ALBANY, NEW YORK

June 2, 1997

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Would you please rise and join with me in the Pledge of Allegiance.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Friday, May 30th. The Senate met pursuant to adjournment. The Journal of Thursday, May 29th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President. On behalf of Senator Libous, please remove the sponsor star from Calendar Numbers 237 and 264.

THE PRESIDENT: So ordered.

SENATOR MARCELLINO: Also, Madam President, I wish to call up Senator Stafford's bill, Print Number 3164, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Stafford, Senate Print 3164, an act to amend the Education Law and Chapter 698 of the Laws of 1996.

SENATOR MARCELLINO: Madam President, I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 40.

THE PRESIDENT: The bill is before the house.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendments received.

Senator Tully.

SENATOR TULLY: Madam President, on behalf of Senator Cook, on page 19, I offer the following amendments to Calendar Number 587, Senate Print Number 2803, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there is a privileged resolution at the desk by Senator Seward. May we please have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Seward, Legislative Resolution commending the Pioneering Partners Foundation upon the occasion of honoring the 16 schools in the State of New York that were recipients of its Award since 1992 to be celebrated on June 2, 1997.

WHEREAS, it is the sense of this Legislative Body to act, in accord with its long-standing traditions, honoring the youth of today, leaders of tomorrow, teachers and administrators, whose character and achievements best exemplify the ideals and values cherished by this great State and Nation.

This Legislative Body is proud to commend the Pioneering Partners Foundation upon the occasion of honoring the 16 schools in the State of New York that were recipients of its Award since 1992 to be celebrated at a reception in the "Well" of the Legislative Office Building, Albany, New York, on Monday, June 2, 1997.

The Pioneering Partners Foundation is a nonprofit, nonpartisan philanthropic organization dedicated to achieving systemic education reform by expanding

the innovative use of technology in the classroom.

Pioneering Partners Foundation meets the goal by supporting outstanding teams of educators who, in partnership with business and government leaders, are leading their students, schools and communities, in realizing path-breaking educational achievements.

Over the past five years Pioneering Partners has grown into a broad-based network of more than 500 teachers, administrat ors, community officials and business and government leaders, working together to improve learning, strengthen schools and benefit students.

The prestige of the "Pioneering Partners Award" has also enabled broad-based coalitions of educators, community leaders, local and state policy-makers and business executives to ignite systemic change far beyond the teams' school districts and has helped them leverage additional funding awards for their projects.

The Cobleskill-Richmondville Central School was one of four New York State

school districts to receive the "Pioneering Partners Award" in 1996; the other three school districts included: Barker Central School, Canajoharie Central School, and Berne-Knox Westerlo Central School District.

The Pioneering Partners Foundation's mission is to identify, reward, train and provide ongoing support to outstanding teachers who have led their students, fellow teachers, and community in realizing path-breaking educational achievements through the innovative use of technology.

Now, therefore, be it resolved, that this Legislative Body pause in its deliberations to commend the Pioneering Partners Foundation upon the occasion of honoring the 16 schools in the State of New York that were recipients of its Award since 1992 to be celebrated on June 2, 1997; and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to Pioneering Partners Foundation.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Seward.

SENATOR SEWARD: Mr. President, just to speak very briefly on the resolution -

ACTING PRESIDENT MAZIARZ: Senator Seward, on the resolution.

SENATOR SEWARD: -- which says it all very, very well, but I would be remiss if I did not rise to echo the sentiments expressed in the resolution.

There is no question, Mr. President, that technology is very, very important to our educational system both in its importance of exposing our students and our schools to technology and all that that has to offer in preparing them for a life and careers after school but also technology is important as a tool for instruction and better instructing and preparing our young people for the future, and that's why organizations such as Pioneering Partners Foundation and all that they do to support educators who are working with community leaders and business leaders and fellow educators help to bring this technology to our schools, to our classrooms and, thus, to our students throughout New York State schools.

The program goals of Pioneering

Partners is, of course, to recognize and provide grant funding for educators who have successfully applied technology in improving learning. They help to disseminate this information in these very innovative teaching skills and techniques to other educators and other community leaders. They are involved with coalition building to bring together educators, parents, community officials and business and governmental leaders and, of course, very importantly, working with professional development.

We, in New York, have been blessed over the years in having a number of our school systems be recognized and awarded grants and other recognition by Pioneering Partners. Just last year, one of my leading school districts in my Senate district, the Cobleskill-Richmondville School District, was so recognized, as well as, last year, the Barker Central School, the Canajoharie Central School, and the Berne-Knox-Westerlo Central School District, as well; and over the past years, other school districts across the state: the Waterloo High School, the Gloversville City

School, Shelter Island, PS 279 in Brooklyn, North Colonie, the Berkshire, the Patchogue Medford School System, the West Hill School in Syracuse, the Pine Bush, New York City Community School District Number 18 also in Brooklyn, the East Ramapo School District in Spring Valley as well as the North Syracuse Central School District.

Mr. President, I would just remind the members that from 5:00 to 6:30 p.m. today that there will be a reception over in the "Well" of the Legislative Office Building so that all of the members will have an opportunity to greet and congratulate the educators and other representatives of these outstanding school districts who are doing so much to bring technology to our schools and to use that technology to further education in this state.

So, Mr. President, I would hope that we would unanimously pass this resolution and congratulate all of the award winners, many of whom are gathered here in the gallery today.

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

The question is on the

resolution.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there is a privileged Resolution Number 1584, by Senator Trunzo. May we please have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: By Senator Trunzo, Legislative Resolution memorializing The Honorable George E. Pataki, Governor of the state of New York, to proclaim the week of June the 2nd through the 6th, 1997, as New York City Firefighters' Week in the State of New York.

WHEREAS, this is a week to commend the contributions to New York State that the New York City Firefighters provide us by responding to our needs with extreme bravery at

moments in our life when we are faced with injury or possible death.

In commemorating June 2-6, 1997, as New York City Firefighters' Week in the State of New York, this Assembled Body honors those who put their lives on the line in the performance of their service to the community, recognizing also that the daily performance of such service by the New York City Firefighters enables us to live and work with the security that, if endangered, they will be there to protect us.

These brave individuals often have a thankless job and people often do not recognize that such individuals risk their lives every day that they go to work; these individuals who choose such work should be commended and recognized for their efforts.

While we show our appreciation for New York City Firefighters, we should also take a moment to remember those firefighters who have lost their lives in service to their communities and to remember their families and their sacrifice.

Now, therefore, be it resolved,

that this Legislative Body pause in its deliberations to memorialize The Honorable George E. Pataki to proclaim the week of June 2-6, 1997, as New York City Firefighters' Week in New York State; and be it further

Resolved, that copies of this Resolution, suitably engrossed, be transmitted to The Honorable George E. Pataki, Governor of the State of New York, and to the Uniform Firefighters Association of New York City.

