ALBANY, NEW YORK

May 8, 1995

3:04 p.m.

REGULAR SESSION

SENATOR JOHN A. DeFRANCISCO, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT DeFRANCISCO: The Senate will come to order. Would everyone please rise and repeat with me the Pledge of Allegiance.

The invocation today will be given by Imam Abdur Rahim Muhammad, the Chaplain and Islamic Services Coordinator of the Elmira Correctional Facility.

IMAM ABDUR RAHIM MUHAMMAD: Dear members of the Senate and all those present, peace be upon you. Inshallah 'alaihim, salam alaihum!

Please allow me to express my gratitude to Senator Kuhl and those who have made this historic occasion possible. I thank Almighty God and am once honored and humbled to represent the Nation of Islam and the hundreds of thousands of Muslims everywhere across New York State. As probably the first and more probably not the last Muslim to open in prayer before this honorable gathering, let me make but one request, that each of us look to our own

beliefs, values, disciplines and principles to find instead of that in which we could angrily disagree, those great many things on which, with united hearts and minds, we can and should act together to build a better reality for everyone under the blessings of the one God of us all.

I am blessed to be able to work with men in prison every day and just recently returned from Kazakhstan, a country where entire people was freed from mental and spiritual incarceration. In prayer, let us see the challenge of responding to freedom by respecting it.

Islam is a religion that has been represented and also misrepresented. In repre senting it here, I reflect on the words of Imam W. D. Muhammad who once said it's not who we are; it's what we represent that is important. This religion of peace is nowhere better repre sented than in the opening seven verses of the Qur'an, in which I pray that those honored lawmakers here will find its echo in their own minds and hearts with deeds, words and

translation, we pray.

A'udhu billahi minash shaitanir rajim.

I seek refuge in the forces of Almighty God from all evil.

Bismillahir rahmanir rahim.

The merciful benefactor of the merciful redeemer.

Al hamdu lil lahi rabbil alamin.

Praise be to Allah, the cherisher and sustainer of the word.

Arrahmanir rahim.

The merciful benefactor, the merciful redeemer.

Maliki Yawmuddin.

Master of the day of judgment.

Iyyaka na'budu wa iyyaka nasta'in.

You do we worship and Your help do we seek.

Ihdinas siratal mustaqim. Show us the straight way.

Siratal ladhina 'amta 'alaihim,

ghairil maghdubi 'alaihim wa lad dallin.

The way of those on whom You have bestowed Your grace, those whose portion is not ra, and who go not astray. Amin, amin. Amen.

ACTING PRESIDENT DeFRANCISCO: Reading of the journal.

THE SECRETARY: In Senate, Sunday, May 7th. The Senate met pursuant to adjournment, Senator Hoblock in the Chair. The Journal of Saturday, May 6th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Secretary will read.

THE SECRETARY: The Governor returns without executive approval Senate Bill Number 1294, entitled An act to amend the Estates, Powers and Trusts Law, in relation to the exercise of powers of appointment; by

Senator Lack, Veto Message Number 5.

Also the Governor returned without executive approval Senate Bill Number 2134, an act to amend the Estates, Powers and Trusts Law, in relation to a share of stock; by Senator Lack, Veto Number 8.

ACTING PRESIDENT DeFRANCISCO: Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Tully.

SENATOR TULLY: Yes, Mr. President. On behalf of Senator Lack, on page 44, I offer the following amendments to Calendar Number 115, Senate Print Number 985-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DeFRANCISCO: Amendments received.

SENATOR TULLY: Mr. President, on behalf of Senator Cook, on page 47, I offer the

following amendments to Calendar Number 495, Senate Print Number 3156, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DeFRANCISCO: Amendments received.

Senator Bruno, we have one substitution.

SENATOR BRUNO: Please place the substitution, Mr. President.

ACTING PRESIDENT DeFRANCISCO: The Secretary will read.

THE SECRETARY: Senator Gold moves to discharge from the Committee on Higher Education Assembly Bill Number 3147-A, and substitute it for the identical bill, Calendar Number 676.

ACTING PRESIDENT DeFRANCISCO: Substitution ordered.

Senator Bruno.

