce the time required for the 365-mile trip to three hours.

8. Stewart Airport: Governor Cuomo announced the formation of a Development Team headed by Lieutenant-Governor Del Bello, to oversee and expedite the commercial development of the State-owned Stewart Airport property in Orange County. Among the State officials included in this team are Commerce Commissioner William Donohue and Transportation Commissioner James Larocca.

C. EXPANDING EMPLOYMENT OPPORTUNITIES

1. Minority and Women-Owned Business Executive Order 21: The Governor signed an Executive Order establishing an Office of Contract Compliance and Minority and Women-Owned Business Enterprise in the Executive Chamber. The Office will be charged with oversight of affirmative action and minority business participation efforts in all State construction and procurement programs. The Order also states that agencies letting all contracts, including the Rebuild New York program, should seek to achieve the award of at least 12 percent of all contract work to qualified minority business enterprises.

2. Job Training Partnership Committee: This Committee, created by the Governor, coordinates the plans for job training and retraining in New York. There are 34 job training councils across the State which will be charged with implementation in the service delivery areas. Lieutenant-Governor Del Bello serves as Vice Chairperson of this Committee.

3. Job Training: \$6.8 million will be provided for job training and retraining in the counties most heavily hit by unemployment. The funds are targeted for private sector job training to those areas with the greatest need which would benefit the most — those with high unemployment, a significant decline in job opportunities and a large pool of unemployed workers.

4. Job-A-Thons: The Job Service and Training Division has extended its abilities to reach unemployed citizens by using public service media time and its Job-A-Thons. The Job Service has conducted seven Job-A-Thon telecasts to increase the general public's awareness and use of the total services provided by the employment and training areas of this Department. In cooperation with local television stations, the Job Service has received 1,000 job orders from employers and 39,000 applications for labor exchange services. This form of community service is achieved at a minimum of cost to the Department, while

having a lasting impact upon the local community.

5. JDA Loans: The Governor approved State Job Development Authority loans and loan guarantees totalling nearly \$5 million for Western New York companies which will undertake development projects creating some 175 jobs. The JDA actions include approval of a \$2.650 million loan, the largest in JDA history. To date, 178 JDA loans (totalling \$62.8 million) were awarded during 1983. Significant JDA projects have included financial restructuring of Roblin Steel Company, expansion of Schweitzer Aircraft and reopening of Aeolian Pianos.

D. CENTERS FOR ADVANCED TECHNOLOGY

The Governor announced the designation of five Centers for Advanced Technology by the State Science and Technology Foundation. They are:

- o Cornell University – agricultural biotechnology
- o Columbia University – information sciences
- o Polytechnic Institute of New York – telecommunications
- o University of Rochester – optics
- o SUNY at Stony Brook – medical biotechnology

Two additional centers are expected to be designated in early 1984:

- o SUNY at Buffalo – medical instruments
- o Syracuse University – software application

E. URBAN DEVELOPMENT CORPORATION 'PROJECT NEW YORK'

A major category of accomplishments of UDC during calendar 1983 relate to corporate organization and reduction in consultant expenses. Through the consolidation and elimination of several departments and other cost cutting measures, a significant reduction in overhead expenses will be realized by the end of December. The UDC is currently running \$2.4 million under budget and the Mortgage Loan Enforcement and Administration Corporation is running \$2 million under budget. Consultant expenses are running \$2.2 million below the previous period of 1982. It should be noted that the corporate reorganization has resulted in minority employment of UDC going from 41 percent in 1982 to 46 percent in 1983. There has also been a significant increase in the number of women in key management positions. In the area of affirmative action, the value of construction contracts to minority business enterprises on UDC projects increased 50 percent from \$10 million in 1982 to \$15 million in 1983.

New program initiatives were designed for the UDC in the areas of high technology, rural economic development and commercial revitalization. The Chairman's high technology report to the Governor, prepared with the assistance of the High Technology Advisory Council, was submitted in December. Several pilot programs were launched during the year including the

computer camps for disadvantaged youths and the commercial revitalization program using interest on a UDC investment to write down merchants' interest costs.

In order to increase awareness of local officials of UDC's 'product line,' an intensive marketing effort was undertaken during November and December. This effort, called 'Project New York,' has resulted in the generation of several new projects and has given UDC senior staff an opportunity to hear the concerns and suggestions of representatives of approximately 28 communities throughout the State.

Construction was completed on several major projects and openings were held for the South Street Seaport and the Buffalo Parking Ramp. Construction was initiated on the RPI Center for Industrial Innovation, the Binghamton Metrocenter Mall, the Harlem Valley Industrial Park in Dutchess County and the Rochester Convention Center. Agreements were reached among the City, the State and the respective developers on the Fulton Landing project and the Times Square Redevelopment Project (on which a developer was selected for the Merchandise Mart). The environmental impact statement on the Times Square project will be largely completed by the end of the year. Commercial recycling studies were undertaken for the cities of Watertown and Lockport and a railroad reutilization study for the Putnam line in Westchester County was completed. Five projects in distressed areas of Harlem, the South Bronx and downtown Buffalo were closed.

Severe problems with the construction method at the New York City Convention and Exposition Center were discovered. An alternate construction method was investigated and will be implemented. Alternative methods of financing the construction cost overruns were examined, and the sale/leaseback method utilizing a consortium of private investors was selected.

Planning for correctional facilities and a large proportion of the legal and financial work necessary to issue the prison bonds was completed.

Investigation and project development on several high technology research incubator facilities was undertaken. The need for back office space for NYC's financial services companies is currently being studied.

F. LA MARQUETTA

The Governor announced that the Harlem Urban Development Corporation will undertake additional commercial revitalization work at La Marquette, a complex of local merchants and vendors in East Harlem. The NYS UDC is completing \$800,000 worth of spruce-work on the block of La Marquette.

G. PENSION AND INSURANCE INVESTMENT REFORM

A bill proposed by the Governor and passed by the Legislature eliminates

certain restrictions of investment practices of pension funds so that the billions of dollars in pension funds can be used to make investments in projects which can create economic growth and development in New York. Similar legislation was enacted to eliminate restrictions on insurance company investments and providing incentives to companies to invest in New York.

H. METROPOLITAN TRANSPORTATION AUTHORITY

1. MTA Chairman Named: After conducting a nationwide talent search, Governor Cuomo announced the selection of Robert Kiley as the next MTA Chairman. He has a proven track record in public management and finance from his services as Deputy Mayor of Boston from 1972-1975.
2. MTA Inspector General: The Legislature passed a bill proposed by the Governor to create the position of MTA Inspector General and establish a 13-member Advisory Board. Governor Cuomo appointed Sidney Schwartz to serve in this position.
3. 'Buy American': The Governor announced that the Board of the MTA has voted to amend its contract for reconstruction of the Throgs Neck Bridge to permit its contractors to use domestic steel. Its decision is in accord with the spirit of the State's 'Buy American' statute.
4. Legislation passed providing innovative financing vehicles for MTA bonds, while still allowing protection for bondholders.
5. Sale-leaseback program continued for financing vehicles purchased with Carvel Co. and Ralph Lauren Women's Wear.
6. Within the \$8.5 billion Five-Year Capital Improvement Program, \$3 billion was committed to contract by late 1983. This five year program will create more than 140,000 jobs (man-years) in the New York metropolitan area alone.
7. MTA Board approved a \$1.3 billion expansion of the Five-Year Capital Improvement Program, with total program now equalling \$8.5 billion.
8. Staten Island resident discount program begun this summer 1983, providing 20 percent additional discount to SI residents over the 12 percent discount already offered when purchasing rolls of tokens to travel over the Verrazano Narrows Bridge.
9. Metro-North formally took over all operating responsibility for the Harlem, Hudson and New Haven commuter lines - formerly ConRail.
10. Off-hour waiting areas were installed on subway platforms for increased ridership safety.

I. PORT AUTHORITY

1. Governor's Bi-State Agreement:

- a. Bank for Regional Development — proposed establishment of a bank funded by toll increases, established through legislation.
- b. World Trade Center — hiring a consultant by the Port Authority to determine the future status of ownership of the WTC.
- c. PATH fare increase — approval of a PATH fare increase which would be directed back into the system.

2. Teleport — the first of its kind in the world, will be a station for receiving and transmitting by satellite the billions of bits of data needed by the region's businesses. In addition, a network of fiber optic cable will help to generate economic development in the region.

3. Fisheries — a major revitalization of the fishing industry for the NY-NJ Port District with the construction of a Fishport at the Erie Basin Terminal in Brooklyn.

4. Red Hook — approval for a \$14.5 million expansion of the Red Hook Container Terminal in Brooklyn to provide an additional ship berth on a 34-acre site to accommodate the growing demand for use of the facility and preserve jobs and shipping activity on the Brooklyn waterfront.

5. Waterfront Development Progress — authorization for the PA to expend up to \$1.8 million for physical and environmental services for mixed-use waterfront development projects in Hoboken and at Hunters Point in Queens. We are not now authorized to develop.

6. Bathgate Industrial Park — the PA is preparing a new site 'on spec' certain of securing a fourth tenant. The other three tenants include: a printer (who has brought 40 new jobs to the Bronx area), a picture framing company and the South Bronx Greenhouse, whose fresh grown herbs will go to the region's top restaurants and food stores. The greenhouse already has 100 accounts.

