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ALBANY, NEW YORK

August 2, 1997

5:19 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order. I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

I ask everyone, in the absence of clergy, to please bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Friday, August 1st. The Senate met pursuant to adjournment. The Journal of Thursday, July 31st, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing

1 committees.

2 Reports of select committees.

3 Communications and reports
4 from state officers.

5 Motions and resolutions.

6 Senator Marcellino.

7 SENATOR MARCELLINO: Thank
8 you, Mr. President. On behalf of Senator
9 Stafford, I wish to call up his bill, Print
10 Number 5349, recalled from the Assembly, which
11 is now at the desk.

12 ACTING PRESIDENT MEIER:
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Stafford, Senate Print 5349, an act to amend the
16 Lien Law.

17 SENATOR MARCELLINO: Mr.
18 President, I now move to reconsider the vote by
19 which this bill was passed.

20 ACTING PRESIDENT MEIER: Call
21 the roll on reconsideration.

22 (The Secretary called the roll
23 on reconsideration.)

24 THE SECRETARY: Ayes 46.

25 SENATOR MARCELLINO: Mr.

1 President, I now offer the following amendments.

2 ACTING PRESIDENT MEIER:

3 Amendments received.

4 SENATOR MARCELLINO: Thank
5 you, sir.

6 ACTING PRESIDENT MEIER:

7 Senator Skelos.

8 SENATOR SKELOS: There will
9 be an immediate meeting of the Higher Education
10 Committee in the Majority Conference Room.

11 ACTING PRESIDENT MEIER:

12 Immediate meeting of the Higher Education
13 Committee in the Majority Conference Room.

14 SENATOR SKELOS: If we could
15 take up Calendar Number 64, noncontroversial.

16 ACTING PRESIDENT MEIER:

17 Secretary will read.

18 THE SECRETARY: Calendar
19 Number 68, by Senator Johnson, Senate Print
20 324B, an act to amend the Public Health Law.

21 SENATOR SKELOS: Mr.
22 President, is there a message of necessity at
23 the desk?

24 ACTING PRESIDENT MEIER:

25 There's a message at the desk.

1 SENATOR SKELOS: Move to
2 accept the message.

3 ACTING PRESIDENT MEIER: All
4 those in favor of accepting the message of
5 necessity say aye.

6 (Response of "Aye.")
7 Opposed nay.
8 (There was no response.)

9 SENATOR LEICHTER: Mr.
10 President, is this the bill on -

11 ACTING PRESIDENT MEIER: The
12 first bill.

13 Senator Leichter -- the motion
14 is on the acceptance of the message of
15 necessity.

16 All in favor, aye.
17 (Response of "Aye.")
18 Opposed nay.
19 (There was no response.)
20 The message is accepted.

21 SENATOR SKELOS: Read the
22 last section, please.

23 ACTING PRESIDENT MEIER: Read
24 the last section.

25 THE SECRETARY: Section 8.

1 This act shall take effect in 120 days.

2 ACTING PRESIDENT MEIER: Call
3 the roll.

4 (The Secretary called the
5 roll.)

6 THE SECRETARY: Ayes 50.

7 ACTING PRESIDENT MEIER: The
8 bill is passed.

9 THE SECRETARY: Calendar
10 Number 619, by Senator Seward, Senate Print
11 3367, an act to amend the Executive Law.

12 ACTING PRESIDENT MEIER: Read
13 the last section.

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

16 ACTING PRESIDENT MEIER: Call
17 the roll.

18 (The Secretary called the
19 roll.)

20 THE SECRETARY: Ayes 50.

21 ACTING PRESIDENT MEIER: The
22 bill is passed.

23 THE SECRETARY: Calendar
24 Number 1232, by Senator Libous, Senate Print
25 4716B, an act to authorize the village of

1 Johnson City.

2 SENATOR SKELOS: Mr.
3 President, is there a message of necessity at
4 the desk?

5 ACTING PRESIDENT MEIER:
6 There is a message of necessity at the desk.

7 SENATOR SKELOS: Move to
8 accept the message.

9 ACTING PRESIDENT MEIER: There
10 is also a home rule message at the desk.

11 Motion is to accept the
12 message of necessity.

13 All in favor say aye.

14 (Response of "Aye.")

15 Opposed nay.

16 (There was no response.)

17 The motion carries. The
18 message of necessity is accepted.

19 SENATOR SKELOS: Last
20 section.

21 ACTING PRESIDENT MEIER: Read
22 the last section.

23 THE SECRETARY: Section 5.

24 This act shall take effect immediately.

25 ACTING PRESIDENT MEIER: Call

1 the roll.

2 (The Secretary called the
3 roll.)

4 THE SECRETARY: Ayes 50.

5 ACTING PRESIDENT MEIER: The
6 bill is passed.

7 THE SECRETARY: Calendar
8 Number 1371, by Senator Levy, Senate Print
9 5268B, an act to amend the Vehicle and Traffic
10 Law.

11 ACTING PRESIDENT MEIER:
12 Senator Skelos.

13 SENATOR SKELOS: Mr.
14 President, is there a message of necessity at
15 the desk?

16 ACTING PRESIDENT MEIER:
17 There is a message at the desk.

18 SENATOR SKELOS: Move to
19 accept.

20 ACTING PRESIDENT MEIER: The
21 motion is to accept the message of necessity.

22 All those in favor signify by
23 saying aye.

24 (Response of "Aye.")

25 Opposed nay.

1 (There was no response.)

2 The message of necessity is
3 accepted.

4 Read the last section.

5 THE SECRETARY: Section 2.

6 This act shall take effect on the 60th day.

7 ACTING PRESIDENT MEIER: Call
8 the roll.

9 (The Secretary called the
10 roll.)

11 THE SECRETARY: Ayes 50.

12 ACTING PRESIDENT MEIER: The
13 bill is passed.

14 THE SECRETARY: Calendar
15 Number 1566, by Senator LaValle, Senate Print
16 4694, an act to amend the Public Authorities
17 Law.

18 ACTING PRESIDENT MEIER: Read
19 the last section -- I'm sorry, wait. There is a
20 home rule message at the desk.

21 Read the last section.

22 THE SECRETARY: Section 2.

23 This act shall take effect in 120 days.

24 ACTING PRESIDENT MEIER: Call
25 the roll.

1 (The Secretary called the
2 roll.)

3 THE SECRETARY: Ayes 50.

4 ACTING PRESIDENT MEIER: The
5 bill is passed.

6 THE SECRETARY: Calender 1569,
7 by member of the Assembly Weprin, Assembly Print
8 3807B, an act to amend the Highway Law.

9 SENATOR PATERSON: Lay it
10 aside, please.

11 ACTING PRESIDENT MEIER: Lay
12 the bill aside.

13 THE SECRETARY: Calendar
14 Number 1578, by Senator Spano, Senate Print
15 5742, an act to amend the General Business Law.

16 ACTING PRESIDENT MEIER: Read
17 the last section.

18 THE SECRETARY: Section 6.
19 This act shall take effect immediately.

20 ACTING PRESIDENT MEIER: Call
21 the roll.

22 (The Secretary called the
23 roll.)

24 THE SECRETARY: Ayes 50.

25 ACTING PRESIDENT MEIER: The

1 bill is passed.

2 THE SECRETARY: Calendar
3 1582, by Senator Bruno, Senate Print 774, an act
4 to authorize Thomas G. Restino, employed by the
5 village of Hoosick, as a member of the village
6 board.

7 ACTING PRESIDENT MEIER: Read
8 the last section.

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

11 ACTING PRESIDENT MEIER: Call
12 the roll.

13 (The Secretary called the
14 roll.)

15 THE SECRETARY: Ayes 49, nays
16 1, Senator Leichter recorded in the negative.

17 ACTING PRESIDENT MEIER: The
18 bill is passed.

19 Senator Skelos, that completes
20 the reading of the non-controversial calendar.

21 Senator Dollinger.

22 SENATOR DOLLINGER: Thank
23 you, Mr. President. May I have unanimous
24 consent to be recorded in the negative on
25 Calendar Number 1582?

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ACTING PRESIDENT MEIER:

Without objection, Senator Dollinger will be recorded in the negative on Calendar 1582.

SENATOR DOLLINGER: Thank you, Mr. President.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Before we go to the controversial calendar, I believe there is some housekeeping at the desk -- no? There's no housekeeping at the desk?

ACTING PRESIDENT MEIER: No, Senator, not at this time.