ACTING PRESIDENT MAZIARZ: Senator Trunzo.

SENATOR TRUNZO: Mr. President, it really is a pleasure for me to get up to sponsor this resolution on behalf of the New York City Firefighters. They are a group, as pointed out in the contents of this resolution, that really risk their lives on a daily, daily basis, and many people do not realize the hard work and the risk that is associated with the job that these firefighters do.

As you can recall, about three weeks ago, we passed a resolution honoring the professional firefighters of the State of New York which, naturally, the New York City

firefighters are included as part of that group; however, it is important that they today be recognized for the work that they do within the City of New York as firefighters and the risks that they take and the dedication that they do for their job and for those many who have lost their lives in relation to the work that they do.

In regards to this resolution, even though I have sponsored it and it was done fairly quickly, I would like to open -- if it's all right with the leadership, to open the sponsorship of this resolution to all members of the Senate. I think it's important that we all recognize the Firefighters of the city of New York. There are many of them up in the gallery right now.

Again, I appreciate and we all appreciate the work that you do on a daily basis, and we wish you well.

Thank you.

ACTING PRESIDENT MAZIARZ: On the question of opening it up to co-sponsors, is that without objection, Senator Skelos?

SENATOR SKELOS: Yes, Mr.

President. All members will be placed on the resolution. If anybody wishes not to be included, then they should notify the desk.

ACTING PRESIDENT MAZIARZ: So ordered.

The question is on the resolution.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed.

(There was no response.)

The resolution is adopted.

On behalf of Senator Bruno and all my colleagues in the New York State Senate, we want to congratulate both groups that are here with us in the gallery this afternoon, the educators who are winners of the Pioneering Partners Award and certainly the Firefighters from the city of New York. You all do a very great job.

Senator Bruno and all of my colleagues in the New York State Senate congratulate you. Thank you for being here.

(Applause.)

Senator Skelos.

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

And if we could take up the noncontroversial calendar.

ACTING PRESIDENT MAZIARZ: There will be an immediate meeting of the Rules Committee in Room 332.

Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 334, by Member of the Assembly Vitaliano, Assembly Print 1484, an act to amend the Civil Service Law, in relation to provisional appointments made by the city school district.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 696, by Member of the Assembly Connelly, Assembly Print 3383, an act to amend Chapter 560 of the Laws of 1994.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 713, by Senator Maltese, Senate Print 3147, an act authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 714, by Senator Velella, Senate Print 4446A, an act authorizing the assessor of the city of New Rochelle to accept an application.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 727, by Senator Tully, Senate Print 138, an act to amend the Vehicle and Traffic Law, in relation to mandatory revocation of licenses.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 757, by member of the Assembly Pheffer, Assembly Print 5229, an act to amend the General Obligations Law, in relation to interest on security deposits.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number

758, by Senator Maziarz, Senate Print 4982, an act to amend the Real Property Law, in relation to eliminating the requirement that advertisements for the sale or lease of subdivided lands be filed with Department of State fees paid therefor.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 770, by Senator Hannon, Senate Print 4361, an act to amend the Public Health Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Calendar Number 791 is laid aside -- Oh, I'm

sorry.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 791, by Senator Stafford, Senate Print 5188, an act to amend the Executive Law, in relation to towns and villages.

ACTING PRESIDENT MAZIARZ: Calendar Number 791 is laid aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 795, by Senator LaValle, Senate Print 3911A, an act to establish a library district in the Shoreham-Wading River Central School District.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 797, by Member of the Assembly Galef, Assembly Print 6890, an act to amend the Education Law, in relation to the board of education in the city of Peekskill.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 816, by Senator LaValle, Senate Print 3062, an act to amend Chapter 246 of the Laws of 1916, relating to the extermination of mosquitos.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 817, by Senator Kuhl, Senate Print 3159, making certain findings and determinations with respect to certain bond anticipation notes.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk for Calendar Number 817.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 821, by Senator Alesi, Senate Print 3569, an act

to amend the Real Property Tax Law, in relation to permitting tax levying bodies to determine the maximum amount.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 829, by Senator Rath, Senate Print 4357, an act to amend the Real Property Tax Law and the Agriculture and Markets Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 862, by Senator Volker, Senate Print 4478, an act to amend the Criminal Procedure Law, in relation to permitting certain electronically transmitted statements.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 886, by Senator Goodman, Senate Print 3651, an act to amend the Alcoholic Beverage Control Law, in relation to permitting the State Liquor Authority to apply as payment for penalties.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 60th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 897, by Senator Stafford, Senate Print 4249, an act to amend the Tax Law, in relation to the distribution of the additional mortgage recording tax in Franklin County.

ACTING PRESIDENT MAZIARZ: There is a local fiscal impact statement at the desk for Calendar Number 879.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number

901, by Senator Cook, Senate Print 4568, an act to amend the Arts and Cultural Affairs Law, in relation to designating New York State History Month.

ACTING PRESIDENT MAZIARZ: Calendar Number 901 is temporarily laid aside awaiting substitution.

THE SECRETARY: Calendar Number 910, by Senator Marchi, Senate Print 4015A, an act to amend the Navigation Law, in relation to establishment of a rotation system for state licensed marine pilots.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 931, by Senator Marcellino, Senate Print 5079A, an act to amend the Navigation Law, in relation

to requiring payors of major petroleum license fees.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 932, by Senator Holland, Senate Print 236, an act to amend the Social Services Law, in relation to access to the Statewide Register of Child Abuse and Maltreatment.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 933, by Senator Skelos, Senate Print 557A, an act to amend the Social Services Law and the Family Court Act.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MAZIARZ: At the request of the Deputy Minority Leader, we're going to lay aside Calendar Number 933.

THE SECRETARY: Calendar Number 940, by Senator Saland, Senate Print 4519A, an act to amend the Domestic Relations Law, the Social Services Law and the Family Court Act.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 47. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49, nays 1; Senator Meier recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 942, by Senator Saland, Senate Print 5135, an act to amend the Executive Law, in relation to certain records.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 943, by Senator Saland, Senate Print 5136, an act to amend the Executive Law, in relation to services to runaway and homeless youth.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 953, by Senator Saland, Senate Print 5228, an act to amend the Social Services Law, in relation to allowing regional state park police access.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT MAZIARZ: That is Calendar Number 953, which will be laid aside at the request of Senator Montgomery.

THE SECRETARY: Calendar Number 964, by Senator Marchi, Senate Print 713, an act to amend the Public Authorities Law, in relation to directing the Triborough Bridge and Tunnel Authority to establish a system of one directional toll.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MAZIARZ:

Calendar Number 964 will be laid aside at the request of the Deputy Minority Leader.