7. Fund for Regional Development — the states agreed to use the additional revenue generated by leasing the space currently occupied by NYS for capital projects related to the WTC/PATH authorization.

8. Homeporting — a joint effort of the States of New York and New Jersey and the PA to homeport a Navy Surface Action Group of at least seven ships was announced for the Stapleton area of Staten Island.

J. MUNICIPAL ASSISTANCE CORPORATION

During 1983, the Municipal Assistance Corporation continued to provide financing assistance and fiscal oversight for the City of New York. The year witnessed a number of important developments in the efforts of the Corporation to provide the City with sufficient time and resources to regain full market access.

This included the upgrading of its First and Second Resolution Bonds from BAA1 to A by Moody's Investors Service, Inc. while maintaining high investment grade ratings from Standard & Poor's Corporation and Fitch Investors Service, Inc.

The Corporation initiated discussions concerning the possible use of its resources to strengthen the City's economy. The Corporation estimated that over the next five years it could generate approximately \$500 million as a result of income from reserve funds and produce savings of another \$500 million by refundings during this period.

K. AGRICULTURE

1. Agricultural Producers Security Fund: This legislation creates an Agricultural Producers Security Fund designed to guarantee payment to producers of agricultural products in cases where the purchasing dealer has defaulted on required payments.

2. Task Force on Rural Development: The Governor issued an Executive Order which charged the Task Force with the development of an agenda to improve the economy and living conditions of NYS's rural areas. The Commissioner of Agriculture and Markets chairs this group.

3. Imitation Cheese: Promulgated NYCRR, Part 18, Imitation Cheese Regulations which require full and truthful information be provided to consumers whenever imitation cheese or imitation cheese products are offered for sale in NYS. The Governor signed legislation which increased the print size of the word 'imitation' on packaged dairy products.

4. New York State Fair: The 1983 NYS Fair reached new levels of success by all measures including program development, corporate involvement, media support and, in particular, attendance with an all-time mark of 767,585, more than 50,000 above the previous record set in 1982.

5. Truckload Sales: In March and April 1983, the Department of Agriculture and Markets conducted seven low-cost truckload food sales in Western New York serving 7,500 senior citizens, welfare recipients and unemployed who purchased nearly 260,000 pounds of low-cost produce.

L. OTHER PROJECTS

1. Regional Economic Development Councils: The Governor announced the formation of nine Regional Economic Development Councils to deal with the special economic development needs of each of the regions of the State.

2. Racing: The Governor signed legislation which extended the franchise to the New York Racing Association for thoroughbred racing and created the NYS Thoroughbred Racing Capital Investment Fund. An increase in purses should

assure continued vitality of the racing industry. A capital improvements program for harness tracks was enacted, as was emergency tax assistance for Monticello, Yonkers and Roosevelt Raceways. The simulcasting demonstration project was extended to certain OTB parlors.

3. Boxing: A comprehensive reform bill was enacted to protect the health and safety of those participating in the sport.

4. Aid to Lackawanna: A \$14 million aid package was approved for Lackawanna, which is faced with a particularly serious unemployment problem due to the announcement that Bethlehem Steel will close the basic and primary finishing operations of its Lackawanna plant. The aid package includes \$1 million in direct State aid to the City of Lackawanna as well as the creation and selling of \$13 million of bonds for a County sewer district.

5. Bethlehem Steel Task Force: The Governor established an Emergency Task Force on Bethlehem Steel. One of its initiatives has been setting up a number of job transit centers to serve unemployed workers in Western New York.

6. New York State is number one in the number of foreign businesses locating in the U.S.

7. As a result of the Commerce Department's export promotion efforts, the sale of NYS products to foreign countries exceeded \$100 million.

8. New York is the first state to sponsor its own trade show in foreign countries. This year High Tech/Made in New York trade shows held exhibits in Taiwan and Hong Kong.

9. Motion Picture/TV Production: Movie production days in NYS increased threefold since January 1, 1983.

10. Small Business: The Department of Commerce assisted in securing an additional \$50 million plus in Federal procurement contract awards to NYS firms. In terms of State procurement, Commerce has assisted in securing an additional \$20 million plus in State procurement contract awards to NYS firms.

11. High Technology in Utica: Governor Cuomo signed legislation that provides for a study to determine the feasibility of a high technology industrial park in the Utica area. The three sites being studied are: Marcy Campus of SUNY/Utica-Rome, the West Frankfort Industrial Park and the Oneida County Airport Industrial Park.

III. ENERGY AND THE ENVIRONMENT

A. ENERGY

1. State Energy Master Plan: Reflecting major changes in New York's energy

situation was the vital task of the State Energy Office's Division of Policy Analysis and Planning which, as required by law, began updating the State Energy Master Plan.

2. Conservation Efforts

- a. Institutional Building Grants Program: Over \$12 million was approved in 1983 under the Institutional Building Grants Program to improve the energy efficiency of schools and hospitals. In addition, the On-Site Energy Audit Service provided over 5,500 institutional buildings with no-cost energy surveys designed to identify energy improvements which can be made for little or no money.
- b. State Energy Conservation Bank: Operations began in 1983 to provide loan subsidies and direct cash grants to low- to moderate-income New Yorkers. For small- and medium-sized businesses, the SEO established its Energy Investment Loan Program during 1983. Working in cooperation with the State Energy Research and Development Authority, the program provided over \$1.6 million in below market interest rate loans.

3. Telephone Safeguards for the Elderly: The Public Service Commission adopted a rule which exempts elderly persons from being required to provide security deposits when opening a telephone service account.

4. HELPLINE: Customers who have an unresolved billing or service complaint involving gas, electric, phone, steam or water utility companies can request PSC staff assistance by calling their offices in Albany, NYC or Buffalo, or by calling from anywhere in the State on a toll free HELPLINE. Approximately 70,000 consumer complaints have been received in 1983. Consumers will have received approximately \$5 million in refunds from utilities during 1983.

5. Temporary Commission on the Allocation of Power Authority Hydropower: Governor Cuomo announced the appointment of Buffalo attorney Robert Millonzi as Chairman of the nine-member Temporary Commission on the Allocation of Power Authority Hydro-Electric Power. The Temporary Commission was created by Executive Order to conduct a thorough study of the current and potential future disposition of PASNY electric power from its Niagara and St. Lawrence FDR projects.

6. Citizens Utility Board: The Governor announced that PSC Chairman Paul Gioia agreed that the PSC will consider administrative action to facilitate creation of a Citizens Utility Board (CUB) for utility ratepayers in NYS. The CUB would be a not-for-profit voluntary organization which would represent consumer interests in utility regulatory proceedings.

7. PSC: The Governor proposed legislation to reform the PSC.

8. Arthur Kill Plant: In keeping with his long-standing opposition to construction of the Arthur Kill coal-burning plant, the Governor refused to sign

a PASNY contract for the sale of power from the facility.

9. Energy Research and Development Authority: The current budget as enacted included \$3 million in additional research funds for the Energy Research and Development Authority, \$2.6 million of which is to be furnished by PASNY.

B. NUCLEAR ENERGY ISSUES

1. Emergency Evacuation Plans: Governor Cuomo spent a significant amount of time on the issue of nuclear safety – the development and implementation of off-site emergency preparedness plans at Indian Point and the proposed Shoreham nuclear power plant.

- The Governor has succeeded in focusing the attention of the Congress on the need to clarify Federal, state and local responsibilities regarding emergency evacuation plans around nuclear plants.
- Most recently, this effort culminated in the submission by the Governor to the Congress of a comprehensive proposal to clarify these respective responsibilities, to assign the states primary authority for development of off-site plans, and to strengthen the responsibility of the Federal government for assuring the availability of adequate financial and personnel resources.
- In addition, a Congressional committee has conducted hearings into the need for expanded Federal participation in nuclear safety procedures; Senator Daniel Moynihan has submitted legislation in support of the expanded participation concept, and the nation's nuclear regulatory agencies are represented on a task force examining the emergency planning dilemma surrounding the still unopened nuclear plant at Shoreham.

2. Indian Point Evacuation Plan: In May, the Governor announced that Lieutenant-Governor Del Bello would serve as Rockland County's chief official during the emergency preparedness drill. The plan was judged successful by FEMA and the NRC.

3. Nuclear Waste Disposal: In the related area of nuclear waste disposal, the Administration is supporting legislative efforts to direct the SEO to develop a comprehensive study of the State's responsibilities and options under the Federal Low-Level Nuclear Waste Policy Act and to establish a 17-member Low-Level Nuclear Waste Advisory Council to review this plan and to recommend appropriate legislative action.

4. Shoreham: In February, Governor Cuomo delivered a statement in which he directed the State Disaster Preparedness Commission to refrain from forwarding to Washington any proposed off-site emergency evacuation plans for the proposed Shoreham nuclear power plant. The Governor also reiterated the idea that he would not support the opening of any nuclear plant for which an acceptable emergency evacuation plan does not exist.

A Fact-Finding Panel on Shoreham was created to develop clearly derived,

reliable and objective information on the economic costs and safety of Shoreham. Dr. John Marburger, President of SUNY at Stony Brook, was appointed to serve as Chairman of the Panel. The commission report released in mid-December indicated that, 'the projections of the incremental consequences of Shoreham operation versus abandonment are far less than the projected economic consequences of Shoreham regardless of whether it operates or not.'