SENATOR SKELOS: I stand corrected and I will sit quietly, and the Senate will stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(The Senate stood at ease from 4:18 p.m. to 4:19 p.m.)

ACTING PRESIDENT MEIER: The Senate will come to order.

Senator Skelos.

1 SENATOR SKELOS: Mr.
2 President, would you call up Calendar Number
3 1569?

4 ACTING PRESIDENT MEIER: The
5 Secretary will read.

6 THE SECRETARY: Calendar
7 Number 1569, by member of the Assembly Weprin,
8 Assembly Print 3807B, an act to amend the
9 Highway Law.

10 ACTING PRESIDENT MEIER: Can
11 we have some order in the chamber, please?

12 Senator Maltese, an
13 explanation has been requested by the Deputy
14 Minority Leader.

15 SENATOR MALTESE: Mr.
16 President, this bill is an act to amend the
17 Highway Law, in relation to extending the
18 Western bord... boundary of the portion of the
19 state highway system designated as the POW-MIA
20 Memorial Highway.

21 Basically, the bill amends the
22 Highway Law so that the border between Queens
23 and Brooklyn would retain -- or regain the name
24 POW-MIA Memorial Highway. The remainder of the
25 highway, except for that portion, is already

1 renamed as a result of legislation passed,
2 previously passed by both this house and the
3 Assembly.

4 The -- certainly, I could go
5 on for hours as to the merit of the bill and the
6 function it serves in memorializaing prisoners
7 of wars and members of the armed services
8 missing in action.

9 The bill has already been
10 passed in the Assembly, I believe unanimously,
11 and this would serve as a constant reminder as
12 our children and grandchildren grow up and
13 hopefully we are not engaged in armed conflicts
14 as a result of the sacrifices made by the people
15 that we seek to honor by this legislation.

16 ACTING PRESIDENT MEIER:
17 Senator Paterson -- oh, I'm sorry. Senator
18 Stachowski.

19 SENATOR STACHOWSKI: We look
20 a lot alike, but in this case -

21 I know that, Mr. President, if
22 Senator Maltese would yield, I know there were a
23 couple of questions in the Rules Committee
24 yesterday, and I would just pass those questions
25 along to him and maybe he can answer them for me

1 and there wouldn't be much of a problem with
2 this bill.

3 ACTING PRESIDENT MEIER:
4 Senator Maltese, would you yield for a question?

5 SENATOR MALTESE: Yes, Mr.
6 President.

7 ACTING PRESIDENT MEIER: The
8 Senator yields.

9 SENATOR STACHOWSKI: The
10 questions that were raised were -- we know that
11 part of this road is in your district; do you
12 know who else's district in the Senate this part
13 of the road lies in?

14 SENATOR MALTESE: I do not,
15 Mr. President.

16 SENATOR STACHOWSKI: Because
17 we were wondering why -- if you would continue
18 to yield -- we were wondering why, since you
19 were renaming part of the highway that ran
20 through other members' districts, why you didn't
21 consult with them and maybe add them to the
22 bill, similar to the way you retrospectively
23 added people to the Jackie Robinson Highway bill
24 and a couple other things.

25 ACTING PRESIDENT MEIER:

1 Senator, do you continue to yield?

2 SENATOR MALTESE: Yes.

3 Mr. President, with reference
4 to the Jackie Robinson renaming, I was very
5 willing to add those other members because at
6 the time we had other Republican members who
7 were on the bill. In this case, the bill was
8 introduced only by myself without other
9 co-sponsors.

10 At the same time, I would be
11 prepared to extend the courtesy to any Senator
12 whose district the highway runs through.

13 SENATOR STACHOWSKI: Thank
14 you, Senator.

15 ACTING PRESIDENT MEIER:
16 Senator Smith.

17 SENATOR SMITH: Would the
18 sponsor yield?

19 SENATOR MALTESE: Yes, Mr.
20 President.

21 SENATOR SMITH: Thank you.

22 Would you please include me on
23 the bill, since it goes through my district?

24 SENATOR MALTESE: Yes, I
25 would be very glad to. I apologize for being

1 unaware that my esteemed colleague, Senator
2 Smith, has a portion of this district. I'm sure
3 she'll remind me of it in the future; and I'm
4 very glad to add her to the bill.

5 ACTING PRESIDENT MEIER:
6 Senator Smith, that would require that you fill
7 out the normal buck slip at the desk.

8 Read the last section.

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

11 ACTING PRESIDENT MEIER: Call
12 the roll.

13 (The Secretary called the
14 roll.)

15 THE SECRETARY: Ayes 51.

16 ACTING PRESIDENT MEIER: The
17 bill is passed.

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

20 SENATOR SKELOS: Mr.
21 President, I would just like to remind the
22 members that there is a Higher Education
23 Committee meeting going on, so if any members
24 could go into the Majority Conference Room at
25 this time.

1 Following Higher Education,
2 there will be a meeting of the Finance Committee
3 and then a meeting of the Rules Committee.

4 So, we'll stand at ease at
5 this time.

6 ACTING PRESIDENT MEIER: The
7 Senate will stand at ease.

8 (The Senate stood at ease from
9 4:23 p.m. to 4:56 p.m.)

10 ACTING PRESIDENT MARCELLINO:
11 Senator Skelos.

12 SENATOR SKELOS: Immediate
13 meeting of the Finance Committee in the Majority
14 Conference Room.

15 ACTING PRESIDENT MARCELLINO:
16 Immediate meeting of the Finance Committee in
17 the Majority Conference Room has been announced.

18 The Senate will stand at ease.
19 (The Senate stood at ease from
20 4:56 p.m. to 5:19 p.m.)

21 ACTING PRESIDENT MARCELLINO:
22 Senator Skelos.

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

1 Room, and the Senate will stand at ease.

2 ACTING PRESIDENT MARCELLINO:

3 Ladies and gentlemen, there will be an immediate
4 meeting of the Rules Committee in the Majority
5 Conference Room. Please attend as expeditiously
6 as possible.

7 Senate will stand at ease in
8 the interim.

9 (The Senate stood at ease from
10 5:20 p.m. to 5:32 p.m.)

11 SENATOR HOLLAND: Can we
12 return to reports of standing committees?

13 ACTING PRESIDENT MEIER:
14 Reports of standing committees. The Finance
15 Committee, the Secretary will read.

16 THE SECRETARY: Senator
17 Stafford, from the Committee on Finance, offers
18 up the following nominations:

19 As a member of the Board of
20 Trustees of the City University of New York,
21 John Morning, of New York City.

22 SENATOR STAFFORD: Mr.
23 President.

24 ACTING PRESIDENT MEIER:
25 Senator Stafford.

1 SENATOR STAFFORD: It's going
2 to be a pleasure for me to yield to the
3 distinguished Senator from Manhattan.

4 The Governor, as I've said a
5 number of times this year, has again made a very
6 fine appointment.

7 John Morning and I have a
8 number of mutual friends; we've known each other
9 for years. He has a concern, he is interested
10 in becoming involved in the issues and
11 supporting higher education by way of being a
12 member of the Board of Trustees of one of the
13 great universities of the world.

14 Again, I think Senator
15 Paterson and others can help me, but I think the
16 City University has one of the greatest number
17 of Nobel Laureates of any university in this
18 nation, or in the world.

19 Senator, I was just mentioning
20 the great City University that has one of the
21 greatest number of Nobel Laureates of any
22 nation; and I also, in turn, mentioned what a
23 great appointment John Morning is, And I
24 initially stated as I stood up that I would
25 yield to the distinguished Senator from

1 Manhattan who, I'm sure, will be more eloquent
2 than I could be and will handle the nomination
3 with dispatch.

4 ACTING PRESIDENT MEIER:
5 Senator Goodman.

6 SENATOR GOODMAN: Senator
7 Stafford, your graciousness is only exceeded by
8 your wisdom and the breadth of your human
9 understanding.

10 Mr. President, I'm greatly
11 honored to be able to speak today for -- on
12 behalf of Mr. John Morning, who is a
13 distinguished New Yorker of very great stature
14 indeed, and who reflects, I think, the concern
15 which the Governor feels about doing everything
16 possible to assist CUNY in its present state of
17 difficulties.

18 John Morning is a remarkable
19 individual whose professional life is, in and of
20 itself, a testament to good training and
21 excellent execution of his work. He is a
22 graphics designer who has worked for some of the
23 major industrial corporations and others in our
24 city of New York.