THE SECRETARY: Calendar Number 968, by Senator Levy, Senate Print 919, an act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to issue.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Saland, Senate Print 2703A, an act to amend the Vehicle and Traffic Law, in relation to authorizing the permit parking system in the city of Beacon.

ACTING PRESIDENT MAZIARZ: There is a home rule message at the desk for Calendar Number 982.

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 984, by Senator Leibell, Senate Print 3551, an act to amend the Vehicle and Traffic Law, in relation to membership of traffic and safety board.

ACTING PRESIDENT MAZIARZ: Senator Paterson.

SENATOR PATERSON: Mr. President, the issue has been resolved.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

SENATOR PATERSON: Lay aside the bill.

ACTING PRESIDENT MAZIARZ: Withdraw the roll call. Lay the bill aside, Calendar Number 984, at the request of the Deputy Minority Leader.

THE SECRETARY: Calendar Number 990, by Senator Levy, Senate Print 4179, an act to amend the Highway Law, in relation to transportation facility emergency work.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Member of the Assembly Tocci, Assembly Bill 4552, an act to amend the Education Law, in relation to the eligibility of Vietnam and

Persian Gulf veterans.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1069, by the Assembly Committee on Rules, Assembly Print 8067, an act to enact the Private Activity Bond Act of 1997.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay aside Calendar Number 1069 at the request of the Senator Leichter.

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

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

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

Senator Skelos.

SENATOR SKELOS: We can take up the controversial calendar.

ACTING PRESIDENT MAZIARZ: Secretary will read the controversial calendar.

THE SECRETARY: In relation to Calendar 901, Senator Cook moves to discharge from the Committee on Rules Assembly Bill Number 7066 and substitute it for the identical Senate Third Reading 901.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

Secretary will read.

THE SECRETARY: Calendar Number 901, by Member of the Assembly McEneny, Assembly Print 7066, an act to amend the Arts and Cultural Affairs Law, in relation to designating New York State History Month.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 933, by Senator Skelos, Senate Print 557A, an act to amend the Social Services Law and the Family Court Act, in relation to proof of a neglected or abused child.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MAZIARZ: Read -- I'm sorry.

Senator Skelos, Senator Montgomery has requested an explanation of Calendar Number 933.

SENATOR SKELOS: Mr. President, this bill, which was extensively debated last year and passed with two dissenting votes, would basically reverse a Court of Appeals decision in 1995 which rendered a positive toxicology test of a newborn no longer sufficient to support an indicated report without more evidence of abuse

and neglect. In essence, the child must now be released back to the parents for further abuse and neglect before Social Services can then intervene.

This legislation seeks to change what I believe is flawed case law so that newborn infants born with an illegal substance in their system will be included within the definition of a neglected child, thereby deeming a positive toxicology and other drug-related symptoms to be prima facie proof of neglect. It also raises a rebuttable presumption that the release of such a child to the parent presents an imminent danger to the child's life or health.

This bill will provide that when a mother uses a controlled substance during her pregnancy without a prescription causing her child to be born with positive toxicity for such drugs that this is proof of neglect in and of itself. In turn, this would allow the state to take appropriate and necessary protective measures for the safety of a child.

ACTING PRESIDENT MAZIARZ: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. If Senator Skelos would yield for just a couple of questions?

ACTING PRESIDENT MAZIARZ: Senator Skelos, would you yield for a question from Senator Montgomery?

SENATOR SKELOS: Yes.

ACTING PRESIDENT MAZIARZ: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Senator, I voted no last year, and I'm just wondering if the bill has changed any to reflect the same status for the mother as we do for the child; in other words, the child is immediately going to be deemed to be eligible for protection by the state or the city.

SENATOR SKELOS: The child will be deemed eligible for protection -

SENATOR MONTGOMERY: For protection.

SENATOR SKELOS: -- by Social Services, yes.

SENATOR MONTGOMERY: What happens then to the mother in that instance?

SENATOR SKELOS: Family Services,

whatever the normal process is. This bill is really concerned with protecting the child.

SENATOR MONTGOMERY: So that in the event the child is born with these indications, the mother is automatically going to be placed in some sort of a drug treatment, or is there some special -

SENATOR SKELOS: What happens is Social Services tries to get the mother help and counseling to help extricate herself from this unfortunate situation. But, again, this legislation really deals with what do we do with this child, this newborn child?

SENATOR MONTGOMERY: All right. Mr. President, just one -- one last question.

ACTING PRESIDENT MAZIARZ: Senator Skelos, would you yield to one more question from Senator Montgomery?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Montgomery.

SENATOR MONTGOMERY: Senator Skelos, in the event that there is a false positive result -- I'm assuming that there are

other indicators that you use, but what if there is a false positive test, is there any provision for that?

SENATOR SKELOS: There is a rebuttable presumption that that child should not belong with the mother, so that could be rebutted if there is a false positive. Just like if the controlled substance within that child has been prescribed to the mother, if it's been a legal prescription to the mother.

SENATOR MONTGOMERY: Is there any way that a parent who is already in a drug treatment is handled differently, if there is a person who is already in a treatment program?

SENATOR SKELOS: Senator Montgomery, it is my understanding that for there to be a positive toxicity report with a child that the mother literally had to be taking the drugs on the way to the hospital to give birth. So that the mother may be in counseling but at that point is still taking a drug, especially "crack" cocaine, which is generally what we're dealing with in these instances.

ACTING PRESIDENT MAZIARZ: Senator Montgomery.

SENATOR MONTGOMERY: All right. And what happens when the child is taken from the mother?

ACTING PRESIDENT MAZIARZ: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes, Mr. President.

SENATOR MONTGOMERY: When a decision is made to take the child?

SENATOR SKELOS: Protective Services would come in and do their investigation as they do with any other incidents of neglect or abuse of a child. All this does is change the definition of the law to say that a positive toxicology report is in and of itself a prima facie case of neglect.

SENATOR MONTGOMERY: All right. Thank you, Senator Skelos.

Just briefly, Mr. President, on the bill.

ACTING PRESIDENT MAZIARZ: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. As I indicated, I did vote no on this legislation last session, and my main concern at that time

was, and it continues to be, that while I certainly have no problem identifying babies born with a positive toxicology with indicating that the parent is currently using illegal drugs, it is not an effective approach to always in every instance isolate the child from the parent, and, certainly, if we're not in a position or if there is no indication that that parent is also going to be deemed to be eligible immediately for Protective Services and treatment services for drugs.

So I have a real concern about that, and I think that the intent of this legislation is good. It's needed, but we must, I believe, protect also the interest of the parent because we do not want to have a situation where we have all of these babies that the state will be required to take care of absent of their parents and, if the parents are not given some immediate attention and treatment, they are not likely to recover at any point so that they can take the babies back.

So it's going to be very costly for us in the state if we take this approach where we isolate the babies from the mother.