The Governor also announced that he would intervene before the Atomic Safety and Licensing Appeals Board to oppose the grant of a low-power license for Shoreham. NYS will participate in a separate ASLB proceeding which is examining off-site preparedness plans for Shoreham. The Governor has stated that he opposes the approval of the proposed LILCO-developed and LILCO-implemented preparedness plan.

C. ENVIRONMENTAL CONSERVATION

1. Toxics

- a. Long Island Landfill Legislation — A bill signed into law prohibits any landfills in prime recharge zones and requires the phasing out by 1990 of all landfills except for resource recovery ash in nonprime recharge zones.
- b. Chlordane — DEC has drafted new regulations to prevent future misapplication of chlordane and rescinded the regulation allowing for the sale of 45 to 50 percent chlordane solutions to homeowners.
- c. Pesticides — The Governor proposed and signed legislation in July that requires homeowners be provided with written information, including any warnings contained on the label of the pesticide to be applied.
- d. Hudson River PCBs — In September, DEC worked with the New York State's Congressional Delegation to reverse last year's EPA decision to withhold congressionally appropriated funds for this project.
- e. State Superfund — The New York State mini-Superfund has been implemented with less money than expected, \$3.1 million of a projected \$10 million. The DEC has investigated 200 sites through the State Superfund. To date over 400 hazardous waste sites have been prioritized to realize the most efficient allocation of resources. The Governor announced the appointment of the State Superfund Management Board which will examine the Hazardous Waste Remedial Plan.
- f. NYS Hazardous Waste Treatment Facilities Task Force — Governor Cuomo announced the establishment of the NYS Hazardous Waste Treatment Facilities Task Force to determine if adequate, technologically advanced waste treatment and disposal facilities are available within New York and to recommend to the Governor and the Legislature a State policy and process for developing any needed treatment capacity.

2. Natural Resources

- a. Acid Rain — Governor Cuomo has called for early congressional enactment of

a strong national acid rain reduction program to avert further damage to New York's lakes and ponds, forests, wildlife and drinking water. The DEC has initiated the development of statewide sulfur emissions policy.

b. Striped Bass Legislation — This bill increased the legal size of striped bass that can be taken from the Hudson River and coastal waters. This brings NYS into conformity with the Atlantic Coast Striped Bass Management Plan formulated by the National Marine Fisheries Services. It protects the broad stock of bass currently in jeopardy because of poor spawning success in the Chesapeake Bay. Governor Cuomo appointed a task force of State officials and industry representatives to examine and recommend economic mitigation measures for commercial fishermen dependent on striped bass.

c. Winter Navigation — NYS reaffirmed its historic and consistent position against winter navigation on the St. Lawrence Seaway.

d. Great Lakes Environmental Issues — An effort has been undertaken to include NYS in the Council of Great Lakes Governors. This would provide New York with a forum to address environmental issues such as winter navigation, water diversions, water quality and acid rain.

e. Wetlands — The DEC has accelerated development regulations to implement the Freshwater Wetlands Act and has promised that, by February 1, the regulations will be filed giving local governments responsibility to protect wetlands. In addition, freshwater wetlands maps for at least 16 counties will be filed by then. This matter will continue as a high priority until this law is fully implemented.

f. Biological Survey — The DEC has undertaken a landmark program to conduct a biological survey of the State's lakes and rivers — the first since the 1930's. One phase, an analysis of the fish and fauna of the Adirondacks, is being funded jointly by the State's investor-owned electric utilities and the State. A five-year survey funded through the Return A Gift to Wildlife program will focus on the remainder of the State.

g. SPDES Enforcement — DEC adopted an eight-point program to tighten the control of industrial and municipal discharges, especially with respect to toxic chemicals.

h. Regulatory Programs — As a result of the Administration's initiative, the Legislature adopted the Environmental Regulatory Fee program to provide DEC with a reliable source of funding for its regulatory programs. This year the fund, which totals approximately \$11 million, includes an increase of \$1.8 million for the Hazardous Waste Enforcement Program and \$900,000 for the Water Pollution Enforcement Program.

D. PARKS, RECREATION AND HISTORIC PRESERVATION

1. Urban Cultural Parks Program — Governor Cuomo announced release of nearly \$4.5 million in State and Federal money to eight communities, for improvement of parks and recreation facilities under the Federal Urban Parks and Recreation Recovery program. The Federal government will pay 85 percent of projects costs and local governments will enjoy no-cost improvements of important facilities.

2. Chapter 478 established a NYS Conservation Corps within OPRHP which could ultimately become the vehicle through which Federal funds for the American Conservation Corps will pass to NYS.

3. Chapter 351 together with the Sagamore Amendment to the State Constitution were two significant steps towards resolution of the conflict between the public policies of historic and environmental preservation in the Forest Preserve.

4. Empire State Games — The summer/winter Empire State Games program continues to be acclaimed as the largest single amateur athletic event in the nation, and it is being emulated by an increasing number of states each year.

5. Jones Beach Theater — Revitalization, by establishing a new program format for the Theater, resulted in a transformation from a significant State subsidy to a net "profit" of over \$200,000.

6. Timespell — As a result of a \$1 million investment by a developer, this innovative "sound and light" interpretive program at Watkins Glen State Park has attracted over 100,000 visitors this season. It is operated as a concession with a percentage of revenues from admissions returned to the State.

7. Senior Games — A pilot effort for senior citizens initiated by OPRHP this fall in two areas of the State (Cortland and Westchester) was cosponsored by Office of the Aging and SUNY. It is expected to become a statewide activity substantially supported by private sector funding.

8. Operation Explore — A cooperative effort by OPRHP, the National Park Service, Cornell University and the NYC Board of Education, provides outdoor education including an overnight camping experience at a State park for thousands of City school children who might not otherwise have this opportunity.

IV. CRIMINAL JUSTICE

A. APPOINTMENT OF LAWRENCE T. KURLANDER

Governor Cuomo issued an Executive Order establishing the position of State Director of Criminal Justice. The responsibilities of the State Director of Criminal Justice are to assume primary responsibility for the coordination of criminal justice information systems in New York, to advise the Governor in connection with criminal justice related matters, and to recommend a strategy to achieve statewide criminal justice objectives and goals.

B. OSSINING

The Ossining prison uprising was negotiated to a peaceful resolution without loss of life or serious injury to those involved. A report released by Governor

Cuomo in September documented the debilitating effects of overcrowding which led to the January 8-11 prison disturbance.

C. STRENGTHENING LAW ENFORCEMENT

1. Initiation of a Project to Improve the Effectiveness of New York's Criminal Justice Information Systems — Initial work has started with each of the Executive criminal justice agencies to document and evaluate existing systems and develop a coordinated set of short-term actions for improvement.
2. Link-up of the DCJS Fingerprint Identification System with the NYC Police Department's On-Line Booking System — The connection of these two systems is designed to overlap the DCJS identification work and the booking process during peak arrest periods thereby allowing defendants to be arraigned faster.
3. Expanded Access to New York Criminal History Information — In cooperation with the State Police's New York State Police Information Network (NYSPIN), local law enforcement agencies can do name searches of our criminal history files and request and receive criminal history data without the need for manual intervention.
4. Neighborhood Preservation Crime Prevention Act (NPCPA) — The Governor included \$1 million for community anticrime programs in the 1983-84 Executive Budget, and the resulting Neighborhood Preservation Crime Prevention Act became New York's first State-level support for local crime prevention efforts. Fifty-seven projects were funded using the full \$1 million authorized.
5. Governor's Conference on Crime Prevention — 1983 marked the first NYS Governor's Conference on Crime Prevention. A total of 166 persons attended representing law enforcement, local government, community volunteers, and educators.
6. Mobile Radio Districts (MRD) — Three components of the Mobile Radio District program were completed, and 1983-84 NYS funding is allowing four other components to get started.
7. Criminal Victimization of Older New Yorkers Report — In accordance with Executive Law, Section 846, a three-year report concerning the Criminal Victimization of Older New Yorkers was researched and submitted to the Governor, State Legislature, and the Office for the Aging on September 30, 1983.
8. Consolidation of DCJS Offices — In an effort to reduce operating costs and for better overall administration of the Division, the NYC office of DCJS was consolidated into the Albany office.
9. Major Offense Police Program — This program provided \$10.1 million for

over 100 sworn officers statewide to target violent and repeat offenders, violent felony bail jumpers, handgun dealers and drug traffickers.

10. Target Crime Initiative Program — TCI was established by the Governor in April 1983 to consolidate and improve the efforts of several State programs to aid local law enforcement. TCI will provide approximately \$40.7 million to district attorneys, public defenders, local corrections, probation departments and crime laboratories, to enable them to reduce caseloads, plea bargaining and court congestion in serious cases so that conviction rates and prison commitments will increase.

11. Juvenile Justice — DCJS allocated nearly \$3 million in Federal grants to local governments and State agencies in order to increase coordination in the administration of delinquency prevention programs, improve court processing of delinquents, train juvenile justice professionals and provide support services to at risk youth.

12. Academy Classes — Three classes of recruits, an unprecedented number, were funded in the budget for 1983-84. Each class will train approximately 144 new State Troopers. This will help to assure that the State Police force is returned to, and continues at, full strength.