25 But, beyond that, above and

1 beyond that, in my judgment, is the fact that he
2 has served in many capacities: As a trustee of
3 major foundations, as a member and vice-chair of
4 the New York City Cultural Affairs Commission;
5 as a director and board secretary of the
6 Association of Governing Boards of Universities
7 and Colleges, based in Washington; a trustee of
8 the Brooklyn Academy of Music; a member of the
9 Trustee's Committee on Education of the Museum
10 of Modern Art; a trustee and former chairman of
11 the board of Pratt Institute in Brooklyn; a
12 director and honorary president and former
13 chairman of the board of the well-known Henry
14 Street Settlement House; a director of the
15 Lincoln Center Theater; Trustee of Wilburforce
16 University in Ohio; director of the New York
17 Landmark Conservancy.

18 In fact, one might venture to
19 say that there are very few worthwhile organ
20 izations with which John Morning has not been
21 associated and in which he has not played a
22 significant leadership role.

23 John Morning is well-known to
24 me personally, he is an extraordinarily keen and
25 perceptive individual who has a great

1 understanding of the needs of young people in
2 education; and with CUNY in its present state
3 of need for this type of leadership, I think
4 John Morning will quickly become one of its
5 leading trustees and one of its guiding lights.

6 Mr. President, one could say
7 much, much more about this very distinguished
8 son of New York, but let me say that I'm very
9 proud indeed to have him as my constituent, and
10 it's a privilege and a very high indeed, to be
11 able to present his name to the Senate for
12 nomination to this very important post which
13 will, I think, be inextricably bound up with the
14 future of the City of New York.

15 John Morning is a Tiffany
16 quality candidate, a man of great humanistic
17 instincts and a superb trustee, and I think the
18 Senate should promptly support Senator
19 Stafford's nomination and my seconding and take
20 prompt action in his support.

21 ACTING PRESIDENT MEIER:
22 Senator Markowitz.

23 SENATOR MARKOWITZ: Thank you
24 very, very much. I have not had the pleasure of
25 meeting Mr. Morning yet, but I'm fortunate to

1 have a dear friend, and he's also my older
2 brother, by the name of Barry Bloom; and when
3 Barry, for the first time in my life knowing
4 him, picked up the phone and said, "Marty, this
5 is a candidate, this is a man who has such
6 caliber, such professionalism, such sensitivity
7 and devotion, and the work that he's done to
8 improve the quality of life for residents of
9 this city more than make him qualified to be a
10 superb addition to CUNY."

11 And I have to say that while
12 I've not been fully supportive of some of our -
13 Governor Pataki's recommendations, this one, I
14 can clearly say that he's hitting a home run.
15 I know he's going to be superb on the board, I
16 know, Barry Bloom, you're right, and to Mr.
17 Morning, I wish you well and look forward to
18 working with you.

19 ACTING PRESIDENT MEIER:

20 Senator Stavisky.

21 SENATOR STAVISKY: I did have
22 the opportunity to meet and hear John Morning at
23 the Higher Education Committee meeting. I
24 didn't have to ask a single question because his
25 responses to questions from other members of the

1 committee were so good and so on-target that I
2 think this bodes well for the City University of
3 New York, and I am pleased to rise in support of
4 this designation and hope that we will have a
5 unanimous approval.

6 Thank you.

7 ACTING PRESIDENT MEIER: Does
8 any other Senator wish to be heard on the
9 nomination?

10 (There was no response.)

11 The question is on the
12 confirmation of John Morning, of New York City,
13 to the Board of Trustees of the City University
14 of New York.

15 All in favor signify by saying
16 aye.

17 (Response of "Aye.")

18 Opposed nay.

19 (There was no response.)

20 John Morning is hereby
21 confirmed as a member of the Board of Trustees
22 of the City University of New York.

23 Mr. Morning is with us in the
24 gallery today. Would you please stand and
25 receive the recognition of the house.

1 (Applause)

2 We wish you good luck with
3 your important duties, sir.

4 Secretary will read.

5 THE SECRETARY: As
6 commissioners of the State Insurance Fund,
7 Donald T. DeCarlo, Esquire, of Douglaston, and
8 Jane Rees of Rome.

9 SENATOR STAFFORD: Move the
10 confirmation, please.

11 ACTING PRESIDENT MEIER: The
12 question is on the confirmation of Donald
13 DeCarlo and Jane Rees as commissioners of the
14 State Insurance Fund.

15 All in favor signify by saying
16 aye.

17 (Response of "Aye.")

18 Opposed nay.

19 (There was no response.)

20 Donald DeCarlo and Jane Rees
21 are confirmed as commissioners of the State
22 Insurance Fund.

23 Secretary will read.

24 THE SECRETARY: As a member
25 of the New York State Energy Research and

1 Development Authority, John E. Mack, of
2 Poughkeepsie.

3 ACTING PRESIDENT MEIER:
4 Senator Stafford.

5 SENATOR STAFFORD: Move
6 confirmation, please.

7 THE SECRETARY: Secretary
8 will read -- I'm sorry, the question is on the
9 confirmation of John E. Mack as a member of the
10 New York State Energy Research and Development
11 Authority.

12 All in favor signify by
13 saying aye.

14 (Response of "Aye.")

15 Opposed nay.

16 (There was no response.)

17 John Mack is confirmed as a
18 member of the New York State Energy Research and
19 Development Authority.

20 Secretary will read.

21 THE SECRETARY: As member of
22 the Long Island State Park, Recreation and
23 Historic Preservation Commission, Herbert M.
24 Balin, Esquire, of East Meadow.

25 ACTING PRESIDENT MEIER:

1 Senator Stafford.

2 SENATOR STAFFORD: Move
3 confirmation, please.

4 ACTING PRESIDENT MEIER: The
5 question is on the confirmation of Herbert M.
6 Balin of East Meadow as a member of the Long
7 Island State Park, Recreation and Historic
8 Preservation Commission.

9 All in favor signify by saying
10 aye.

11 (Response of "Aye.")

12 Opposed nay.

13 (There was no response.)

14 Herbert Balin is confirmed as
15 a member of the Long Island State Park,
16 Recreation and Historic Preservation Commission.

17 Secretary will read.

18 THE SECRETARY: As a member
19 of the Stewart Airport Commission, Arthur N.
20 Wilcox, Jr., of Middletown.

21 ACTING PRESIDENT MEIER:
22 Senator Stafford.

23 SENATOR STAFFORD: Move
24 confirmation, please.

25 ACTING PRESIDENT MEIER: The

1 question is on the confirmation of Arthur N.
2 Wilcox as a member of the Stewart Airport
3 Commission.

4 All in favor signify by saying
5 aye.

6 (Response of "Aye.")

7 Opposed nay.

8 (There was no response.)

9 Arthur Wilcox is confirmed as
10 a member of the Stewart Airport Commission.

11 Secretary will read.

12 THE SECRETARY: As members of
13 the Advisory Council on Alcoholism and Substance
14 Abuse Services, Joette Deane of Oswego and Luke
15 J. Nasta of Staten Island.

16 SENATOR STAFFORD: Move
17 confirmation, please.

18 ACTING PRESIDENT MEIER: The
19 question is on the confirmation of Joette Deane
20 and Luke J. Nasta as members of the Advisory
21 Council on Alcoholism and Substance Abuse
22 Services.

23 All in favor of the confir
24 mation signify by saying aye.

25 (Response of "Aye.")

1 Opposed nay.

2 (There was no response.)

3 Joette Deane and Luke J. Nasta
4 are confirmed as members of the Advisory Council
5 on Alcoholism and Substance Abuse Services.

6 Secretary will read.

7 THE SECRETARY: As a member
8 of the Advisory Council to the Commission on the
9 Quality of Care for the Mentally Disabled, Milo
10 I. Tomanovich, Esquire, of Rochester.

11 SENATOR STAFFORD: Move
12 confirmation, please.

13 ACTING PRESIDENT MEIER: The
14 question is on the confirmation of Milo I.
15 Tomanovich as member of the Advisory Council to
16 the Commission on the Quality of Care for the
17 Mentally Disabled.

18 All in favor signify by saying
19 aye -- I'm sorry.

20 SENATOR DOLLINGER: Mr.
21 President, just to explain my vote on Milo
22 Tomanovich, if I may.

23 ACTING PRESIDENT MEIER: Let
24 me -- can we -- I'd asked for the ayes and the
25 nays. If we can do that, and then I'll let you

1 explain your vote.