Thank you.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Montgomery.

Senator Skelos. Senator Waldon.

SENATOR WALDON: I'm really very pleased that you would mistake me for Senator Skelos. All of a sudden, I feel more powerful.

Would the Senator yield to a question or two?

ACTING PRESIDENT MAZIARZ: Senator Skelos, would you yield to a question from Senator Waldon?

SENATOR SKELOS: Yes, I do.

SENATOR WALDON: Thank you, Mr. President. Thank you, Senator Skelos.

This is just to get some information for myself because I really don't understand.

ACTING PRESIDENT MAZIARZ: Excuse me, Senator Waldon.

(The Acting President gaveled for order.)

Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President.

Senator Skelos, I just need some information so that I can better understand the toxicity factor in this particular proposal.

In my previous life, I knew that if people used heroin that it remained in their system for a certain number of days before they became clean. If they smoked cannabis, it remained in their system for a certain number of days -- in fact, longer than the other drugs - and if you took a dole test, it would test for them positive. Cocaine, the same thing.

I heard you say earlier that for the baby to test positive that the mother had to almost be taking the drug as she went to the hospital to deliver. Is that true for all of the possible drugs, meaning marijuana, cocaine, heroine, Quaalude and all the other things?

SENATOR SKELOS: Well, it is nothing set in stone but the half life of these drugs apparently do -- and I don't pretend to be an expert in this area, Senator Waldon -- do diminish within the system fairly rapidly, so that if I say, "on the way to the hospital in a taxicab taking 'crack' cocaine," it may not happen at that point. But, literally, within a

day or so of that child being born, that mother has taken some sort of a controlled substance. My feeling, whether it's in the taxi, a day, or a week before, is sufficient to amend the law as we are doing.

SENATOR WALDON: Mr. President. If I may continue?

ACTING PRESIDENT MAZIARZ: Senator Skelos, will you continue to yield to Senator Waldon?

SENATOR SKELOS: Yes.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

SENATOR WALDON: Senator, this is not a -- this is not in any way looking to trap you or anything. I'm really trying to understand. The transference from the mother's system, her blood and breathing system into the cord and into the child, that's what I'm really trying to get a -- you know, an understanding of. I'm going to support what you are doing. I just want to -

SENATOR SKELOS: Again, it's my understanding that the drug will be held a little bit longer in the placenta, but, again, I

don't pretend to be an expert in terms of the transfer of these drugs to the child or how long it takes. What I do believe is that if a child is born with a positive toxicology report - that means that drug, controlled substance, is illegally within that child -- that that should be sufficient for Protective Services to come in and protect that child.

SENATOR WALDON: On the bill, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Waldon, on the bill.

SENATOR WALDON: I thank you, Senator Skelos, for your explanation. I, too, agree that if the mother is using drugs at any time during the pregnancy in the nature of the drugs that we're talking about, it is a serious problem.

What I'm trying to understand was whether or not someone ingesting heroin or cocaine, what happened in the body in terms of the level of toxicity for the fetus, and just out of curiosity to help me with my thought process, I wanted to know that.

But I think what you are doing is

commendable. I think that we should support it. But I agree with Senator Montgomery that it is foolhardy for us to create these proposals and pass them into law unless we're going to do something to preclude the need of the mother to utilize drugs in the first place. That just doesn't happen happenstance, to be a bit redundant.

People get into these situations because they are, for the most part, without hope elsewhere. I hope in futuro, in the future, we would begin to look at therapies and modalities which will help those who are troubled enough to resort to drugs as an escape because they just can't bear facing life any more in its most realistic proportions.

I thank you, Mr. President. I thank you, Senator Skelos.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49, nays 1, Senator Montgomery recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 953, by Senator Saland, Senate Print 5228, an act to amend the Social Services Law, in relation to allowing regional state park police access.

ACTING PRESIDENT MAZIARZ: Senator Saland, an explanation of Calendar Number 953 has been requested by the Deputy Minority Leader, Senator Paterson.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a bill which has been introduced at the request of the Office of Parks and Recreation.

The purpose of the bill is to add to the list of law enforcement personnel that have access to the Central Registry of Child Abuse and Neglect, or I believe it is more appropriately technically called "maltreatment and abuse," by permitting regional state park police to have access to that information.

The state park police very often are involved in investigating incidents involving children which have occurred within park premises, and it would certainly seem appropriate that they should have access to this information for purposes of their investigations.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 964, by Senator Marchi, Senate Print 713, an act to amend the Public Authorities Law, in relation to directing the Triborough Bridge and Tunnel Authority to establish a system of one directional toll.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT MAZIARZ:

Senator Marchi, an explanation had been requested by the Deputy Minority Leader, Senator Paterson, of Calendar Number 964.

SENATOR MARCHI: Yes, Mr. President. We've had this bill before, and I'm familiar with the arguments that are raised on the other side that it does create a problem. I assume that, and I acknowledge that up front. It does create a problem no matter where you put it, but it's sudden death for the people of Richmond County, many of whom use the private motor vehicle, and they have access to a speed or a faster moving route just to the left lane that is reserved to E-Z-Pass owners, some of them, and if they have multiple passengers, but there's just too many people that for various reasons have to go in by automobile.

Going back is not that much of a problem because they -- coming back into Staten Island and going south from there is not that much of a problem because time is not of the essence with respect to their livelihoods or living styles, but it does create a -- it creates a tremendous problem going into the City in the morning -- "the City," as if we had

already seceded but we haven't, as yet -- the City. Of course, half the employment of Staten Island does go to Manhattan, and it was a nightmare whenever the circumstances were reversed, and so far we've been able to keep it at bay with this type of legislation.

There is a federal limit at this time, really, which backs up the present pattern, but that could change, and that came into play and we're happy to have it in place.

Going in, as I say, you may have a 100 -- say take a unit of 100 cars on Staten Island. They are going in that direction, and they're all there. They're all there. There are literally thousands of cars, and people also coming from Jersey and points south going into New York City for business reasons or employment, and I'm not quite sure just how my friend over here is affected, but I know that his predecessors voted for this bill.

It's just the lesser of problems. So motorists from Staten Island going into the City have the maximum advantage if they are not in the foils of the tollbooths. There is no advantage. You come back the same way

that you went over. You can take a circuitous route to get home, but people who use it generally come back on the same route. Then the traffic moves into New York City, where the major portion of the employment takes place.

Coming back, people come back at different hours. They may come back at 5:00 o'clock or 4:30 or 5:30, at the rush hour or they may come in later. There is no even flow on the return trip. Not having a mass arrival of cars does not create a problem because they may get home a little late to eat, but at least they are earning a livelihood.

Not having this, you put a gun at the head of many, many tens of thousands of Staten Islanders, at their head in terms of their employment or in terms of their livelihood, so that's why it's so important. Otherwise -

I anticipate the arguments that come on the other side. There is a problem on the other side.