13. New York State Police — By the end of this fiscal year, the State Police will have hired 475 new troopers, which will substantially increase the sworn uniform force and has already allowed for the strengthening of the Bureau of Criminal Investigation by almost 8 percent. The State's commitment to the control of serious crime is further demonstrated by the creation of the 70-member State Police Special Investigations Unit, which has already proven its effectiveness in many areas, including the State's fight against organized crime. The number of investigators assigned to combat organized crime was doubled.

D. SENTENCING REFORM

1. Sentencing Guidelines Committee: Legislation, proposed and approved by the Governor, establishes a Sentencing Guidelines Committee. The Committee will analyze existing sentencing structure and practices, and recommend guidelines for determinate sentencing. Joseph Bellacosa serves as Chairman.

2. Consecutive Sentencing: Legislation proposed and approved by the Governor increases the maximum sentences which may be imposed upon multiple felony offenders. Felony offenders may now be sentenced to serve up to 50 years.

3. Life Without Parole: The Governor submitted legislation that would toughen the State's punishment of murder by authorizing the imposition of life imprisonment without parole for persons convicted of first degree murder. The bill would also expand the definition of first degree murder. The legislation expressly provides that a person serving a sentence of life imprisonment without

parole shall not be eligible for parole or conditional release.

E. ALTERNATIVES TO INCARCERATION

1. **Alternatives to Incarceration Budget Package:** A \$4.5 million appropriation in the 1983-84 Budget funds a major gubernatorial initiative in alternatives to incarceration. Included in the package is an enhancement of funding for intensive probation supervision as well as funding for a variety of community-based programs which will divert some carefully selected nonviolent offenders from the correctional system.
2. **Parole Transitional Facilities:** Legislation passed this year established a new program for parole violators arrested for technical violations of parole conditions but not involved in new crimes. Community-based residences will house these violators who would otherwise have been incarcerated in State correctional facilities. This will save money on incarceration costs, and assist technical parole violators to reintegrate themselves successfully into society.
3. **Community Contract Facilities:** Under legislation passed this year, the Department of Correctional Services will be able to contract with community programs for treatment of some offenders with alcohol and drug problems. Such offenders will be placed in these community programs for the last few months of their sentences instead of serving these months in correctional facilities.
4. **Temporary Release Programs:** Departmental legislation authorizes the Division for Youth to operate temporary release programs at Division facilities for eligible juvenile offenders.
5. **Task Force on Alternatives to Incarceration:** A panel was established, chaired by the Director of Criminal Justice, to study and report on community sentencing alternatives for nonviolent offenders.

F. THE COURTS

1. **Judicial Screening Committees:** In an Executive Order, the Governor established judicial screening committees for the purpose of recommending to him persons well-qualified to fill vacancies in judicial office. The Order established a twelve-member State Judicial Screening Committee, a nine-member Departmental Screening Committee for each of the four judicial departments in the State, and a ten-member County Screening Committee for each county.
2. **Merit Selection:** The Governor proposed, and the Legislature passed, a bill to enhance the merit selection process for nominations to the Court of Appeals. The statute increases from five to seven the maximum number of persons that the Commission on Judicial Nominations may recommend to the Governor to fill a vacancy for Associate Judge of the State's highest court. It also extends the time period for the Commission to make its recommendations. The bill provides

expanded opportunity for well-qualified candidates, including women and minorities.

3. Appointed Judge Simons: On January 3, 1983, Governor Cuomo nominated Supreme Court Justice Richard D. Simons as Associate Judge of the New York Court of Appeals. He filled the vacancy left by Judge Domenick L. Gabrielli.

4. Appointment of Judith Kaye: Governor Cuomo made history by appointing Judge Judith Kaye, as an Associate Judge of the New York Court of Appeals. She filled the vacancy created by the resignation of Jacob Fuchsberg. Judge Kaye is the first woman to serve on the State's highest court.

G. CRIME VICTIMS ASSISTANCE

1. Good samaritan: This legislation allows the Crime Victims Board (CVB) to make awards to eligible claimants who suffer a loss of support as a result of the death of a good samaritan killed as a direct result of a crime, without regard to the financial difficulty of the claimant.

2. Essential personal property and court transportation: Allows the Crime Victims Compensation Board (CVCB) to make awards, up to \$250 for the loss of or damage to essential personal property to elderly and injured crime victims. Also allows awards for necessary and reasonable court transportation expenses.

3. Psychological counseling: Allows awards for costs of psychological counseling to eligible parents, children or spouses of homicide victims.

4. Family member restriction repeal: Allows CVCB to make awards to domestic violence victims who meet certain criteria.

5. Modification of financial eligibility standard: From serious financial hardship to financial difficulty.

6. Expansion of funeral award eligibility: From a member of the family of the victim to any person who paid for the burial.

7. Victim and Witness Assistance Program: Funded 33 local Victim and Witness Assistance Programs throughout the State totalling \$2.08 million.

H. DEPARTMENT OF CORRECTIONAL SERVICES

1. Capacity Expansion: The Department of Corrections has made significant progress in meeting the scheduled addition of prison space envisioned this year in the Governor's construction plan. Work is underway on projects that will add more than 1,900 beds to the prison system by the end of the fiscal year; some 1,200 new beds will have been put in place by December 31.

2. UDC Legislation: The Governor proposed a program for the expansion of

prison capacity which will be funded under the UDC. The need for more prisons was made clear by the events at Ossining in January. The program will include several new prison sites, including the Erie County Correctional Facility and a new major site in NYC. Under this legislation, a total of 8,600 beds will be added to the State correctional system by 1986. This represents an expansion of the State's correctional facility capacity which is essential for easing our critical overcrowding problems.

3. Also approved was an act authorizing the Department to screen prospective correction officers by means of psychological testing. A third important law allows the Department to contract with the Division of Substance Abuse Services and with private, residential drug and alcohol rehabilitation facilities to provide treatment for certain inmates within a year of release eligibility.

I. DWI LEGISLATION

The following changes have been approved by Governor Cuomo:

- The "Breathalyzer Bill" — Drunken drivers who refuse to take a breathalyzer test twice during a five-year period will automatically have their licenses suspended for a year.
- A judge or magistrate may issue an order immediately revoking or suspending the driver's license of a person convicted of a serious alcohol-related offense.
- Requires insurance companies to notify their customers of the penalties against driving while intoxicated or impaired by alcohol or drugs when the companies issue or renew automobile policies.
- Increases the penalties of felony charges or vehicular manslaughter for drunken drivers who cause a death or serious injury as a result of a traffic accident to \$5,000 and seven years in prison.
- One-year license revocation of a person convicted of driving while intoxicated two or more times within five years.
- Permits a police officer or DA to obtain a court order compelling a person to submit to a blood-alcohol test.
- Requires an alcohol and drug component to be added to the three-hour motor vehicle prelicensing program.

V. SOCIAL JUSTICE

A. FAMILY ASSISTANCE

1. Unemployment Insurance Benefits: The Omnibus Employee Benefit Reform bill increases unemployment insurance, workers compensation and disability insurance benefits as well as introduces reforms in all three programs aimed at reducing costs incurred by employers.

- The bill increases the maximum weekly unemployment insurance benefit from \$125 to \$170 as of the first Monday in September. The maximum would rise to \$180 in July 1984.

- The maximum benefit for total disability increases from \$215 per week to \$255 for injuries incurred after July 1, 1983; to \$275 for those occurring after July 1, 1984; and to \$300 for those occurring after July 1, 1985.
 - For partial disability, the maximum will rise from \$105 to \$125 as of July 1, 1983; \$135 as of July 1, 1984; and \$150 as of July 1985.
 - The maximum disability insurance benefit, now \$95 per week, rises to \$135 this year, and \$150 next year.
 - Volunteer firemen will also be covered under Workers' Compensation.
2. Shelter Allowances: Governor Cuomo announced a 25 percent increase in the shelter allowance for public assistance recipients. This program will cost the State \$75 million. The Governor noted that two-thirds of the State's public assistance recipients now pay more in rent than they receive in the grants. Shelter allowances have not been increased since they were established in 1975.
3. Raising the Farm Minimum Wage: The Governor's program bill raised the farm minimum wage from \$2.00 to \$2.75 (February 1984) and to \$3.35 (July 1985). This raise will bring the agricultural minimum wage into parity with the general industrial minimum wage rate.
4. Family and Children Services: Governor Cuomo announced that Matilda Cuomo has been named to serve as Honorary Chairperson of the NYS Council on Children and Families. The Council was established as a State agency in 1977 for the purpose of better coordinating the services and programs of the many State and local agencies serving children and families in NYS. Mrs. Matilda Cuomo and Commissioner Perales were appointed to serve as cochairpersons on the Citizen's Task Force on Child Abuse and Neglect. The Task Force will focus on the prevention of abuse through increased parenting education efforts.
5. Domestic Violence: The Governor established a Commission on Domestic Violence by Executive Order to advise the Governor and the Legislature on the most effective ways for State government to respond to the law enforcement and social problems posed by domestic violence.
6. Establishment of a more equitable procedure for terminating parental rights of incarcerated parents: Chapter 911 of the Laws of 1983 eliminates incarceration as the sole basis for terminating parental rights and provides a due process procedure for determining whether an incarcerated parent has permanently neglected his/her child.
7. The Council on Children and Families prepared a major report entitled: Part-time Employment: Implications for Families and the Workplace. The report presents considerable evidence that greater potential exists for the successful use of part-time employment and job-sharing than is currently being realized. The Council, the Governor's Office of Employee Relations, the Department of Civil Service, and the Division of the Budget are collaborating in the development of specific strategies for increasing access to meaningful part-time job opportunities.