2 All in favor signify by saying
3 aye.

4 (Response of "Aye.")

5 Nay -- I'm sorry. Senator
6 Dollinger, to explain his vote.

7 SENATOR DOLLINGER: Thank
8 you, Mr. President.

9 I just rise to second this
10 nomination. Milo Tomanovich has a long history
11 in Monroe County, former member of the Monroe
12 County Legislature and served for many years as
13 the chief counsel for the Monroe County
14 Department of Social Services.

15 I don't know that I've ever
16 met Milo Tomanovich, but I had an opportunity
17 about four or five years ago, six years ago, to
18 serve on a committee in which he was considered
19 for another appointment. And I will just tell
20 all the members of the Senate chamber without
21 breaking the confidence that adheres to that
22 committee, that this lawyer was very, very
23 highly recommended by the people whom he worked
24 for, and he has a history in Monroe County, he's
25 well-known in Monroe County. I commend him for

1 this appointment. I think this is a good
2 appointment by the Governor. But, this is a man
3 who is a lawyer of compassion, and I think
4 that's important in any capacity.

5 So, I stand to second that
6 nomination and join the Senate in supporting Mr.
7 Tomanovich's appointment.

8 ACTING PRESIDENT MEIER:
9 Announce the results -- okay.

10 Milo Tomanovich is confirmed
11 as a member of the Advisory Council to the
12 Commission on the Quality of Care for the
13 Mentally Disabled.

14 Secretary will read.

15 THE SECRETARY: As a member of
16 the Mental Health Services Council, Patricia H.
17 Ogden of White Plains.

18 SENATOR STAFFORD: Move
19 confirmation, please.

20 ACTING PRESIDENT MEIER: The
21 question is on the confirmation of Patricia H.
22 Ogden for a member of the Mental Health Services
23 Council.

24 All in favor signify by saying
25 aye.

1 (Response of "Aye.")

2 Opposed nay.

3 (There was no response.)

4 Patricia H. Ogden is confirmed
5 as a member of the Mental Health Services
6 Council.

7 Secretary will read.

8 THE SECRETARY: As a member of
9 the Minority Health Council, Susan R. Bubbs of
10 Olean and Malcom D. Reid.

11 SENATOR STAFFORD: Move
12 confirmation, please.

13 ACTING PRESIDENT MEIER: The
14 question is on the confirmation of Susan R.
15 Bubbs and Malcom D. Reid as members of the
16 Minority Health Council.

17 All in favor signify by saying
18 aye.

19 (Response of "Aye.")

20 Opposed nay.

21 (There was no response.)

22 Susan R. Bubbs and Malcom D.
23 Reid are confirmed as members of the Minority
24 Health Council.

25 Secretary will read.

1 THE SECRETARY: As Major
2 General, New York Army National Guard, Thomas D.
3 Kinley of Cape Elizabeth, Maine.

4 ACTING PRESIDENT MEIER: The
5 question is on the confirmation of Thomas D.
6 Kinley as a Major General, New York Army
7 National Guard.

8 All in favor signify by saying
9 aye.

10 (Response of "Aye.")

11 Opposed nay.

12 (There was no response.)

13 Thomas D. Kinley is confirmed
14 as a Major General of the New York Army National
15 Guard.

16 Secretary will read.

17 THE SECRETARY: As a member
18 of the State Public Transportation Safety Board,
19 Theodore Boluch, of Delmar.

20 SENATOR STAFFORD: Move
21 confirmation, please.

22 ACTING PRESIDENT MEIER: The
23 question is on the confirmation of Theodore
24 Boluch as a member of the State Public
25 Transportation Safety Board.

1 All in favor signify by saying
2 aye.

3 (Response of "Aye.")

4 Opposed nay.

5 (There was no response.)

6 Theodore Boluch is confirmed
7 as a member of the State Public Transportation
8 Safety Board.

9 The Secretary will read.

10 THE SECRETARY: As members of
11 the Board of Visitors of the Agricultural and
12 Industrial School at Industry, Philip A. Litteer
13 of Rochester and James P. Mulley, Jr., of
14 Webster.

15 ACTING PRESIDENT MEIER:
16 Senator Stafford.

17 SENATOR STAFFORD: Move
18 confirmation.

19 ACTING PRESIDENT MEIER: The
20 question is on the confirmation of Philip A.
21 Litteer and James P. Mulley, Jr., as members of
22 the Board of Visitors of the Agriculture and
23 Industrial School at Industry.

24 All in favor signify by saying
25 -- I'm sorry, Senator Dollinger. I'm trying to

1 do two things and I'm not good at that.

2 SENATOR DOLLINGER: Mr.

3 President, I just rise to speak in support of my
4 friend, Phil Litteer, for appointment to the
5 Board of Industry. I hope that doesn't
6 disqualify him in some other members' eyes, but
7 Phil Litteer is a friend of mine, he is a very
8 unique individual.

9 Phil Litteer was the former
10 supervisor of the town of Henrietta, which is
11 actually in Senator Alesi's district. He served
12 in that capacity as a Democrat. He then went to
13 law school and it was shortly after law school
14 that he became associated with me when he and I
15 served in the same law firm together.

16 He's had a long history as a
17 practicing lawyer, he's been very active in
18 public service, he ran for District Attorney in
19 Monroe County; I thought he ran a good campaign.
20 He did not win. But, Phil Litteer really
21 embodies someone who has been a top-notch
22 lawyer, someone who has a long-term commitment
23 to the highest ideals of public service.

24 And I commend the Governor for
25 this appointment, it's a superb appointment, and

1 Industrial School at Industry.

2 Secretary will read.

3 THE SECRETARY: As a member
4 of the Board of Trustees of the State University
5 of New York College of Environmental Science and
6 Forestry, Edward J. Heinrich of Marcellus.

7 ACTING PRESIDENT MEIER:
8 Senator Stafford.

9 SENATOR STAFFORD: Move the
10 confirmation, please.

11 ACTING PRESIDENT MEIER: The
12 question is on the confirmation of Edward J.
13 Heinrich, of Marcellus, as a member of the Board
14 of Trustees of the State University of New York
15 College of Environmental Science and Forestry.

16 All in favor signify by saying
17 aye.

18 (Response of "Aye.")

19 Opposed nay.

20 (There was no response.)

21 Edward J. Heinrich is
22 confirmed as a member of the Board of Trustees
23 of the State University of New York College of
24 Environmental Science and Forestry -- I'm sorry,
25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: I rise
2 to explain my vote.

3 I know Ed Heinrich, he's a
4 friend, and I've known him for some time. He is
5 the chief administrator for Bryant & Stratton in
6 Syracuse and one of the finest individuals I've
7 ever met.

8 He's involved in many areas of
9 public service, and this is just an extension of
10 his desire to help the education of youth and
11 adults in our community.

12 On a lighter note, to show how
13 important this position was in this fine
14 institution, the State University College of
15 Environmental Science and Forestry in Syracuse,
16 that he came here at 1:00 o'clock for our
17 session in order to be interviewed by the
18 Education Committee and missed his 6:00 o'clock
19 golf game, which is near and dear to his heart.

20 So, he's dedicated, he's a
21 good person, and it's a fine nomination.

22 ACTING PRESIDENT MEIER:
23 Secretary will read.

24 THE SECRETARY: As member of
25 the Advisory Board on Public Work, Joseph R.

1 Lagana of West Nyack.

2 ACTING PRESIDENT MEIER:

3 Senator Stafford -- Senator Holland.

4 SENATOR HOLLAND: I would
5 like to just say a few words about my good
6 friend, Joe Lagana. It seems like everybody is
7 a great friend of somebody in this chamber
8 today, but Joe and his wife are very active in
9 the community, they have their own businesses,
10 et cetera, and he helps as many community
11 organizations as he possibly can.

12 He will be a great asset to the
13 Advisory Board on Public Works, and I certainly
14 recommend him.

15 ACTING PRESIDENT MEIER: Does
16 any other Senator wish to be heard on the
17 nomination?

18 (There was no response.)

19 The question is on the
20 confirmation of Joseph R. Lagana as a member of
21 the Advisory Board on Public Work.

22 All in favor signify by saying
23 aye.

24 (Response of "Aye.")

25 Opposed nay.

1 (There was no response.)