SENATOR BRUNO: Yes, Mr. President. Can we now take up a Resolution Number 580, by Senator Kruger, and I ask that it now be read in its entirety.

ACTING PRESIDENT DeFRANCISCO: Without objection, Resolution 580, by Senator Kruger. The Secretary will read.

THE SECRETARY: Legislative Resolution, by Senator Kruger and others: Legislative Resolution proclaiming the month of September, 1995 as Menopause Awareness Month in the state of New York.

WHEREAS, menopause by the year 2000 will begin to affect 44 million American women, over 3 million in New York State.

It has already affected millions more according to the American College of Obstetricians and Gynecologists. The results will be a national health concern of dramatic proportions unless women are better educated about the changes of menopause and the measures that can prolong and enhance their lives.

If not properly treated by a trained physician, the health risk of perimenopausal and post-menopausal women can result in an increased number afflicted by osteoporosis or cardiovascular disease.

Estrogen depletion which occurs in menopause results in an increase in cardio vascular disease, resulting in over 530,000 deaths of women per year. These numbers could reach staggering proportions with the aging of the "baby boom" generation.

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its deliber ations and proclaim the month of September, 1995 as Menopause Awareness Month in the state of New York; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to the American Menopause Foundation, a not-for-profit national support network of women, families, corporations and health care professionals committed to research, education, public awareness, for all women who need support and help.

ACTING PRESIDENT DeFRANCISCO: Senator Kruger.

SENATOR KRUGER: Yes, Mr. President. I would like to now recognize with

us today several individuals who have been responsible in not only preparing this resolution but bringing this issue to the fore front.

I would like to recognize the presence of Drs. Michael and Gerard Terrato, practicing obstetrics and gynecologists in Brooklyn, who have been my advisers in this particular resolution; additionally, we have with us today, Miss Barbara Pettit, representing the Beth Israel Medical Center and Miss Marie Longo, the president of a newly founded organization which has its headquarters in New York City and currently subscribes to a membership of over 20,000 members nationwide - individuals, women, who are afflicted with the scourge of the symptoms of menopause.

I thank them for their cooperation in making this issue an important one, and I look forward to working with them in the future.

Thank you, Mr. President.

ACTING PRESIDENT DeFRANCISCO:

Thank you, Senator. The resolution was previously adopted on March 14th.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we now take up the non-controversial calendar.

ACTING PRESIDENT DeFRANCISCO: Secretary will read.

THE SECRETARY: Calendar Number 156, by Senator Levy, Senate Print 1976, an act to amend the Education Law and the Local Finance Law, in relation to refinancing of payments by certain employers.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar number 277, by member of the Assembly Lopez, an act to amend the Private Housing Finance Law, in relation to rehabilitation loans to owner/ occupants of one- to four-unit private and multiple dwellings in cities with a population of one million or more.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 384, by Senator Stavisky, Senate Print 2701, an act to amend the Penal Law, in relation to increasing penalties for criminal solicitation.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 1st day of November.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Lack, Senate Print 2272, an act to amend the Labor Law, in relation to enacting the Advanced Technology Act of 1995.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 450, by Senator Levy, Senate Print 322, an act in relation to requiring the Commissioners of Motor Vehicles, Transportation and Education to develop a uniform definition of the terms "school" and "school bus".

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 452, by Senator Levy, Senate Print 326, an act to amend the Vehicle and Traffic Law, in relation to a requirement to mandate full resident address.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 466, by Senator Hoblock, Senate Print 3559, an act to amend the Vehicle and Traffic Law, in relation to special license plates.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of April.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number

482, by Senator Lack, Senate Print 3353, an act to amend the Civil Service Law and the Education Law, in relation to the compensation of teaching and research center nurses.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 484, by Senator Trunzo, Senate Print 3630, an act to amend the General Municipal Law and the Retirement and Social Security Law, in relation to increasing certain special accidental death benefits.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect the 1st day of July.

ACTING PRESIDENT DeFRANCISCO:

Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO:

The bill is passed.

THE SECRETARY: Calendar Number 486, by Senator Trunzo, Senate Print 4040, an act to amend the Retirement and Social Security Law, in relation to retirement credit for periods of worker's compensation leave.

ACTING PRESIDENT DeFRANCISCO:

Read the last section.