8. Services to Youth: The Department of Labor's Adolescent Vocational Exploration Program (AVE) is designed to assist youths 14 to 17 years of age in defining and clarifying their career and educational goals. The Department served 1,250 youths at 25 AVE sites statewide.

B. THE HOMELESS

1. Emergency Task Force on the Homeless: Governor Cuomo has established an Emergency Task Force on the Homeless. This 17-member body will help coordinate efforts by local government, not-for-profit corporations and State agencies to provide both emergency and permanent solutions to the problems of the homeless of New York.

The Department of Social Services administered the Governor's Homeless Housing and Assistance Program signed into law in April (\$50 million — four years). A total of 39 projects were funded during this initial year of the program, 19 in NYC and 20 throughout the rest of the State. It is estimated that expenditure of the first \$12 million will result in the establishment of 1,117 new units and the preservation or upgrading of 1,363 units. Approximately 2,564 persons will be housed in these units.

The Department of Social Services also issued a number of regulations related to the homeless:

- Elimination of proration of benefits for homeless families who share emergency housing.
- Extension of the room and board allowance to ADC recipients.
- Establishment of health and safety standards which must be met in hotels and motels used for emergency housing.

The Department of Social Services processed 102 contracts under the \$4.5 million Federal Emergency Food and Shelter Program to secure more food for the homeless.

On August 1, Governor Cuomo presented his report, Never Again, to the National Governor's Association Task Force on the Homeless. He called for a national commission of Federal, state, local and private sector officials to identify problems and possible solutions to the problems of homelessness. The Governor stated the need for 'a massive Federal jobs program — providing work for those with the necessary skills and training for those whose jobs are obsolete or nonexistent' and 'establishment of a two-pronged national housing program for low-income individuals and families which would include a program to fund the construction of permanent housing in addition to a rent subsidy similar to Section 8.'

C. PUBLIC HEALTH

1. Super Heroes for Health: Since the program was launched by Mrs. Cuomo

and Dr. David Axelrod in October, more than 967 schools in NYS have requested a presentation from the "Super Heroes for Health" for their students. Nearly 40,000 children have already enjoyed the show, which consists of a five-minute film about how Nutri-Man and Vita-Woman beat the Sugar Demon.

2. Emergency Nutrition Aid Program: The Department implemented an Emergency Nutrition Aid Program to provide supplemental food to approximately 10,000 low income pregnant women and teens who were not being reached by the Federal WIC program.

3. Surplus Food Distribution: OGS has distributed Federal surplus food valued at approximately \$175 million to NYS low-income residents.

4. Family Planning: Over the past ten years, NYS achieved a reduction of more than 20 percent in the incidence of total teen pregnancy rates in at least 20 upstate counties. As part of its ongoing "Healthy Mother/Healthy Baby" efforts, the Department established a statewide toll-free teenage pregnancy hotline. To date, the hotline has received approximately 1,200 calls.

5. Immunization: Continued strict enforcement of school immunization laws produced the highest immunity levels ever recorded in NYS: 94 percent of school age children were completely immunized. Concurrently, immunizable diseases have dropped to all-time lows (e.g. only 89 cases of measles statewide through November 1983).

6. AIDS: The Governor established through Executive Order an Interagency Task Force on Acquired Immune Deficiency Syndrome (AIDS) to coordinate public and private efforts in the dissemination of information concerning prevention, diagnosis and treatment. The Task Force will monitor the progression of this disease in NYS and encourage research efforts.

o Based on recommendations contained in the Task Force's first report to the Governor on June 21, the Governor announced a ten-point program to meet the State's responsibility to provide assistance to those members of the family of NYS who are suffering from this disease. Among the initiatives were the submission of legislation to subject funeral directors to penalties for acts of misconduct, expansion of the State's laboratory service and laboratory evaluations, increased counseling and expanded public education programs. The Gay Men's Health Crisis Center received a \$97,000 grant for a statewide expansion of its counseling program.

o The Cuomo Administration participated in three-way negotiations to reach an acceptable compromise on legislation directing \$5.2 million over the next two years to support research, education and services to AIDS victims.

o The legislation establishes within the Department of Health a permanent AIDS Institute to administer research funds, which account for \$4.5 million of the total; \$600,000 in funds for educational programs aimed at the at risk population and patient support services; and \$150,000 for public education programs.

° Also established in the legislation is a seven-member Research Council, representative of recognized centers engaged in scientific investigation of AIDS, to advise the Institute. A 13-member Advisory Council was created to advise the Health Commissioner in connection with carrying out the Institute's objectives. Its members will be representative of the public, educational and medical institutions, local health departments and nonprofit organizations.

7. Alcoholism Insurance Coverage: Governor Cuomo introduced and approved legislation that expands insurance coverage for alcoholism and alcohol abuse. It requires all insurers offering group plans to provide outpatient coverage of at least 60 days for people with drinking problems. This measure also stipulates that Blue Cross and Blue Shield will have to make available inpatient alcoholism programs, if requested. The Governor noted that traditionally the chronic drinker's needs for medical care have been ignored. Governor Cuomo stated that, 'the overwhelming majority of alcoholics do not receive treatment for their alcoholism, although most alcoholics will eventually receive very expensive hospital treatment for their alcohol-related illnesses.'

8. 21 Drinking Age: Governor Cuomo proposed raising the drinking age in New York State from 19 to 21. He has stated that raising the drinking age would save lives, and noted that the number of alcohol-related deaths dropped by 28 percent since the State raised the minimum age from 18 to 19 in December 1982. Seven Northeastern governors endorsed Governor Cuomo's proposal of establishing a uniform minimum drinking age and a regional minimum age to purchase alcoholic beverages.

D. HEALTH CARE

1. Capital Construction: The Department of Health began a major reform of the capital allocation process for health care facilities. With the 'breathing room' created by a year-long moratorium, the Department, in conjunction with the local Health Systems Agencies, has created a new medical facilities planning process. That will enable us to establish a priority list and, working within a statewide capital cap, target the limited capital dollars to the areas of greatest need.

2. Health Care Financing: The Department of Health implemented a new three-year hospital reimbursement methodology known as the New York Prospective Hospital Reimbursement Methodology (NYPHRM). This will provide hospitals an estimated additional \$227 million in 1983, mainly for charity care to poor and uninsured inner city residents.

3. Hospice: After a successful three-year demonstration involving 12 providers of hospice care, legislation providing for certification of hospice programs was enacted and several new programs are expected in 1984.

4. Medicaid Takeover of Long-Term Care: Chapter 816 of the Laws of 1983 increases our State's portion of the non-Federal share for long-term care

medical costs from 50 percent to 80 percent, over a three-year period beginning January 1, 1984. The legislation also continues 100 percent State reimbursement of the non-Federal cost of medical assistance for the mentally disabled.

5. HMO Guaranteed Enrollment: The Department of Social Services may guarantee continued Medicaid eligibility to Medicaid recipients who enroll in federally qualified HMOs for a period of six months from enrollment.

6. SSI Pass Through: Chapter 71 of the Laws of 1983 provides for a pass through of an increase to the Supplemental Security Income grants and increases Medicaid eligibility levels to accommodate their increase.

7. Medicaid Eligibility Determination: This bill enables the Office of Mental Health to make Medicaid eligibility determinations for persons who are discharged from a State psychiatric center. The bill permits provision of continuous treatment support as patients move from institutions to the community.

E. ELDERLY

1. Legislative Changes

a. Community Services for the Elderly: Last fall, Governor Cuomo pledged to expand the nationally recognized CSE Program. Beginning April 1, 1984, the State will increase its reimbursement to counties to \$4 for each elderly person, an increase from the current \$3. The minimum county level of reimbursement for smaller counties will be increased from \$24,000 to \$32,000.

b. Sliding Scale Property Tax Exemption: Low-income elderly homeowners would no longer lose their entire 50 percent exemption as their incomes increased slightly if municipalities exercised the local option under this bill.

c. Improved Long-Term Care Ombudsman Program: Volunteer ombudsmen can have access to a patient's medical records, if necessary, with the parent's permission, to more effectively advocate on the patient's behalf.

d. Co-op/Condominium Conversion Protection: This bill extends protection for elderly tenants now in effect in NYC statewide.

e. Age discrimination in housing: This bill prohibits discrimination in housing against the elderly.

f. Crime Compensation: This bill provides compensation for loss of essential property and gives special attention to elderly victims.

Other Issues Affecting the Elderly

2. Mature Workers: The Office for the Aging has initiated a study of mature workers in the State work force and pursued retirement options for these workers. As a part of this effort, the Office has established a Mature Worker Advisory Committee to participate in the project. The Committee includes representation from appropriate State agencies, public service and the private sector.

3. Medicare Report: During 1983, the Office for the Aging released a report on the Medicare program. This report presented an analysis of the present Medicare system and its problems. The report also included a series of recommendations to address the identified problems.