2 Joseph Lagana is confirmed as
3 a member of the Advisory Board on Public Work.

4 Secretary will read.

5 THE SECRETARY: As a member
6 of the Small Business Advisory Board, Kevin M.
7 O'Bryan of Troy.

8 ACTING PRESIDENT MEIER: The
9 question is on the confirmation of Joseph M.
10 O'Bryan as -- I'm sorry, is on the nomination of
11 Kevin M. O'Bryan as a member of the Small
12 Business Advisory Board.

13 SENATOR STAFFORD: Move
14 confirmation, please.

15 ACTING PRESIDENT MEIER: All
16 those in favor of the confirmation signify by
17 saying aye.

18 (Response of "Aye.")

19 Opposed nay.

20 (There was no response.)

21 Kevin M. O'Bryan is confirmed
22 as a member of the Small Business Advisory
23 Board.

24 Secretary will read.

25 THE SECRETARY: As a member

1 of the Metropolitan Transportation Authority,
2 David Mack, of Kings Point.

3 ACTING PRESIDENT MEIER:
4 Senator Stafford.

5 SENATOR STAFFORD: Move
6 confirmation, please.

7 ACTING PRESIDENT MEIER: The
8 question is on the confirmation of David Mack as
9 a member of the Metropolitan Transportation
10 Authority.

11 All in favor signify by saying
12 aye.

13 (Response of "Aye.")

14 Opposed nay.

15 (There was no response.)

16 David Mack is confirmed as a
17 member of the Metropolitan Transportation
18 Authority.

19 Senator Holland, that
20 completes the nominations.

21 SENATOR HOLLAND: Can we have
22 the Rules Committee report and can we have the
23 reading of the Rules Committee report, Mr.
24 President?

25 ACTING PRESIDENT MEIER:

1 Secretary will read.

2 THE SECRETARY: Senator

3 Bruno, from the Committee on Rules, offers up
4 the following bills directly for third reading:

5 Assembly Print 3221, by Member
6 of the Assembly Sweeney, an act to amend the
7 Election Law;

8 2593A, by Senator Velella, an
9 act to amend the Executive Law;

10 4129A, by Senator Marcellino,
11 an act authorizing the Commissioner of General
12 Services;

13 Assembly Print 6049B, by
14 Assemblyman Jacobs, an act to amend the Social
15 Services Law;

16 Senate Print 5098A, by Senator
17 Skelos, an act to amend the Real Property Tax
18 Law;

19 4821A, by Senator Skelos, an
20 act to amend the Civil Service Law;

21 1492, by Senator Velella, an
22 act to amend Chapter 576 of the Laws of 1975;

23 3316A, by Senator Stachowski,
24 an act to legalize, ratify and confirm;

25 3884, by Senator Volker, an

1 act to amend the Erie County Tax Act;
2 5570, by Senator Bruno, an act
3 to amend the Tax Law;
4 5642A, by Senator Volker, an
5 act to amend the Education Law;
6 5741, by the Committee on
7 Rules, an act to amend the Social Services Law.
8 5769, by Senator Velella, an
9 act to amend the Insurance Law;.
10 5770, by Senator Holland, an
11 act to amend the Insurance Law;
12 5772, by Senator Trunzo, an
13 act to amend the Executive Law;
14 and 5773, by the Committee on
15 Rules, an act to amend the Public Health Law;
16 Assembly Print 8339, by the
17 Committee on Rules, an act to amend the Tax Law;
18 5691, by Senator Volker, an
19 act to amend the Penal Law; and
20 5380, by Senator Dollinger, an
21 act to amend the Election Law.
22 All bills directly for third
23 reading.
24 ACTING PRESIDENT MEIER:
25 Senator Holland.

1 SENATOR HOLLAND: Can we have
2 the noncontroversial reading of Supplemental
3 Calendar 64A, please?

4 ACTING PRESIDENT MEIER:
5 Senator, I believe a motion is in order to
6 accept the report of the Rules Committee.

7 SENATOR HOLLAND: I'm sorry.
8 I move we accept the report of the Rules
9 Committee.

10 ACTING PRESIDENT MEIER: The
11 question is on the acceptance of the report of
12 the Rules Committee.

13 All in favor signify by saying
14 aye.

15 (Response of "Aye.")

16 Opposed nay.

17 (There was no response.)

18 Secretary will read -- the
19 Rules report is accepted.

20 Senator Holland.

21 SENATOR HOLLAND: Now could
22 we have the noncontroversial reading of
23 Supplemental Calendar 64A, please?

24 ACTING PRESIDENT MEIER: The
25 Secretary will read.

1 THE SECRETARY: Calendar
2 Number 332, by Member of the Assembly Sweeney,
3 Assembly Print 3221, an act to amend the
4 Election Law.

5 ACTING PRESIDENT MEIER: Read
6 the last section.

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

9 ACTING PRESIDENT MEIER: Call
10 the roll.

11 (The Secretary called the
12 roll.)

13 THE SECRETARY: Ayes 56.

14 ACTING PRESIDENT MEIER: The
15 bill is passed.

16 THE SECRETARY: Calendar
17 Number 617, by Senator Velella, Senate Print
18 2593A, an act to amend the Executive Law.

19 ACTING PRESIDENT MEIER: Read
20 the last section.

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

23 ACTING PRESIDENT MEIER: Call
24 the roll.

25 (The Secretary called the

1 roll.)

2 THE SECRETARY: Ayes 56.

3 ACTING PRESIDENT MEIER: The
4 bill is passed.

5 THE SECRETARY: Calendar
6 Number 787, by Senator Marcellino, Senate Print
7 4129A, an act to authorize the Commissioner of
8 General Services to transfer and convey certain
9 state lands.

10 ACTING PRESIDENT MEIER: Read
11 the last section.

12 THE SECRETARY: Section 6.
13 This act shall take effect immediately.

14 ACTING PRESIDENT MEIER: Call
15 the roll.

16 (The Secretary called the
17 roll.)

18 THE SECRETARY: Ayes 56.

19 ACTING PRESIDENT MEIER: The
20 bill is passed.

21 THE SECRETARY: Calendar
22 Number 839, by Member of the Assembly Jacobs,
23 Assembly Print 6049B, an act to amend the Social
24 Services Law.

25 ACTING PRESIDENT MEIER: Read

1 the last section.

2 THE SECRETARY: Section 2.

3 This act shall take effect immediately.

4 ACTING PRESIDENT MEIER: Call

5 the roll.

6 (The Secretary called the

7 roll.)

8 THE SECRETARY: Ayes 56.

9 ACTING PRESIDENT MEIER: The

10 bill is passed

11 THE SECRETARY: Calendar

12 Number 1369, by Senator Skelos, Senate Print

13 5098A, an act to amend the Real Property Tax

14 Law.

15 ACTING PRESIDENT MEIER: Read

16 the last section.

17 THE SECRETARY: Section 2.

18 This act shall take effect January 1st.

19 ACTING PRESIDENT MEIER: Call

20 the roll.

21 (The Secretary called the

22 roll.)

23 THE SECRETARY: Ayes 56.

24 ACTING PRESIDENT MEIER: The

25 bill is passed.

1 THE SECRETARY: Calendar
2 Number 1453, by Senator Skelos, Senate Print
3 4821A, an act to amend the Civil Service Law.
4 ACTING PRESIDENT MEIER: Read
5 the last section.
6 THE SECRETARY: Section 2.
7 This act shall take effect immediately.
8 ACTING PRESIDENT MEIER: Call
9 the roll.
10 (The Secretary called the
11 roll.)
12 THE SECRETARY: Ayes 56.
13 ACTING PRESIDENT MEIER: The
14 bill is passed.
15 THE SECRETARY: Calendar
16 Number 1576, by Senator Velella -
17 SENATOR STAVISKY: Lay it
18 aside.
19 ACTING PRESIDENT MEIER: Lay
20 the bill aside.
21 THE SECRETARY: In relation
22 to Calendar Number 1581, Senator Stachowski
23 moves to discharge from the Committee on Rules
24 Assembly Print 6002A and substitute it for the
25 identical Senate bill, Third Reading 1581.

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ACTING PRESIDENT MEIER:

Substitution ordered.

Secretary will read.

THE SECRETARY: Calendar

Number 1581, by Member of the Assembly Wirth,
Assembly Print 3316A, an act to legalize, ratify
and confirm the acts and proceedings of the
board of education.

ACTING PRESIDENT MEIER: Read

the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call

the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The

bill is passed.