But it's gargantuan and, as I say, would deliver Staten Island as a mortal blow in terms of employment and getting on with

the business of life.

So it's the lesser of evils if a means of transit is available and you are using it. We also have 20,000 casualties a year throughout the country, yet we don't abandon the motor vehicle. It's a lesser of evils. I acknowledge the arguments that will be coming from the other side ab initio, and so that I would hope that they consider, in deference, even though we are numerically smaller than the rest of the tract, which is aggravated by increased flows of traffic but not to the point that people are jeopardized in terms of living.

So I would hope that those of you who can or may or are so disposed to vote, vote for this bill.

I'll be willing to answer any questions that you may have.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Marchi.

Senator Leichter.

SENATOR LEICHTER: Mr. President, if Senator Marchi would yield?

ACTING PRESIDENT MAZIARZ: Senator Marchi, will you yield to a question

from Senator Leichter?

Senator Leichter.

SENATOR LEICHTER: Senator, as always, you're very stalwart in your advocacy for your constituents, and I can understand that. Many other areas where there are bridges that have tolls that at various times traffic backs up, there are delays. That happens on a number of bridges throughout New York, and yet we don't go and change the tolls. But as you talk about the effect that having two-way tolls has on Staten Island, Senator, are you aware of the effect that one-way tolls had on lower Manhattan at a time when one-way tolls were in effect under federal legislation?

SENATOR MARCHI: I'm not able to -- of course, you are in Manhattan so the question of the cost of living to your residents is minuscule, really. It is determined by the market conditions or employment conditions.

We're not -- we're not complaining about the problem. We're not advancing as a major premise our problem with the smog that's created by the onrush of people from Jersey and south going into the City. We

are very much concerned about making it more difficult -- making it more difficult and time consuming so that you are never quite ready, and then if you have a fender-bender somewhere on that bridge that holds it up even for hours - or icing conditions.

Going and getting to the job is a very -- it's not hazardous. Let's not get carried away, but it is a problem and a matter of genuine concern. As against that, you pitch the inconvenience that we all suffer by reason of some of those conditions, and I acknowledge them.

But I'm telling you, with us it's a question of bread and butter. It's a question of being able to take a responsible job and perform and attend.

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR LEICHTER: If Senator Marchi would be good enough to continue to yield. Senator, if it makes so much sense to have one-way tolls on the Verrazano Bridge, why not the Triborough, why not other bridges? I mean people who travel out to Long Island, you

can make the same argument that there are delays, that it interferes with the economics, the smog. Are you trying to get a special advantage for people of Staten Island that nobody else has?

SENATOR MARCHI: I'm glad you asked the question, because then I can answer it. You can go from Montauk Point to California without paying a fare, Mr. President -- without paying a fare. I don't think there is a member in this house except my colleague, Senator Gentile, and myself -- well, most of his people can get over, but he does have a good number of people down on Staten Island, also. We are the only ones in the entire country that have to pay to get off. You can't even walk across any more, even if you wanted to do it for exercise. We have to pay.

We have to pay, period. There is no other way that you can possibly get off Staten Island without paying. But, as I say, you can go from Montauk Point all the way out to California without paying a nickel.

It's a problem I share with Senator Gentile, he to a lesser extent. He has

two-thirds of his people on the Kings side, on the Brooklyn side, but the other two-thirds of his population are split up. I have a good part of it, but he also has a significant part.

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR LEICHTER: If Senator Marchi would continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Marchi, will you continue to yield for a question from Senator Leichter?

SENATOR MARCHI: Yes.

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR LEICHTER: I was interested in your answer, Senator, and I thought that the Goethals Bridge didn't have tolls. But then checking with the people around me, none of them had ever been in Staten Island, except Senator Gentile right away jumped to your defense, Senator Marchi, and said, indeed, as always, you were correct.

But, Senator, I'm probably being -- you know, we've debated this for many years, and I don't think the arguments have

changed, but what prompted me to stand up today is the article by, I believe, Elizabeth Colbert in the New York Times. Did you read it?

SENATOR MARCHI: I always read her articles.

SENATOR LEICHTER: Well, I commend -- I commend this one to you. It's very appropriate. The thrust of her article was that there is a special mind-set in Staten Island that we can't do enough for the people in Staten Island. We give them free transportation. The mayor says you can ride the ferry without paying. You want your tolls one-way, where nobody else has one-way tolls. You don't care what the effect is on Manhattan of your one-way tolls even though you create an impossible traffic situation and a very unhealthy air situation in Manhattan.

And with all of that, the thrust of the article was, you people in Staten Island are not happy. You are not satisfied. You don't think we're doing enough for you.

So my question to you is, Senator, aside from voting for this bill, which unfortunately I can't do, is there anything else

we can do for the people of Staten Island to make them happy?

Set them free.

SENATOR MARCHI: I have a secession bill. Even with the secession bill, though, Mr. President -

ACTING PRESIDENT MAZIARZ: Senator Marchi.

SENATOR MARCHI: -- and I'm sure Senator Gentile would verify that -- never once in the 41 years that I have been in the Senate have I ever said anything but good about the city of New York. I have not joined the propensity of many to do this.

There are some things they just can't do for us and sometimes they have imperious reasons for responding to them rather than to us. So I lay no castigation on present or past mayors or individuals who, incidentally, you know, have been considerate in other ways where they couldn't be run in our direction.

So you won't find a quote from John Marchi in this office that I was ever censorious of New York City except in the '70s, and there I -- you know, I cooperated. You were

here at the time. I cooperated tremendously on the economic resolution of our problems, and ever since then, they have found me -- and I even put it in the preamble to this Constitution that it's to be founded -- to be posited on a harmonious relationship, and we ought to do everything. It should be true of all the communities that live in the outer areas.

But I'm sure that -- but I've - you know, that kind of political excuse -- he has a -- you want to go back and look at it. You could put me to shame, but I have never done that and I never will because it is not right, but this case does present a special problem.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR MARCHI: And if helps you to vote against it, vote against it.

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR LEICHTER: Mr. President, I have the highest regard for Staten Island. I love the people of Staten Island because they send us such a wonderful representative in

Senator Marchi and Senator Gentile.

ACTING PRESIDENT MAZIARZ: They sent us Senator Marchi many more times than they've sent us Senator Gentile.

SENATOR LEICHTER: Well, he'll be here 30, 40 years from now if he wants to be.

But, in all seriousness, Senator, we -- and I want to say I think so highly of the people of Staten Island and Staten Island, I forever want it to be part of New York City because it's one of the boroughs, one of the wonderful five boroughs that we have.

But I think this measure while clearly a benefit to the people of Staten Island really creates enormous difficulties in Manhattan, may create some difficulties in Brooklyn, too. I understand Senator Montgomery is going to address the bill from the viewpoint of her constituency. I don't mean to speak for her.