F. DISABLED POPULATION

1. Select Commission on the Future of the State-Local Mental Health System:

In September, Governor Cuomo established a Select Commission on the Future of the State-Local Mental Health System by Executive Order. The Commission's responsibilities will be to prepare recommendations for the Governor after a careful review of the State's present mental health program and shall propose policies which will lead to a new relationship between levels of government to serve the mentally ill more effectively. Among the specific responsibilities of the Commission are to examine the current mental health system including the persons served by the system and the kind of services provided; recommend to the Governor ways to strengthen community care services and establish a new relationship between levels of government; recommend policies that will reduce fragmentation, increase integration and promote effective and efficient care; analyze present financing mechanisms from State, Federal and local sources; and evaluate within NYC the extent to which acute care beds are inappropriately occupied by individuals in need of intermediate or long term care. Jerome Goldsmith serves as Chair.

2. Family Care Homes: The requirement of prior institutionalization and conditional release of mentally disabled persons from a State-operated facility as a prerequisite to placement in an OMH or OMRDD family care home is eliminated.

3. Handicapped Children Referral: A planning and referral process is established for handicapped children placed in educational and foster care facilities in-State who are 18 years of age and will need services after the age of 21.

4. Minor's Access to Outpatient Mental Health Services: Parental consent and involvement is required for the provision of outpatient mental health services to minors, unless a physician determines that such consent and involvement would be detrimental to the well-being of the minor who voluntarily applies for treatment.

5. Nondriver Identification: This legislation authorizes the Commissioner of Motor Vehicles to issue nondriver identification cards which will provide disabled individuals with a uniform identification for cashing checks and conducting related consumer activities.

6. Nearly 500 disabled consumers, advocates and service providers attended the five regional meetings held by the agency in Buffalo, Corning, Hauppauge, New Paltz and Utica. Attendees were given up-to-date information on the

legislative process, advocacy and coalition building. A sixth session will be held in NYC in early 1984.

7. Began the implementation of Executive Order No. 26 which requires Office of Advocate for the Disabled to review legislative, regulatory and administrative initiatives of other State agencies to assess impact on persons with disabilities. This will lead to greater consistency in State policy and less duplication of services for persons with disabilities.

8. The Mental Health Services Council: 20 members were appointed to the Mental Health Services Council, the new legislatively mandated advisory body for the agency.

9. Family Support Services including Case Management, Respite and Parent Training were developed and implemented. Thirteen respite projects were initiated throughout the State designed to generate respite relief services for families with developmentally disabled members. Five hundred families were provided parent training responding to a Governor's initiative. The O. D. Heck Autism Program was expanded to serve the most severely disabled autistic clients throughout the State.

10. Approximately 1,200 clients were placed into community settings with net facility census reduction of 600 clients.

11. Major strides were made in services to the "aging-out" boarder children and developmentally disabled children residing in child care facilities (Board Transfer).

12. The Governor signed legislation that would improve the State's programs for mental health services. One of the bills eliminates requirements that mentally disabled individuals must be released from State institutions before they qualify for fully State-funded public assistance and Medicaid benefits in family care homes.

G. EDUCATION

1. School Aid: State support of local school districts will increase by \$280 million for the 1983-84 school year. This major increase was accomplished in the main budget agreed to by the Governor and the Legislature before the end of March. Such timely enactment of the school aid formula affords school districts sufficient time for budget planning and local decision making with regard to 1983-84 budgets. The major elements of the school aid formula changes include:

- Operating aid ceilings have been increased from \$1,685 and \$2,155 to \$1,700 and \$2,340 (with the first tier based on property wealth and the second tier based on income wealth per pupil, as in 1982-83).

- The aidable salary level for BOCES employees has been raised from \$17,000 to \$19,000.

- A new magnet and demonstration school program will provide a total of \$7 million to the Big Five cities as well as Newburgh, Mount Vernon and Poughkeepsie.
- Textbook aid will be increased from \$15 to \$20 per pupil, providing an estimated \$15.02 million additional for public and private school students.
- Gifted and talented per pupil aid will be increased from \$40 to \$60, thus adding \$1.32 million for the 1983-84 school year.
- An adjustment to the very high tax aid formula will produce an additional \$3 million statewide (and a total high tax aid increase of \$7.6 million).
- An increase in special services occupational education aid of \$9.4 million will result from raising the State share from 20 percent to 38 percent.
- Parity between district-operated and contract transportation programs will be increased, thus raising transportation aid by \$3.47 million more than the \$13.3 million increase shown on the computer printouts (i.e. a total one-year change of +\$16.6 million).
- Enriched reorganization incentive operating and building aids will be available to districts which reorganize after July 1, 1983.

Also, several one-year provisions which were in effect during 1982-83 have been extended for 1983-84. These include:

- a 20 percent cap on full value increases, affecting all aid formulas using 'full value per total wealth pupil unit' as the wealth measure;
- the option of using a current year or prior year aid ratio in the computation of building aid; and
- save harmless provisions in operating aid, public school excess cost aid, and high tax aid.

2. New School Aid Payment Schedule for School Districts: Chapter 53 of the Laws of 1983 establishes a permanent payment schedule based on district need. The basic purpose of the school aid formulas is to equalize resources available to districts thereby making it possible for the State's lowest wealth districts to provide an adequate educational program for all pupils. The schedule used for payment of aid in 1982-83 to districts is not differentiated to reflect local need. The new payment schedule guarantees every local district the greater of 65 percent of its State and local General Fund revenues or 25 percent of its Section 3609 aids by March 31. This new schedule will provide more money earlier to low-wealth school districts, thereby reducing their borrowing costs during the course of the school year.

3. Higher Education Services Corporation

- a. TAP Increase: The budget for 1983-84 as negotiated between the Governor and the Legislature contains an increase of \$31 million for the Tuition Assistance Program. This increase will raise TAP to \$333 million.
- b. Student Loan Program: The Guaranteed Education Loan Programs provided more money to New Yorkers to finance their educations than all other sources of government student aid combined. The Corporation continued its

crackdown on student loan defaulters. The Corporation collected \$23,777,504 from student loan defaulters. Collections have increased by more than 40 percent over the previous year. The Corporation and the Department of Taxation and Finance implemented a new program of offsetting income tax refunds on defaulters against whom the Corporation holds a legal judgment. The Corporation recovered approximately \$450,000 this year.

3. Education Advisory Committee: Governor Mario M. Cuomo announced the formation of an Educational Advisory Committee which will recommend educational initiatives for 1984 and develop long-range educational policies for NYS. This Advisory Committee will recommend the actions which they believe the State should take to get the maximum return on the investment we will make in education next year.

H. HOUSING

1. J-51: The Legislature has passed a bill to reform the J-51 program. Under this agreement, tax benefits would be restricted to projects that increase apartments for low- and moderate-income persons. Buildings with apartments that are assessed at more than \$38,000 after rehabilitation would not be eligible for tax breaks in most cases.

2. Emergency Tenant Protection Act (ETPA): The EPTA legislation has been extended by the Legislature. The extension should prove beneficial to tenants. Rent control and stabilization functions will be transferred to the State in 1984.

3. Conversion Plan: The Conversion Plan allows for suburban counties' co-op and condominium conversion provisions to conform to those of NYC. This provision would give tenants in the suburbs more protection from eviction plans.

4. SONYMA Affordable Housing Program: The Governor announced that \$150 million in mortgage funds would be made available for low-interest home mortgages in NYS. These 30-year mortgages would be fixed at an interest rate of 9.9 percent.

5. Nehemiah Plan: Governor Cuomo announced that \$7.5 million in low-interest loans would be made available to fund the construction of low-cost housing in Brooklyn.

6. Charlotte Gardens: On December 9, Governor Cuomo presented a \$669,895 check to the Charlotte Gardens Housing Fund Company. This money will be used to begin construction of the first of 88 new factory-manufactured homes on Crotona Park East and Charlotte Streets in the South Bronx. This check represents an interest-free loan from DHCR under its Housing Development Fund. The Governor stated that, 'through a combination of Federal, State, and local programs, these new homes will be made available at the price of \$50,000, well within the affordability of middle income families in the area.'

7. Rent Regulations: Several NYS and NYC Landlord Tenant Laws were revised during 1983. The most significant change resulted in a transfer of rent control and rent stabilization systems in NYC to DHCR, thereby placing all rent regulatory systems in the State under DHCR.

8. Rural Rental Assistance Program: Grants were provided under the new Rural Rental Assistance Program for the purpose of subsidizing the rents of low-income families and the elderly, living in housing built under the Farmers Home Administration, Section 515 program: 24 groups, currently contracted (first round of funding) - \$1,019,800* (*indicates first-year subsidy).

- o Neighborhood Preservation Companies - 209 groups - awarded \$9,452,844.
- o Rural Preservation Companies - 62 groups - awarded \$3,265,496.
- o Urban Initiatives Program - 42 contracts - awarded \$2,017,000.

9. Uniform Fire Code Regulations: The Uniform Fire Prevention and Building Code will go into effect on January 1, 1984, and will be supervised by the Department of State. The new Code provides uniform regulations in the area of building and fire prevention for every municipality in NYS. The Code is primarily concerned with new construction which begins on January 1, 1984, or after. However, existing areas of public assembly will be required to install smoke detectors by January 1, 1985, provided that the NYS Legislature enacts financial incentives and assistance for the action. The Department of State will also provide training programs for building and fire officials.

I. HUMAN RIGHTS

1. Initiate Targeted Investigation and Affirmative Litigation: The Division of Human Rights has established an Interagency Civil Rights Committee to disseminate information about alleged civil rights violations and to encourage State, Federal and local civil rights enforcement agencies to work cooperatively in litigating systemic cases of discrimination and to avoid duplication of efforts.