THE SECRETARY: In relation

to Calendar 1588, Senator Volker moves to
discharge from the Committee on Rules Assembly
Print 6587A and substitute it for the identical
Senate bill, Third Reading 1588.

ACTING PRESIDENT MEIER:

1 Substitution ordered.

2 Read the last section.

3 THE SECRETARY: Calendar
4 Number 1588, by Member of the Assembly Hoyt,
5 Assembly Print 6587A, an act to amend the Erie
6 County Tax Act.

7 ACTING PRESIDENT MEIER: Read
8 the last section.

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

11 ACTING PRESIDENT MEIER: Call
12 the roll.

13 (The Secretary called the
14 roll.)

15 THE SECRETARY: Ayes 56.

16 ACTING PRESIDENT MEIER: The
17 bill is passed.

18 THE SECRETARY: Calendar
19 Number 1589, by Senator Bruno, Senate Print
20 5570, an act to amend the Tax Law, in relation
21 to extending it.

22 ACTING PRESIDENT MEIER: Read
23 the last section.

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

1 ACTING PRESIDENT MEIER: Call
2 the roll.

3 (The Secretary called the
4 roll.)

5 THE SECRETARY: Ayes 54, nays
6 2, Senators Dollinger and Gentile recorded in
7 the negative.

8 ACTING PRESIDENT MEIER: The
9 bill is passed.

10 THE SECRETARY: Calendar
11 Number 1590, by Senator Volker, Senate Print
12 5642A.

13 ACTING PRESIDENT MEIER: This
14 bill is high, and it will be laid aside.

15 THE SECRETARY: Calendar
16 Number 1591, by the Committee on Rules, Senate
17 Print 5741, an act to amend the Social Services
18 Law.

19 SENATOR PATERSON: Lay it
20 aside.

21 ACTING PRESIDENT MEIER: Lay
22 the bill aside.

23 THE SECRETARY: Calendar
24 Number 1592, by Senator Velella, Senate Print
25 5769, an act to amend the Insurance Law.

1 ACTING PRESIDENT MEIER: Read
2 the last section -- wait, wait.

3 SENATOR HOLLAND: Move that
4 we accept the message, please.

5 ACTING PRESIDENT MEIER:
6 There is a message of necessity at the desk.
7 All in favoring of accepting the message signify
8 by saying "Aye."

9 (Response of "Aye.")

10 Opposed nay.

11 (There was no response.)

12 The message of necessity is
13 accepted.

14 Read the last section.

15 THE SECRETARY: Section 16.

16 This act shall take effect in 120 days.

17 ACTING PRESIDENT MEIER: Call
18 the roll.

19 (The Secretary called the
20 roll.)

21 THE SECRETARY: Ayes 56.

22 ACTING PRESIDENT MEIER: The
23 bill is passed.

24 THE SECRETARY: Calendar
25 Number 1593, by Senator Holland, Senate Print

1 5770, an act to amend the Insurance Law.

2 SENATOR HOLLAND: Is there a
3 message at the desk?

4 ACTING PRESIDENT MEIER:
5 There is a message at the desk.

6 SENATOR HOLLAND: Move that we
7 accept the message.

8 ACTING PRESIDENT MEIER: All
9 in favor signify by saying aye.

10 (Response of "Aye.")

11 Opposed nay.

12 (There was no response.)

13 The message of necessity is
14 accepted.

15 Read the last section.

16 THE SECRETARY: Section 6.
17 This act shall take effect on the same day as a
18 chapter of the laws of 1997.

19 ACTING PRESIDENT MEIER: Call
20 the roll.

21 (The Secretary called the
22 roll.)

23 THE SECRETARY: Ayes 56.

24 ACTING PRESIDENT MEIER: The
25 bill is passed.

1 THE SECRETARY: Calendar
2 Number 1594, by Senator Trunzo, Senate Print
3 5772, an act to amend the Executive Law.
4 SENATOR HOLLAND: Move we
5 accept the message.
6 ACTING PRESIDENT MEIER: The
7 motion is to accept the message of necessity.
8 All in favor signify by saying
9 aye.
10 (Response of "Aye.")
11 Opposed nay.
12 (There was no response.)
13 The message is accepted.
14 Read the last section.
15 THE SECRETARY: Section 2.
16 This act shall take effect immediately.
17 ACTING PRESIDENT MEIER: Call
18 the roll.
19 (The Secretary called the
20 roll.)
21 THE SECRETARY: Ayes 56.
22 ACTING PRESIDENT MEIER: The
23 bill is passed.
24 THE SECRETARY: Calendar
25 Number 1595, by Committee on Rules, Senate Print

1 5773, an act to amend the Public Health Law.

2 SENATOR PATERSON: Lay it

3 aside.

4 ACTING PRESIDENT MEIER: Lay

5 the bill aside.

6 THE SECRETARY: Calendar

7 Number 1596, by the Assembly Committee on Rules,

8 Assembly Print 8339, an act to amend the Tax Law

9 and Chapter 535 of the Laws of 1987.

10 ACTING PRESIDENT MEIER: Read

11 the last section.

12 THE SECRETARY: Section 2.

13 This act shall take effect immediately.

14 ACTING PRESIDENT MEIER: Call

15 the roll.

16 (The Secretary called the

17 roll.)

18 THE SECRETARY: Those

19 recorded in the negative on Calendar 1596 are

20 Senators Dollinger, Gentile and Saland. Ayes

21 53, nays 3.

22 ACTING PRESIDENT MEIER: The

23 bill is passed.

24 THE SECRETARY: Calendar

25 1597, by Senator Volker, Senate Print 5691, an

1 act to amend the Penal Law.

2 SENATOR PATERSON: Lay it

3 aside.

4 ACTING PRESIDENT MEIER: Lay

5 the bill aside.

6 THE SECRETARY: Calendar

7 Number 1598, by Senator Dollinger, Senate Print

8 5380, an act to amend the Election Law.

9 ACTING PRESIDENT MEIER: Read

10 the last section.

11 THE SECRETARY: Section 2.

12 This act shall take effect immediately.

13 ACTING PRESIDENT MEIER: Call

14 the roll.

15 (The Secretary called the

16 roll.)

17 THE SECRETARY: Ayes 56.

18 ACTING PRESIDENT MEIER: The

19 bill is passed.

20 ACTING PRESIDENT MEIER:

21 Senator Holland, that completes the reading of

22 the noncontroversial calendar.

23 SENATOR HOLLAND: Mr.

24 President, can we do the controversial calendar,

25 please?

1 ACTING PRESIDENT MEIER:

2 Secretary will read.

3 THE SECRETARY: Calendar
4 1576, by Senator Velella, Senate Print 1492, an
5 act to amend Chapter 576 of the Laws of 1975.

6 ACTING PRESIDENT MEIER:

7 Senator Velella, an explanation has been
8 requested of Calendar Number 1576.

9 SENATOR VELELLA: This is a
10 bill that we've passed several times and
11 hopefully the Assembly will pass this year. It
12 would add the following medical schools to the
13 list of approved out-of-state schools with which
14 the Commissioner of Education can enter into a
15 contract in order to provide New York State
16 residents with expanded opportunities to study
17 medicine and dentistry.

18 The three universities or
19 schools that would be added would be the
20 University of Padua in Padua, Italy; the Royal
21 College of Surgeons in Dublin, Ireland; and St.
22 George's University School of Medicine in
23 Grenada.

24 ACTING PRESIDENT MEIER:

25 Senator Stavisky.

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SENATOR STAVISKY: Mr.

President, I have had occasion to visit Grenada and I have observed the total lack of clinical facilities available in that institution.

We have debated this bill in the past; it has never passed the Assembly and has been signed into law by the Governor.

I maintain that the lack of professional facilities here at Grenada is a serious oversight and we should not be authorizing or even directing the Commissioner of Education to make a finding that what is good is not good, and vice versa.

I think that when I visited Grenada and the school, I was impressed by the fact that it was on the beach and so I would recommend that we authorize the Commissioner of Education to recognize beach bingo, to recognize the lack of facilities at this institution and to avoid meddling in the affairs of the State Education Commissioner.

We should not be authorizing this bill to convey upon this institution the imprimatur of competency in a field for which I saw no evidence of competency.

1 Yes, if there was to be a
2 degree in beach barbecues, I would recommend
3 that this institution be directed to offer a
4 degree in beach barbecues. The dean appeared
5 miraculously and there were volley ball sessions
6 and other casual demonstrations but no evidence
7 that this was an institution that we in the
8 Legislature should mandate as suitable for
9 recognition.