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

ACTING PRESIDENT DeFRANCISCO:

Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DeFRANCISCO:

The bill is passed.

THE SECRETARY: Calendar Number

487, by member of the Assembly Vitaliano, Assembly Print 6228, an act to amend the Education Law, in relation to reproduction and disposal of the records of the New York State Retirement Teachers' system.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 493, by Senator LaValle, Senate Print 3870, an act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 502, by Senator Sears, Senate Print 3325, an act to amend the General Business Law, in relation to prohibiting a Social Security number as a condition for accepting a check in payment of sales transaction.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of November.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 504, by Senator Skelos, Senate Print 1743-A, an act to amend the General Obligations Law, in relation to exoneration of certain crime victims.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of November.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DeFRANCISCO: Lay the bill aside.

THE SECRETARY: Calendar Number 509, by Senator Skelos, Senate Print 3726, an act to amend the Education Law, in relation to registration of voters.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 510, by Senator Present, Senate Print 4213, an act apportioning transportation aid to the City School District of Dunkirk.

ACTING PRESIDENT DeFRANCISCO: A local fiscal impact statement is at the desk. Please read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 515, by Senator Holland, Senate Print 475, an act to amend the Criminal Procedure Law, in relation to designating security officers.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 517, by Senator Volker, Senate Print 587, an act to amend the Penal Law, in relation to theft of telecommunication services.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the last day of November.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 519, by Senator Saland, Senate Print 2335-A, an act to amend the Criminal Procedure Law, in relation to expanding the limited list of offenses concerning which a child witness may testify.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 1st day of the calendar next month.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator DeFrancisco, Senate Print 3521, an act to amend the Criminal Procedure Law, in relation to the detention of defendants.

SENATOR GOLD: Please star the bill.

ACTING PRESIDENT DeFRANCISCO: Senator -- read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 528, by Senator Skelos, Senate Print 3754, an act to amend the Penal Law, in relation to the term of licenses to carry or possess a pistol or revolver in the county of Nassau.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT DeFRANCISCO: Lay the bill aside.

THE SECRETARY: Calendar Number 532, by Senator Velella, Senate Print 21, an act to amend the General Municipal Law, in relation

to requiring the governing board of municipal corporations to give a 60-day notice.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 6. This act -

SENATOR VELELLA: Lay aside.

ACTING PRESIDENT DeFRANCISCO: Lay that bill aside.

SENATOR VELELLA: For the day.

ACTING PRESIDENT DeFRANCISCO: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 566, by Senator Levy, Senate Bill 339, an act to amend the Transportation Law, in relation to amending the definition of "school" for purposes of the commissioner's power to regulate safety of school buses.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on September 1st.

ACTING PRESIDENT DeFRANCISCO:

Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Levy, Senate Print 347, an act to amend the New York City charter and the Public Authorities Law, in relation to the inspection of the Metropolitan Transportation Authority.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 585, by Senator Levy, Senate Print 4175, an act

in relation to requiring the Metropolitan Transportation Authority to study subway station off-hour waiting areas.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

THE SECRETARY: Calendar Number 622, by Senator Trunzo, Senate Print 4314, an act to amend the Retirement and Social Security Law, in relation to increasing the maximum amount which retired persons may earn.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO:

Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 49.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

Senator Bruno, that completes the reading of the non-controversial calendar.

SENATOR BRUNO: Mr. President, can we now take up the controversial calendar.

ACTING PRESIDENT DeFRANCISCO: The Secretary will read.

THE SECRETARY: On page 29, Calendar Number 504, by Senator Skelos, Senate Print 1743-A, an act to amend the General Obligations Law, in relation to exoneration of certain crime victims.

SENATOR BRUNO: Lay it aside temporarily.

ACTING PRESIDENT DeFRANCISCO: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 528, by Senator Skelos, Senate Print 3754, an act to amend the Penal Law, in relation to the

term of licenses to carry or possess a pistol.

ACTING PRESIDENT DeFRANCISCO: Senator Paterson.

SENATOR PATERSON: Mr. President, we actually debated this exact bill when it applied to Suffolk County and now we have the, in a sense, same standard being applied to Nassau County.