2. Improving Community Outreach: A statewide Advisory Council and 11 regional advisory councils across the State have been established to advise and assist the Division of Human Rights on policy matters involving civil and human rights.

3. Harassment: The Governor issued an Executive Order setting State policy on sexual harassment in the workplace, a problem that has economic, psychological and physical effects on the victim and results in considerable financial costs to the State for replacement of personnel who leave their jobs, increased use of health benefits, absenteeism and declining productivity.

4. Private Establishments: The Governor issued an Executive Order barring State employees from conducting or discussing State business at private establishments which discriminate in membership policies on the basis of age, race, creed, color, national origin, sex, disability or marital status.

5. Advisory Committee on Hispanic Affairs: The Governor issued an Executive Order creating the Governor's Advisory Committee for Hispanic Affairs to insure that members of the Hispanic community are given equal opportunity to participate in all levels of government.

6. Equal Opportunity in State Government: The Governor issued an Executive Order strengthening the State's affirmative action program insuring equal employment opportunity for minorities, women, disabled persons and Vietnam Era veterans in State government.

7. Sexual Orientation: The Governor issued an Executive Order prohibiting discrimination on the basis of sexual orientation. The Governor will designate a task force which shall submit reports and recommendations, as it sees fit, dealing with individuals' rights to the benefit of government services and opportunity for government service regardless of sexual orientation.

J. DIVISION FOR WOMEN

1. The Governor Issued the Following Executive Orders

○ No. 5 — Creating the Women's Division as an advocate for women charged with developing new programs to improve the status of and opportunities for women and to improve the delivery of services.

○ No. 6 — Establishing an affirmative action policy on full participation of women and minorities at all levels of the State work force.

○ No. 18 — Establishing a Commission on Domestic Violence to advise the Governor and the Legislature on the most effective ways for State government to respond to the law enforcement and social problems posed by domestic violence. For the first time the Executive Order elevates this issue to commission status.

○ No. 17 — Establishing a State policy which prohibits the conduct of State business in any private institution or facility which discriminates by not affording full membership rights and privileges to any person because of age, race, creed, color, national origin, sex, disability or marital status.

○ No. 19 — Establishing a State policy prohibiting sexual harassment in the workplace.

○ No. 21 — Establishing a first Women's Business Enterprise program in NYS mandating the involvement of women-owned businesses in construction contracts and the procurement of services by the State and initiating a study of the extent and needs of women's businesses.

2. Women's Division Initiatives

○ Establishment of an Interagency Task Force on issues of concern to women. The Task Force is comprised of a Commissioner's designee from each State agency and meets to review the impact of State policy on women and their families.

○ Creation of an Inter-County Task Force on issues of concern to women.

This Task Force is comprised of county and large city chief executive's designees and meets to share information and review local and State issues of concern to women.

- Formulation of affirmative action policy for NYS Job Training Partnership Advisory Council which emphasizes the commitment of the State to involve women and minorities in the planning process and in job training opportunities.

3. Legislation Signed by the Governor Which Can Improve the Quality of Life for Women

- Affirmative action to involve women in jobs and business emanating from the Transportation Bond Issue.

- A3701-B — Crime victims compensation eligibility for victims of domestic violence.

- A6129 — Prohibition of housing discrimination against persons with children.

- A3247 — Redefinition of "forcible compulsion" in sex offenses to clarify that physical force or a threat of assault by the attacker is sufficient to prosecute a rape or sodomy case.

- A257 — Prohibits any limitation of day care services to particular days or hours of operation. The statute is designed to encourage the development of flexible day care schedules to better serve the needs of the community.

- A185 — Establishes a pilot program which would allow two family day care homes to merge to provide group family day care.

- A6728 — Prohibits postsecondary educational institutions as well as business and trade schools from discriminating in admission on the basis of sex, marital status, race, creed, age or national origin.

VI. REGULATORY AGENCIES

A. BANKING AND FINANCIAL SERVICES

1. The so-called "parity bill" broadened the lending and investment powers of State chartered commercial banks and thrift institutions to conform with those of federally chartered institutions. This helped make State charters more attractive, thereby maintaining a greater degree of State control over the financial industry in New York.

2. Legislation was enacted extending until 1987 the elimination of virtually all interest rate ceilings, except criminal usury, on consumer loans in NYS. This bill insured the availability of consumer credit for New Yorkers and encouraged banks to keep their credit card operations, and the jobs generated thereby, in NYS.

3. A Temporary State Commission on Banking, Insurance and Financial Services was created this year. This 23-member Commission, of which the Superintendent of Banks and the Superintendent of Insurance are ex officio members, has a mandate to evaluate the structure and dynamics of the financial

services industry and formulate recommendations to the Governor and the Legislature by February 15, 1984, for appropriate changes in New York law, regulations and policies. The Commission will be chaired by Adrian DeWind, a partner in the NYC law firm of Paul, Weiss, Rifkind, Wharton and Garrison.

4. Legislation was enacted requiring the State Banking Board to promulgate regulations establishing a reasonable period of time within which banks must permit a retail banking customer to draw on an item which has been received for deposit in the customer's account.

B. INSURANCE DEPARTMENT

1. Reform of New York Life Insurance Companies Investment Practices: The most far-reaching measure enacted in 1983 was Chapter 567 which greatly expands not only the investment opportunities of New York life insurance companies, but also the activities of their various subsidiaries. Under the law, subsidiaries would be permitted to engage in any 'lawful activity' (except banking); investments are greatly broadened in each category presently listed in the Insurance Law (stocks, bonds, equity investments, mortgages, etc.) and a new category is created for equity investments in certain businesses located in NYS including those which are minority owned, technologically oriented, devoted to the development of low-income housing or located in areas of the State with a high rate of chronic unemployment.

2. Grucci Fireworks Factory: The recent explosion of the Grucci family fireworks factory in Bellport, Long Island illustrated the importance of including the Insurance Department in the State's disaster preparedness plan. After the explosion, which damaged a number of homes and other buildings in the area, the Insurance Department went to Bellport to assess the damage and determine to what extent the residents of the area would need help from the State in rebuilding damaged structures.

3. Baldwin United: Single Premium Deferred Annuities: On October 20, 1983, Governor Cuomo announced that the many New Yorkers who had been illegally sold \$30 million in 'single premium deferred annuity policies (SPDA)' by two unlicensed and financially troubled out-of-state insurance companies will be able to recover their total investments.

C. THE NEW YORK STATE LOTTERY

The NYS Lottery achieved record sales in 1983 totaling \$804 million from its popular Lotto, Daily Numbers, Win-4, and Instant games. These sales produced revenue of \$329 million to help pay the State's financial aid commitment to New York school districts. Fiscal year 1983-84 sales are projected to be \$830 million — an increase over FY 1982-83 of nearly 30 percent.

D. CONSUMER PROTECTION AND THE LEMON LAW

The Lemon Law, signed by Governor Cuomo, went into effect on September

1, 1983. Under the law a lemon is defined as a new car with a persistent defect or condition which substantially impairs its value and which cannot be fixed. Defects would have to be in parts covered under the car's express warranty which must be presented to the consumer at the time of the sale. The law covers only passenger cars sold and registered in NYS which are normally used for noncommercial purposes. To help consumers secure their rights under the law, the Consumer Protection Board (CPB) has issued a new pamphlet: 'Lemon Aid - A Guide to NYC's New Lemon Law.'

E. COMMISSION ON CABLE TELEVISION

The Commission approved franchises awarded by NYC, adding 2.2 million potential subscribers to a vastly increased constituency. The state-of-the-art systems approved for NYC's outer boroughs constitute cable service of the highest quality for the City's residents, and will help NYC fulfill its role as communications capital of the world.

F. TAXATION AND FINANCE

1. The combination of layoffs and retirements initially reduced the work force of the Department by 10.5 percent. In spite of this, collections by the Tax Department in the first four months of this fiscal year have increased by \$658 million over last fiscal year.
2. A policy of negotiating Exchange of Information Agreements with other taxing authorities has been pursued. These agreements help identify tax evaders and contribute to the effectiveness of enforcement programs.
3. Refund Offset Programs were established in 1983. Personal income tax refunds are offset against student loan defaults and certain social services programs. As a result, \$5 million of tax refunds have been paid to the Higher Education Services Corporation and the Department of Social Services to meet taxpayer liabilities to those agencies.
4. The Tax Compliance Bureau has increased its annual collections by 17 percent, to over \$500 million. They closed over 1.2 million cases. The value of an assessment generated by an auditor averages over \$1,600 per day, a 30 percent increase over last year. The use of Federal information increased income tax adjustments by \$17 million in the past year.