10 There are occasions -- because
11 we do have a shortage of medical school
12 facilities in certain parts of New York State,
13 there are occasions when we do invite the
14 Commissioner of Education to recognize a
15 meritorious situation, but this is not the case
16 here. And I would suggest that we hold this
17 bill, perhaps exclude the Grenada institution
18 and then take up the others on their merits.

19 Thank you.

20 ACTING PRESIDENT MEIER: Read
21 the last section.

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

24 ACTING PRESIDENT MEIER: Call
25 the roll.

1 (The Secretary called the
2 roll.)

3 THE SECRETARY: Those recorded
4 in the negative on Calendar 1576: Senators
5 Breslin, Connor, Gentile, Hoffmann, Kruger,
6 Marcellino, Markowitz, Montgomery, Sampson,
7 Skelos, Smith, Stachowski and Stavisky, also
8 Senator Hannon.

9 Ayes 43, nays 14.

10 ACTING PRESIDENT MEIER: The
11 bill is passed.

12 Secretary will read.

13 SENATOR HOLLAND: Mr.
14 President.

15 ACTING PRESIDENT MEIER: I'm
16 sorry. Senator Montgomery.

17 SENATOR MONTGOMERY: Yes, Mr.
18 President. May I have unanimous consent to be
19 recorded in the negative on Calendar 617?

20 ACTING PRESIDENT MEIER:
21 Without objection, Senator Montgomery will be
22 recorded in the negative on Calendar 617.

23 Senator Holland.

24 SENATOR HOLLAND: Mr.
25 President, can we lay side for the day 1591, lay

1 aside temporarily 1595, and go on to 1597,
2 please?

3 ACTING PRESIDENT MEIER: So
4 ordered.

5 Secretary will read.

6 THE SECRETARY: Calendar
7 Number 1597, by Senator Volker, Senate Print
8 5691, an act to amend the Penal Law.

9 ACTING PRESIDENT MEIER: Read
10 the last section -- an explanation, Senator
11 Volker, has been requested for Calendar Number
12 1597.

13 SENATOR VOLKER: This bill is
14 the most comprehensive reform of the sexual
15 assault area that I've seen, as I said, in the
16 Rules Committee since I've been chairman of
17 Codes, without question, which is about ten
18 years, I guess.

19 This bill takes and goes
20 through innumerable provisions of the Penal Law
21 and makes conforming changes to various areas of
22 the sex offense areas.

23 Let me just explain, for
24 instance, two areas of the law that this bill
25 would change: One area is the area called the

1 marital or gender exemption in rape, which was
2 declared to be unconstitutional by the People
3 versus LaVerda case several years ago.

4 What this bill would do would
5 be to strike it out of the Penal Law. What that
6 means is that there has been a provision in the
7 Penal Law that says that, in effect, that a
8 husband or wife cannot be guilty of a sex
9 offense of rape or a sex offense while in the
10 marriage. That provision essentially has been
11 declared unconstitutional but remained in the
12 Penal Law; this bill would eliminate it.

13 Another area is the area of
14 consensual sodomy, which has been declared
15 unconstitutional in several court cases. This
16 bill would eliminate it from the Penal Law. In
17 other words, it eliminates a series of areas
18 that are in the Penal Law but which really have
19 virtually no effect because they have been
20 declared to be unconstitutional.

21 It then takes up, though, and
22 makes conforming changes in a series of areas
23 involving rape and, in all honesty, brings, I
24 think, up-to-date changes in language, in some
25 cases; it does make some changes upgrading

1 penalties; but primarily, I think, it makes
2 changes in the languages to make it easier to
3 deal with the number of these sex offenses cases
4 which have been challenged over the years and
5 which the language has become somewhat outmoded.

6 As I said to Senator
7 Leichter, there is one provision in here that
8 does not apply just to sex offenses, I'd be the
9 first to admit. It's passed this house on
10 several occasions over the last decade, I think
11 -- I can't remember, I think sponsored by
12 Senator Maltese and I believe Senator Padavan,
13 which would allow District Attorneys to appeal
14 bail and sentencing, not just for sex offenses,
15 but for any crimes that are committed.

16 And I'd be the first to admit
17 to you that it's very -- it's controversial. It
18 is the only provision I can see in here that
19 does not just apply to sex offenses, but that is
20 more than just sex offenses.

21 There is also a provision in
22 here relating to the so-called date rape
23 situation, which this house just passed here
24 about a month ago, a bill that I sponsored,
25 dealing with the so-called date rape drug, which

1 is Rohypnol, and another drug, very similar,
2 called ketamine, which has also been used and is
3 -- has been designated as a drug, it's used to
4 rape young girls particularly, and women, and
5 particularly, frankly, in colleges throughout
6 the state. The upgrading of that statute is in
7 here, the penalties have been increased, and so
8 forth.

9 So, that, basically -- as I
10 say, this is a very comprehensive reform of
11 sexual assault statutes that I think, frankly,
12 will form the basis for negotiations, hopefully,
13 with the Assembly in a very short time.

14 ACTING PRESIDENT MEIER:
15 Senator Gentile.

16 SENATOR GENTILE: If Senator
17 Hoffmann wants to ask a question, that's fine,
18 because I have a statement, not a question. I
19 will yield at the moment.

20 ACTING PRESIDENT MEIER:
21 Senator Hoffman.

22 SENATOR HOFFMANN: Thank you,
23 Senator Gentile.

24 ACTING PRESIDENT MEIER:
25 Senator Hoffmann.

1 SENATOR HOFFMANN: Senator
2 Volker, I would -- I have a couple of brief
3 questions. I want to compliment you, first of
4 all, on the enormous scope of this measure.
5 Can you tell me if there is a companion to this
6 bill in the Assembly?

7 SENATOR VOLKER: Let me just
8 say, by the way, I think I forgot -- before I -
9 I think I forgot to mention as we were going
10 along, this is a Governor's program bill and it
11 is not technically my bill.

12 As I said in the Rules
13 Committee, we have passed legislation -- a
14 number of the provisions that are in this bill
15 have been reported by our committee, not only my
16 bills, but actually other members of the
17 committee, have been reported out and passed in
18 this house and also in the Assembly, that is,
19 various versions of it.

20 So, the answer is this is a
21 Governor's program bill, and I want to make that
22 very, very clear, that that's where this came
23 from. As far as the other house is concerned,
24 I'm not aware of a sponsor in the other house.

25 Frankly, this bill bears a

1 July 9th introduction date, and it came quite
2 late in the process.

3 SENATOR HOFFMANN: Thank you,
4 Senator Volker.

5 I would just like to note for
6 the record without delaying our proceedings that
7 I really don't understand why we would be taking
8 our time now when we're supposed to be working
9 on a budget here that it's already August to
10 pass one-house bills which amount to basically
11 political propaganda.

12 This bill has the names of
13 every Republican member of this Senate as a
14 sponsor on it. It's something that the Governor
15 and his political party have decided that they
16 would like to have in the form of a press
17 release and an election vehicle, I guess, and it
18 troubles me because within this bill I know that
19 there are many very laudable intents and I feel
20 some frustration for Senator Volker who has
21 already worked in this area on many fronts, as
22 have other members of this house.

23 This is one of those examples
24 of how to do everything wrong in government.
25 Most of these provisions would probably be

1 enacted into law, could be discussed and voted
2 upon in the assorted committees; and the
3 intelligent members of this house and the other
4 house are capable, given the opportunity, in a
5 reasonable, functioning, legislative structure,
6 of enacting the measures which Senator Volker
7 has just explained today.

8 And I deeply regret that I
9 have to go back to my constituents and say yes,
10 we had a bill that came before us, but
11 unfortunately, it's worth only what the paper
12 it's printed on is worth, because it did not go
13 through any kind of meaningful process that
14 could remotely be considered deliberative and as
15 a Democrat, I'm troubled that there was no
16 courtesy offered to other members of this house
17 in sponsorship; that is not Senator Volker's
18 fault. The rules of this house have led to this
19 type of scenario repeatedly, and it seems
20 particularly sad that when the taxpayers of the
21 state expect us to be addressing the issues of
22 financing this state, that we would instead be
23 wasting their time, as well as our own, and at
24 the same time building false hopes that we are
25 doing something meaningful when it is purely a

1 political ploy to prey on people's fears and
2 deepest concerns.