But it just seems to me, Senator, that if it would make sense for Staten Island - I really don't think it does, when you take a look at the -- overall look at the needs of the people of the city of New York, then you ought

to have it on the Triborough, and so on. How about the people on Long Island? Frankly, it's hard for me to understand how anybody from Long Island could vote for this bill when I don't see a similar bill coming up for the bridges that lead to -- that lead to Long Island or Queens or other parts of the City.

SENATOR MARCHI: Just one question.

ACTING PRESIDENT MAZIARZ: Senator Marchi.

SENATOR MARCHI: Just one question. They all have alternatives. They can go onto one of the free bridges. It's a little more circuitous. We have none. We would have to go underground. We'd have to be submarines -- submariners. That's the only way we can get out.

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR LEICHTER: Senator, just answering your question. In all fairness, first of all, the 59th Street Bridge, which you're talking about, that's a parking lot at many - at many hours a day, and you are not urging that

we eliminate all tolls. You are just asking that we change it and skew it in such a way to be a particular benefit to the residents of Staten Island at the expense of the residents of other parts of the City of New York. That's the problem that I have with this bill.

But, Senator, I want to find something that I can vote for that's going to make the people of Staten Island happy.

SENATOR MARCHI: I have respect for you, however you vote.

ACTING PRESIDENT MAZIARZ: Read the last section.

Senator Montgomery, I'm sorry.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I, too, as Senator Leichter does, admire and appreciate the statesmanship of our colleague Senator Marchi. However, this is one of those times when I must adamantly disagree with Senator Marchi and his attempt to put in statute the one-way toll.

I have in my district parts of the Gowanus Expressway, Fourth Avenue, Hamilton Avenue, Third Avenue and Boreham Hill in

downtown Brooklyn. I don't have Clinton Street, but I do have parts of Coral Gardens in my district, and I can tell you, Senator, that we in Brooklyn, the people in my district are drowning in traffic, so to speak, and not only are we being absolutely horrendously impacted both in terms of the environment as well as just the traffic congestion but our businesses are also suffering, and a very, very major part of our traffic problem in Brooklyn on the residential streets as well as the commercial streets is due to the Verrazano Bridge and the way that the traffic flows from Staten Island, from New Jersey, emanating from New Jersey coming through Staten Island and coming through Brooklyn.

So it is unconscionable for us, I think, to be considering such a measure as a resolution to the issue of traffic. I would hope that rather than doing this that we could come up with a plan for addressing this major crisis in terms of traffic congestion and its impact on the environment, in both Staten Island as well as Brooklyn. We have the waterfront there. We have historically landmarked

residential areas along that corridor where the traffic comes. We now have 18-wheelers coming through neighborhoods. It is an impossible situation in Brooklyn. I can't describe it adequately to you.

So we really need a long-range plan where Senator Marchi and the DOT, state and City, and the City planning and the Mayor's Office and the Governor's office come together and begin to talk about a long-range plan to deal with surface traffic in Staten Island, in Brooklyn, as well as Manhattan. But, certainly, obviously, my interest is in Manhattan. We're killing off neighborhoods. We're killing off businesses, and the only solution that we're coming up with is to continue the source of this problem for us in Brooklyn.

So I implore you to really look at this not as just solving a small part of Staten Island's problem but, rather, as a need for us in this state to look much more critically and substantively at doing something about the traffic problems that we have in the city of New York.

So that's certainly the reason

that I will oppose this bill, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Montgomery.

Senator Gentile.

SENATOR GENTILE: Thank you, Mr. President. As a Senator with five months' experience, I would be the first to admit that when issues of this type come up I turn to my learned colleague on Staten Island with some 40 years experience and seek your counsel on these issues; and, indeed, I think, Senator Marchi, you and I have both spoken about this issue on several occasions, and you have educated me as to this need, as well as my constituents on Staten Island have told me how important this is to them; and in keeping with your explanation and my knowledge of why this is important to Staten Islanders, I will support you on this measure.

However, I have to say that most of my community and most of my constituents abut the Verrazano Bridge on the Brooklyn side of the Verrazano Bridge and, in keeping with that, I have a bill in that would do something better, that would not only make Staten Islanders happy

but would make Brooklynites in my district ecstatic, and that is the elimination of the toll of the Verrazano Bridge.

And why do I say that? Why do I say that? Most members in this chamber may not realize that today it costs Brooklynites and everyone else in the City other than Staten Islanders $7 to cross the Verrazano Bridge -- $7 per trip to cross the Verrazano Bridge. The Verrazano Bridge right now is the biggest money maker of the MTA bridges and tunnels, the biggest, $169-170 million in 1995; and most of that money -- most of that money does not go to support and maintain the Verrazano Bridge. Most of that money goes to support and maintain the Long Island Rail Road and Metro-North Railroad.

We are paying $7 per trip to go across that bridge. If that money went into the Verrazano Bridge, that bridge, the roadway, would be lined with gold.

And so my constituents needing to get over by the thousands, to Staten Island - as you know, Senator, many of my older constituents after being in Brooklyn for so many years look to Staten Island as the new frontier

as a pioneer, and they go over to Staten Island. However, relatives still remain in Brooklyn. That crossing of that bridge costs my constituents in Brooklyn a tremendous amount of money each day. There's constituents that I have in my district that work in Tottenville, Tottenville High School, cross that bridge every day, $7 a day to get to work just by crossing that bridge.

Now, it may sound -- I'll tell you how outrageous that is to -- maybe not to New Yorkers, but to the rest of America. There was a TV ad about two years ago that was filmed across the Verrazano Bridge for a motorcycle, and before they filmed that motorcycle commercial of the motorcycle going across the Verrazano Bridge, they changed the sign of the toll, and they changed the toll from $7 to $2, and the reason they changed that sign is because the producers of that TV ad felt that no one in America would believe that you have to pay $7 to cross a bridge. That is how gullible we have become, how much we have been asked to sacrifice, how much we have been asked to swallow.

My bill would eliminate that. We would take the surplus from the Verrazano Bridge, and we would use it to pay the bond covenants that now exist on this bridge, and then my bill would also have a commission set up to determine the best ways to cover those bond covenants. So there are ways to do this. There are ways to make not only Staten Islanders happy but make Brooklynites happy.

This is one issue that sticks in the craw of all Brooklynites, the fact -- in my district that have to cross that bridge on a frequent basis and need to spend $7 a day. I will support this bill, but my bill goes a step further and will make all of us happy, Senator.

ACTING PRESIDENT MAZIARZ: Senator Stavisky.