VII. GOVERNMENT REFORM

A. EXECUTIVE CHAMBER

Established an organization for the Office of Management and Productivity which was institutionalized by Executive Order dated October 18, 1983. The following list highlights a number of their accomplishments:

1. Started project with a loaned executive from the New York Telephone Company to implement a better system for managing the State's vehicles. The project is ongoing and has successfully met certain objectives: establishment of a uniform record keeping system for State agencies, the Division of the Budget, and OGS; issuance of RFP for a statewide contract for preventive maintenance and repair service on State vehicles; replacement of credit cards and issuance of new ones. Regarding credit cards, reports are being designed to monitor purchases made to control potential abuses.
2. Started project involving a review of the State's warehousing, inventory, and purchasing operations with Arthur Andersen & Co.; this was completed in November. The significant recommendations involved changes to the OGS Division of Supply Support which would make it function more as a distributor of supplies to agencies with adequate inventory and purchasing control procedures.
3. Completed a project for DOT with the assistance of a loaned executive from Grumman Corporation. The report submitted to Commissioner Larocca offered recommendations on organization for better management of the central and regional offices and proposed a five-year implementation plan for improvement of their technology.
4. Began a project to help reduce the State's finance charges resulting from late payment of utility bills. With assistance of a retired State employee, a report is being prepared citing problem areas and proposing recommendations.
5. Proposed method for agencies to make timely responses to external reviews and to take early corrective actions where possible.
6. Started to assist the DHCR eliminate administrative deficiencies.
7. Started project to institute a better management and information system within the Department of Taxation and Finance's Customer Service Division.

B. OPEN GOVERNMENT

Governor Cuomo issued an Executive Order requiring public financial disclosure by certain State officials. Specifically, the Order requires gubernatorial appointees and executive branch employees in policy-making positions to file financial statements with a Board of Public Disclosure established in the Department of State. The disclosure order also provides that the financial disclosure statements be made available for public viewing.

C. PRIVACY

Personal Privacy Protection Law — This bill establishes standards for the management and dissemination of records maintained by State agencies. While insuring fairness and accuracy in the collection, use and disclosure of personal

information maintained by the government, this bill also affords public safety agencies the degree of confidentiality necessary to insure that law enforcement efforts will not be impeded.

D. OUTSIDE CONSULTANTS

The Governor directed State agencies to reduce their use of outside consultants by at least 10 percent.

E. EXECUTIVE AIRCRAFT

The Administration set guidelines for the use of the Executive airplanes curtailing potential misuse of the planes and insuring that the State is properly reimbursed for travel not related to State business.

F. OMBUDSMAN

The Governor signed an Executive Order establishing the Office of NYS Ombudsman in the Department of State. The Secretary of State serves as the NYS Ombudsman. The functions of the office are to advise and assist the Governor in developing State programs designed to meet the needs of the people of the State, to investigate specific complaints concerning the delivery of services by State agencies and to cooperate with and assist municipalities of the State in the development of local ombudsman programs.

G. UPSTATE COUNCIL

The Governor announced the formation of an Upstate Council of Elected Officials which will provide the Governor with a local government perspective on such policy areas as the economy, the environment and agriculture.

H. WORLD TRADE CENTER

New York State offices located in the WTC were relocated to private and State-owned office buildings within the five boroughs of NYC. During 1983, 11 floors at 2 WTC, involving over 440,000 rentable square feet, were relocated.

I. LINCS

OGS implemented the LINCS (Long-Range Intercity Network Communications System), which will provide cost-effective communications services to the State. Additional annual savings from LINCS are estimated at \$2 million. Annual savings through utilization of non-Bell common carriers, such as Eastern Microwave, Inc., are estimated at \$1.6 million, starting in 1984.

J. STATE CAR REFORMS

1. Existing credit cards used for automotive purchases were replaced with a

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new credit card system that facilitates effective auditing, thereby greatly improving accountability in this area.

2. The size of the Interagency Motor Pool was reduced by 120 vehicles, representing a 25 percent reduction in the number of vehicles assigned to the pool.

3. A task force was initiated to develop plans for implementing the concept of single agency management of the entire fleet of State-owned passenger cars.

VIII. OFFICE OF THE LIEUTENANT-GOVERNOR

CONSTITUTIONAL DUTIES

By constitutional provision, the Lieutenant-Governor acts as President of the Senate. In addition to handling significant programmatic responsibilities assigned by Governor Cuomo during the year, the Lieutenant-Governor presided at two-thirds of the 46 out of the 70 Senate sessions.

ECONOMIC DEVELOPMENT

Recognizing the diversity of the State, Governor Cuomo decided to divide it into ten economic development regions, grouping counties into their most natural labor market, media, and urban development areas. The Lieutenant-Governor has met with local governments, business, labor, and academic leaders of these regions. Names are being reviewed by the Governor to form ten Regional Economic Development Advisory Councils. These Councils should be established shortly and project work in each region will begin in early 1984.

Recognizing a decade-long unrealized potential at Stewart Airport in Orange County, the Governor appointed a State Development Team, headed by the Lieutenant-Governor, to work with the local Citizens Advisory Commission and local officials to bring industrial and commercial development to the airport. A development master plan has been approved and new marketing efforts are underway.

Also, the Lieutenant-Governor made over 70 appearances on behalf of the 'Rebuild New York' Bond Act during September and October. Furthering economic trade has been an additional economic objective and the Lieutenant-Governor participated in international trade forums in Quebec and the Far East.

JOB TRAINING PARTNERSHIP ACT

The Governor assigned the Lieutenant-Governor to act as Vice-Chairman of the statewide Job Training Partnership Council. He has been working closely with Jewell McCabe, Chairperson of the Council, and the Department of Labor.

The program became operational on October 1. The Lieutenant-Governor has concentrated on assuring coordination of State agencies that have an involvement in the program.

LOCAL GOVERNMENT PROJECTS

The Governor asked the Lieutenant-Governor to undertake two specific projects involving State and local relations. One was the establishing of a State Advisory Commission for Intergovernmental Relations (ACIR). Various legislative bills passed both the Assembly and Senate, but final agreement was not reached during the year. A draft Executive Order has been submitted to the Governor for his consideration. The second was State Revenue Sharing to local governments. This program was studied in depth by the Lieutenant-Governor's staff with an eye toward developing a new formula. A full report was submitted to the Governor and is now under consideration.

The Lieutenant-Governor also took the initiative in setting up two liaison efforts to help local governments. One was the creation of a 'Federation of Local Governments and School Boards,' made up of three representatives each from the statewide associations representing counties, cities, towns, villages, and school boards, and one representative from NYC. This group met four times during the year to discuss various State and local issues such as revenue sharing.

Another initiative was project SHARE (Self Help and Resource Exchange) which is an information exchange program between local government officials. Local officials with expertise are matched with other officials seeking answers on specific issues. SHARE is staffed by volunteers in Albany, so there are no personnel costs to the State. Over 60 SHARE projects have been initiated. The program was an outgrowth of the Lieutenant-Governor's work with the City of Lackawanna on its budget crisis due to the closing of Bethlehem Steel.

ENERGY AND EMERGENCY PREPAREDNESS

In May, the Governor assigned the Lieutenant-Governor to lead a State team to substitute for Rockland County officials in emergency preparedness involving the Indian Point nuclear power complex. Organizing a State team of 55 persons, the Lieutenant-Governor led a full scale drill in August, which was judged successful by FEMA and the NRC. The Lieutenant-Governor has also submitted several policy recommendations to the Governor regarding State and Federal activities in this area. In addition, as a by-product of this experience the Lieutenant-Governor is preparing recommendations on developing a comprehensive emergency communications network for the Governor at his request.

LIEUTENANT-GOVERNOR'S TASK FORCE ON AGING OUT

Recognizing the growing unmet need in our society regarding disabled young

adults who 'age out' of traditional educational services, a citizens' 'Task Force on Aging Out' was formed. This group of volunteers first actively supported the Governor's budget request for Transitional Services for 1983-84. Next, an information and referral hotline for parents of disabled young people was established in the downstate area. Regional subcommittees of the statewide Task Force are also being formed. Organizational meetings have been held in Buffalo, Rochester and Syracuse. To develop a needs assessment data base, hundreds of questionnaires have been mailed out to service agencies, and the results will be tabulated.

MTA

At the Governor's request the Lieutenant-Governor is working with Mike Del Giudice, Jim Larocca and Chairman Kiley on developing a rational system of MTA support as it affects the Mid-Hudson region. He hosted a meeting for these and NYC officials to initiate the process of participative deliberation.

APPENDIX B

LIST OF 1983 REPORTS

Summary of Agency Workforce Reduction Implementation Plans (March).

Memo/Report (Thomas P. Puccio to Gov. Cuomo), Viability of Westway (April 25).

Memo/Report (Brad Johnson to Gov. Cuomo), Westway Trade-In (May 12).

Memo/Report (Brad Johnson to Gov. Cuomo), Evaluation of Westway Trade-In (Oct. 11).

NYS Aids Task Force, Initial Report to the Governor (June 21).

The First Six Months (June 28).

1933/1983 Never Again: Report to the National Governor's Association Task Force on the Homeless by Mario M. Cuomo (July).

Summary of the NGA Survey of the States on the Current Status of the Homeless (July).

First Report of the Governor's Task Force on Housing the Homeless (July 20).

Final Report of the Pension Committee (Sept).

Final Report to Governor Mario M. Cuomo: The Disturbance at Ossining Correctional Facility, Jan. 8-11, 1983 (Sept.).

Fact-Finding Panel on the Shoreham Nuclear Power Facility (Marburger Commission). Report of the NYS Fact-Finding Panel on the Shoreham Nuclear Power Facility (Dec. 14).

Governor's Select Commission on the Future of the State-Local Mental Health System. Subcommittee on the NYC Psychiatric Bed Crisis. Report of the Subcommittee (Dec.).

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