Last year the Governor vetoed this bill. He thought, as some of us do, that there should be stricter limitations on gun possession; so, in the interests of brevity, I'm just going to give you the names of the individuals who voted against that bill. They are Senators Abate, Connor, Galiber, Kruger, Leichter, Montgomery, Paterson, Solomon and Smith.

ACTING PRESIDENT DeFRANCISCO: Read the last section.

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

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Those recorded in the negative on Calendar Number 528, are Senators Abate, Connor, Gold, Kruger, Montgomery, Paterson, Smith.

ACTING PRESIDENT DeFRANCISCO: Results.

THE SECRETARY: Ayes 42, nays 7.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

SENATOR BRUNO: Mr. President, can we now return to Calendar Number 504. Senator Skelos is in the chamber.

ACTING PRESIDENT DeFRANCISCO: Secretary will read.

THE SECRETARY: Calendar Number 504, by Senator Skelos, Senate Print 1743-A, an act to amend the General Obligations Law, in relation to exoneration of certain crime victims.

ACTING PRESIDENT DeFRANCISCO: I believe Senator Paterson previously requested an explanation on this bill, Senator Skelos.

SENATOR SKELOS: Mr. President, this bill amends the General Obligations Law by returning the assumption of risk doctrine to civil lawsuits. In an action for damages, if the defendant shows that the injury sustained by the plaintiff arose during the commission or attempted commission by the plaintiff of certain enumerated crimes and that the actions of the defendant were justified pursuant to Article 35 of the Penal Law, then the plaintiff is deemed to assume all the risk of injury coming from the encounter with the victim and that proof shall constitute a complete defense to the action.

The defendant must furnish proof by a preponderance of evidence by showing that the plaintiff committed the crime and that the defendant's actions were justified.

ACTING PRESIDENT DeFRANCISCO: Senator Paterson.

SENATOR PATERSON: Mr. President, would Senator Skelos yield for a question?

SENATOR SKELOS: Yes, I will.

ACTING PRESIDENT DeFRANCISCO:

Senator Skelos, will you yield? He yields.

SENATOR PATERSON: Actually, Senator, I like this bill, and I want to vote for it. I just wanted to ask you if the whole difference between our criminal and our civil system is actually the standard of proof. Don't you think that sometimes the -- there could be an action that could be taken that certainly would not incur any criminal liability but, because of the different standard of proof being the preponderance of the evidence, would incur civil liability to the individual in this case who would be the victim of a crime, or a good samaritan or someone who is intervening?

SENATOR SKELOS: It's my belief that, with the enumerated crimes and the fact that the act had to be justified, that the answer would be no, and that's my opinion.

SENATOR PATERSON: Thank you very much.

Mr. President, on -- on this bill.

I think we just have to be

careful when we start, in a sense, creating a situation where there can be no action on the part of individuals. In this particular case we're talking about crime victims or we're talking about good samaritans who intervene in an actual crime.

There's certainly been a number of situations where people intervened, and they actually wound up being sued themselves. It's really very wrong when it happens. It's a kink in our criminal justice system, and I think it's very much satisfied by this particular bill. I just hope that we will be cautious in future legislation to make sure that we never lose sight of the fact that we still have a -- a civil system and that the standard of proof there is met not by proving beyond a reasonable doubt but by proving by preponderance of the evidence.

ACTING PRESIDENT DeFRANCISCO: Please read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of

November.

ACTING PRESIDENT DeFRANCISCO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Those recorded in the negative on Calendar Number 504 are Senators Connor and Gold. Ayes 48, nays 2.

ACTING PRESIDENT DeFRANCISCO: The bill is passed.

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

SENATOR GOLD: Excuse me, Mr. President.

(Senator Gold conferred with Senator Skelos.)

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

ACTING PRESIDENT DeFRANCISCO: There is no housekeeping at the desk.

SENATOR SKELOS: Does any member have anything they would like to advise the President of? No? O.K. There being no further business, I move we adjourn until Tuesday, May

9, 1995, at 3:00 p.m.

ACTING PRESIDENT DeFRANCISCO: Without objection, the Senate stands adjourned until May 9, 1995, at 3:00 p.m.

(Whereupon at 3:32 p.m., the Senate adjourned.)