SENATOR STAVISKY: Mr. President, my colleagues, the impact on Queens has not been discussed, for there are multiple bridges -- not free bridges in those cases, multiple bridges and connections that impact on Queens. If you are in eastern Queens, the Whitestone and the Throgs Neck Bridges are there. No one in his right mind would suggest driving all the way to

the 59th Street Bridge in order to get across.

These East River bridges, the Whitestone Bridge, the Throgs Neck Bridge, the Triborough Bridge, have been in existence for a long time. As a matter of fact, the bonds on the Whitestone Bridge were paid off many times over. The bridge opened in 1938, the year of the World's Fair, and the revenue from the Whitestone Bridge has been paid and paid and paid to the bondholders, and there are no improvements.

I think that has to be the method by which we look at this issue. It is not an "us versus you" situation. We are all burdened by the impact of the tolls, and these tolls are not being used effectively for our constituents, mine as well as yours. But you don't have a situation with regard to the Verrazano-Narrows Bridge comparable to the Whitestone Bridge, which -- I repeat -- the revenue from the Whitestone Bridge in a given year is enough to pay the bondholders for the original cost to that bridge.

So why should there be the same $7 toll to go back and forth over the Whitestone

Bridge to the Bronx? Why should there be that cost on the Triborough Bridge, again, a bridge that was built many years ago and the bond holders have been paid off? The Throgs Neck Bridge came in existence about the time as the Verrazano-Narrows Bridge. So perhaps we would have some comparability there.

But when the bonds have been paid off fully by the users of the bridge, as I said in the case of the Whitestone Bridge, I see no good reason for not including a bridge such as that. Maybe that should be the standard: When the bondholders are paid off, then you reduce the tolls.

But that is not what this bill says; and, accordingly, Senator Marchi, you and I will part company on the vote, but it's not because I disagree with your objective. I just wish that some of my constituents will be along for the ride, the free ride.

ACTING PRESIDENT MAZIARZ: Senator Marchi.

SENATOR MARCHI: There's nothing I can say to contradict you on this or Senator Gentile, except this. I don't know if they are

completely paid off or if it's minuscule. The thing is the Verrazano Bridge is a cash cow for the maintenance of the fare structure, bad as it is. I mean it's very high. We live in a city where it's very difficult for a family, even those -- they say those that are in Manhattan, all the jobs are there and all the things are there, but a family with several children can not even circulate within their own county because of the high cost of transit within the City itself using public means. So, in effect, the Verrazano Bridge is a cash cow for sustaining and maintaining the subway system, and the MTA will verify it.

But what you are both saying, and many of us could join you on that, is, really, we've had good studies on the island in terms of the context that I express, but I think it needs wider application, and there has been some talk of doing something dramatic along those lines. So I'm delighted you said it because it needed to be. I'm glad it was in this house so that we recognize the problem.

But it is a cash cow for the maintenance of the fare structure. My own

people going in the morning say, "Gee, this fare thing..." At one time it was a triple fare. We had a uniform fare to the ferry. They were paying three fares along the way. I said, "Look, we're doing this. The motorist is bleeding over there," yours as well as mine, aside from the timing. But that's its major raison d'etre at this point. The level of the tolls is to maintain the mass transit in the city of New York, which is a good thought. You know, I think it has to be maintained; but, as revenues hopefully increase, we may find easier ways.

And I'm glad you said what you did. You vote the way you have to do. But to Staten Island, it would be a mortal blow.

ACTING PRESIDENT MAZIARZ: Senator Abate.

SENATOR ABATE: Yes, would Senator Marchi yield for a question?

ACTING PRESIDENT MAZIARZ: Senator Marchi, would you yield for a question from Senator Abate?

SENATOR MARCHI: Yes, Senator.

ACTING PRESIDENT MAZIARZ:

Senator Abate.

SENATOR ABATE: Like my colleagues, I agree with them that you are a remarkable legislator, and you serve your constituents admirably, and you take into consideration their best interests.

One thing, however, that I'm concerned about is, clearly, from your vantage point as a representative from Staten Island, the one-way toll has improved conditions in Staten Island.

SENATOR MARCHI: Yes.

SENATOR ABATE: Has there been, however, a study that has evaluated and monitored the situation on the other side, whether that be Brooklyn or Queens or lower Manhattan, to see what the impact of the one-way toll has been on traffic, on noise, on vehicular congestion, on pollution; and if a study occurred, how old is the study?

SENATOR MARCHI: Yes, there have been multiple studies within the MTA region itself by the state and by the federal government. In fact, the undergirding of this function right now is the federal disposition of

it. So there has been a tri-level, I would say bipartisan because it is of mixed character, the auspices under which these different studies took place.

There have not been -- there have not been studies on some of the considerations that have been raised on your side.

SENATOR ABATE: What are the age of the studies? How old are the studies?

ACTING PRESIDENT MAZIARZ: Senator Marchi, would you continue to yield for a question?

SENATOR MARCHI: Yes, I do.

ACTING PRESIDENT MAZIARZ: Senator Abate.

SENATOR MARCHI: Yes. The MTA's is only a few years old, the latest one that they've conducted, because it is a problem and because you are asserting equities that are difficult to accommodate under these circumstances.

But, with us, it's almost a condition for living. You know, where are you going to get -- so many jobs are at stake, and it would be very, very serious.

ACTING PRESIDENT MAZIARZ:

Senator Abate.

SENATOR ABATE: Would Senator Marchi continue to yield?

ACTING PRESIDENT MAZIARZ:

Senator, would you yield for another question from Senator Abate?

SENATOR MARCHI: Yes.

ACTING PRESIDENT MAZIARZ:

Senator Abate.

SENATOR ABATE: It is my understanding that there are a number of studies, but those studies are somewhat dated, and there remains some negative impact on lower Manhattan and, obviously, that is a community that I represent.

Would you be adverse before we even contemplate making this permanent doing a plan of remediation for that area as well as other areas? Because, clearly, as you relieve traffic in one part of the funnel, it's moved to another part, and that's what has happened in lower Manhattan. I have many constituents that complain about the problem. Would you be adverse to a plan of remediation where you bring

together the agencies that Senator Montgomery talked about to look -- before we move decisively in this area, to look at what needs to be done to alleviate the impact of this decision?

SENATOR MARCHI: I would try to help you get this study. I certainly would favor it being done. But if I were to stay my hand on this, there would be a state of panic down in my area, I can tell you that. And given the rapidity with which these things become resolved in a chapter, I think there's ample room to accommodate both of us, and I urge it. I have no quarrel with it because it's -- you are not arguing against me; you are arguing with me.

SENATOR ABATE: On the bill.

ACTING PRESIDENT MAZIARZ: Senator Abate, on the bill.

SENATOR ABATE: This is a bill that has two sides of a coin; that on the one hand it provides -- the one-way toll provided some relief to one jurisdiction and has exacerbated the conditions in another part of the City. I could not support the permanent

without a plan, a plan where Staten Island and the other parts of the City as well as lower Manhattan were at the table looking at the problems that are caused by the one-way toll, looking and measuring the increase in noise and pollution and traffic, and there would have to be a plan of remediation particularly for my area before we could make this toll permanent.

I would not be doing my duty as representing lower Manhattan and other parts of Manhattan if I ignored the impact the toll has on that area. I look forward to a day when we can make sure that travel is accessible, that both areas are not burdened by noise and pollution and traffic, and we figure out a way where all areas benefit by this solution. I think we can only do that if we all come to the table together, look at the impacts and whether there may be other solutions attainable beyond looking at the toll. Maybe the toll can be put in place as one-way, but then we have to put together another plan to deal with the side effects, particularly with lower Manhattan.

So I give a voice in this chamber to the people that I represent who would say to

me, "Vote no today unless there is a real plan of remediation in place."

ACTING PRESIDENT MAZIARZ: Senator Marchi?

(There was no response.)

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 964 are Senators Abate, Connor, Gold, Kruger, Lachman, Leichter, Markowitz, Montgomery, Nanula, Onorato, Paterson, Seabrook, Smith and Stavisky. Ayes 39, nays 14.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 984, by Senator Leibell, Senate Print 3551, an act to amend the Vehicle and Traffic Law, in relation to membership of traffic and safety board.

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1069, by the Assembly Committee on Rules, Assembly Print 8067, to enact the Private Activity Bond Act of 1997.

ACTING PRESIDENT MAZIARZ: Senator Present, an explanation of Calendar Number 1069 has been requested by Senator Leichter.

SENATOR PRESENT: Thank you, Mr. President. This is a bill we pass annually to create a Private Activity Bond Allocation Act of 1997, in this case, to provide an allocation mechanism for the private activity bond volume established by the Federal Tax Reform Act of 1986.

ACTING PRESIDENT MAZIARZ:

Senator Leichter.

SENATOR LEICHTER: Mr. President, if Senator Present would yield, please.

SENATOR PRESENT: Yes.

ACTING PRESIDENT MAZIARZ: Senator Present, would you yield for a question from Senator Leichter?

Senator Leichter.

SENATOR LEICHTER: I'm trying to understand it. Is this bill solely a one-year extender, in effect, of what we have in effect presently?

SENATOR PRESENT: Yes.

SENATOR LEICHTER: If you would just continue to yield. Why doesn't it just say that it's an extender for one year? Because usually when we extend, you know, we just say instead of expiring in 1996 it expires in 1997 or '98, or whatever it is.

SENATOR PRESENT: It is -- it is -- yes, I agree, it probably could have been done that way. Bill Drafting didn't make it that way.

SENATOR LEICHTER: Okay. Senator, does it provide in every detail with

the provisions that presently exist in the law? There is no change whatsoever?

SENATOR PRESENT: None that I can find. If you read the bill, it's all -

SENATOR LEICHTER: Senator, let me ask you, and I should have asked that question when we passed a similar bill in 1995 to 1996, but the borrowing by the state or state agencies, is that still subject to the Public Authorities Control Board?

SENATOR PRESENT: All borrowing are you asking? All borrowing by the state?

SENATOR LEICHTER: Right. Because as I read this bill, it provides for the state allocation to be directed by the head of the Bureau of the Budget. As you know, because you were here when we set up the Public Authorities Control Board, we now require all state agency borrowing to be approved by the Public Authorities Control Board. My question to you is, is that still in effect as a conse quence of the similar bill that we passed last year, or would it be in effect under this bill?

SENATOR PRESENT: I can't answer that, Senator.

SENATOR LEICHTER: Could we get an answer to that, Senator?

ACTING PRESIDENT MAZIARZ: Senator Leichter.

SENATOR PRESENT: I imagine we ought to be able to get an answer to that.

SENATOR LEICHTER: Could we lay it aside for a day and get the answer to that?

SENATOR PRESENT: Sure.

SENATOR LEICHTER: I appreciate it. Thank you.

ACTING PRESIDENT MAZIARZ: Bill is laid aside for the day at the request of the sponsor.

ACTING PRESIDENT MAZIARZ: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, could I please have unanimous consent to be recorded in the negative on Calendar 964.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Could you return

to reports of standing committees. I believe there is a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MAZIARZ: Return to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

1158, by Senator Cook, an act to amend the General Municipal Law, in relation to establishing the Fallsburg-Liberty-Thompson Industrial Development Agency;

2871, by Senator Oppenheimer, an act to amend the Vehicle and Traffic Law, in relation to authorizing;

3134, by Senator LaValle, an act to amend the General Municipal Law;

3141, by Senator LaValle, an act to amend the Town Law, in relation to the compensation of election inspectors;

3814, by Senator Wright, an act to amend the Penal Law, in relation to assault;

4680, by Senator Tully, an act authorizing the assessor of the county of

Nassau;

4799, by the Committee on Rules, an act to amend Chapter 272 of the Laws of 1991;

4901, by Senator Trunzo, an act relating to providing a lump sum payment;

5005, by Senator Tully, an act to amend the Nassau County Civil Divisions Act;

5110A, by Senator Lack, an act to amend the Executive Law;

5118, by Senator Alesi, an act to amend the Executive Law;

5261, by Senator Saland, an act to amend the Vehicle and Traffic Law;

And, 5311, by Senator Seward, an act to amend Chapter 668 of the Laws of 1997.

All bills directly for third reading.

ACTING PRESIDENT MAZIARZ: All bills directed to third reading.

Senator Skelos.

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

ACTING PRESIDENT MAZIARZ: There are four substitutions.

The Secretary will read.

THE SECRETARY: Senator Alesi moves to discharge from the Committee on Rules Assembly Print 6781A and substitute it for the identical Senate Bill, Third Reading 610.

Senator Farley moves to discharge from the Committee on Rules Assembly Bill Number 5390 and substitute it for the identical Senate Bill, Third Reading 879.

Senator Maltese moves to discharge from the Committee on Rules Assembly Print 7887 and substitute it for the identical Senate Bill, Third Reading 1032.

Senator Maltese moves to discharge from the Committee on Rules Assembly Bill Number 7889 and substitute it for the identical Senate Bill, Third Reading 1034.

ACTING PRESIDENT MAZIARZ: Substitutions ordered.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Goodman, on page number 17, I offer the following amendments to Calendar Number 517, Senate Print Number 3544, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: Amendments received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Cook, on page number 31, I offer the following amendments to Calendar Number 802, Senate Print Number 5194, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: Amendments received.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until tomorrow, June 3rd, at 12:00 noon.

ACTING PRESIDENT MAZIARZ: On the motion, the Senate stands adjourned until Tuesday, June the 3rd, at 12:00 p.m.

(Whereupon, at 4:36 p.m., the Senate adjourned.)