3 ACTING PRESIDENT MEIER:
4 Senator Gentile.

5 SENATOR GENTILE: Thank you,
6 Mr. President. I echo the sentiments of Senator
7 Hoffmann as to the process here dealing with
8 this bill. It would have been better if we all
9 had a chance to deliberate on this matter so
10 that we could have our input. Having a bill of
11 this type, of this magnitude at this late date
12 makes it somewhat, at least for the members who
13 did not get to deliberate on this, a cumbersome
14 matter to read through the entire bill.

15 I must say, from what I've
16 seen on the bill, I have to say, at the same
17 time, despite the process that brought it here
18 at this late date, that it appears from a
19 prosecutor's viewpoint, a step in the right
20 direction as to sexual assaults, and having been
21 a prosecutor for 11 years prior to joining this
22 august body, I have to say, four of those -
23 five of those 11 years were spent dealing with
24 sexual assaults and sex crimes.

25 And I have to say, the items

1 here that are dealt with deal with many of the
2 frustrations that prosecutors deal with in
3 prosecuting sex crimes, appealing bail decisions
4 and sentences, bail decisions, particularly, in
5 sex crimes cases, especially where the victim
6 and a defendant are known to each other -
7 sentences less so, but particularly bail
8 decisions. Prior bad acts at trial where, under
9 this bill, they would be presumptively included,
10 prior bad acts in the sexual assault regime
11 would be included here as opposed to being
12 presumptively excluded as they are now.

13 It's highly frustrating for a
14 prosecutor, knowing the criminal history in the
15 sexual assault area of a defendant, not to be
16 able to present a picture to the jury, a true
17 picture to the jury of the type of person that
18 they are now asked to pass judgment on.

19 This bill would ameliorate
20 that and change that to make those prior bad
21 acts in sexual assault part of a prosecutor's
22 evidence in chief.

23 Also lowering the age of a
24 child presumptively able to give testimony from
25 12 to nine. I've put on the stand children as

1 young as six years old and have qualified them
2 to take the oath in a court of law. But it is a
3 long and cumbersome process in order to get that
4 done, and it's also traumatic for the child to
5 go through that process. So, anything that
6 lowers the age, especially in the area of 12 to
7 nine years old, lowering it to nine, is a good
8 thing.

9 This is a good bill. It's a
10 bad process, it's a good bill, and I think it's
11 a step in the right direction for the
12 prosecutors of this state in the area of sexual
13 assault, so I will support it, Mr. President.

14 ACTING PRESIDENT MEIER: Read
15 the last section -- I'm sorry, Senator Volker.

16 SENATOR VOLKER: Yes, let me
17 just finish here, if I might.

18 I understand what has been
19 said here, but let me make something very clear.
20 I don't -- I think you can make an argument that
21 it certainly is late in the process of the
22 budget process, and so forth, but I have a
23 suspicion that this bill -- you have not seen
24 the last of this bill as far as this year is
25 concerned.

1 And I must say to you that it
2 is, I think, and I have been around for a few
3 years, an important step in what we have been
4 attempting to do and that is to deal with a
5 series of sex offense areas during this year,
6 and actually last year; and I think it is the
7 most comprehensive, as I said previously,
8 categorization of reform in the whole sex
9 offense area.

10 And the only problem, I guess,
11 with the argument that we shouldn't be dealing
12 with it this late in the year is it seems
13 whether we like it or not, that we sometimes
14 have some trouble getting attention in certain
15 issues unless we pass them in a house; and what
16 we're doing today is passing this in this house.

17 And I can assure you that I am not going to
18 allow this bill just to be passed by this house,
19 I intend to do whatever I can to see that
20 something substantial is done before this year
21 is over with.

22 ACTING PRESIDENT MEIER:

23 Senator Abate.

24 SENATOR ABATE: Yes, would

25 Senator Volker yield to a question?

1 SENATOR VOLKER: Sure.

2 ACTING PRESIDENT MEIER: The
3 Senator yields.

4 SENATOR ABATE: There are many
5 things in this bill that many of us have fought
6 long and hard for and they make a lot of sense.
7 I just want to reiterate what some of my
8 colleagues have said, before I ask a question,
9 is that I would say 95 percent of this bill,
10 most people would support, there are few -
11 there's one piece or two, that may be
12 controversial and the language that has to be
13 worked out, but I applaud you, Senator, making
14 -- eliminating the statute which makes
15 consensual sodomy a crime; many people have
16 talked about that. Eliminating the marital
17 exemption, the DNA, increasing the length of
18 probation for sex offenders, I could go on and
19 on. These are things long overdue and should be
20 enacted.

21 I would like to ask you just a
22 couple questions about two of the provisions,
23 one that calls for an increase of the imposition
24 of the mandatory minimum prison term for second
25 offenders. We are talking about second violent

1 felony fenders, it's VFOs?

2 SENATOR VOLKER: Yes, VFOs.

3 SENATOR ABATE: Or just felony
4 fenders, I don't have the language of the bill
5 here.

6 SENATOR VOLKER: No, these are
7 VFOs. And by the way, that's a provision that
8 we, I believe, have already passed in this
9 house.

10 SENATOR ABATE: I just wanted
11 to make sure this was any different.

12 SENATOR VOLKER: No.

13 SENATOR ABATE: We're not
14 talking someone who's convicted of a
15 misdemeanor -

16 SENATOR VOLKER: No, no
17 absolutely not.

18 SENATOR ABATE: -- and is a
19 second child offense?

20 SENATOR VOLKER: No, these are
21 VFOs.

22 SENATOR ABATE: VFOs?

23 SENATOR VOLKER: Right.

24 SENATOR ABATE: And my second
25 question is allowing the use of a prior bad act.

1 If someone is charged with a rape or another -
2 or sodomy, what is allowable under this language
3 is only a prior bad act that is similar? For
4 instance, if it's a prior bad act of robbery,
5 prior bad act of some other crime, would that be
6 admissible under this statute, or would it have
7 to relate to the instant charge?

8 SENATOR VOLKER: That's a very
9 good question. We're not exactly sure. If my
10 recollection is correct and, in all candor, on
11 that one, my recollection is that all the
12 increases in penalties related to sex offense to
13 sex offense, because the intention of this bill
14 was strictly to deal with areas of persons who
15 were repeat offenders, in particular, of violent
16 sex offenses.

17 So, the answer to that is, and
18 although we will double-check that, I believe
19 that the answer is that these are only sex
20 offense to sex offense, in other words. A
21 violent second felony offender is the bad act
22 that we're talking about that would trip the
23 increase in the penalties.

24 SENATOR ABATE: Otherwise,
25 Senator, I don't know whether you agree, then,

1 the prejudicial value would probably outweigh
2 the probative value -

3 SENATOR VOLKER: Right,
4 correct.

5 SENATOR ABATE: -- if it went
6 beyond the sex offense -

7 SENATOR VOLKER: I agree with
8 that.

9 SENATOR ABATE: -- the prior
10 bad act deal?

11 SENATOR VOLKER: I agree with
12 that.

13 SENATOR ABATE: Those are the
14 two points I wanted clarified.

15 SENATOR VOLKER: Okay.

16 SENATOR ABATE: Thank you.

17 SENATOR VOLKER: Sure.

18 ACTING PRESIDENT MEIER: Read
19 the last section.

20 THE SECRETARY: Section 46.
21 This act shall take effect immediately.

22 ACTING PRESIDENT MEIER: Call
23 the roll.

24 (The Secretary called the
25 roll.)

1 THE SECRETARY: Ayes 56.

2 ACTING PRESIDENT MEIER: The
3 bill is passed.

4 Senator Larkin.

5 SENATOR LARKIN: At this
6 time, we're going to recess for 45 minutes, come
7 back at 7:00 o'clock, and we will then take up
8 Calendar Number 1595.

9 ACTING PRESIDENT MEIER: The
10 Senate will stand in recess until -- I'm sorry,
11 Senator Mendez.

12 SENATOR MENDEZ: Yes. There
13 will be an immediate conference of the Minority,
14 Conference Room 314.

15 ACTING PRESIDENT MEIER:
16 Immediate conference of the Minority in Room
17 314.

18 Senator Larkin.

19 SENATOR LARKIN: There will
20 be an immediate meeting, conference, of the
21 Majority in Room 332, Majority Conference Room.

22 ACTING PRESIDENT MEIER:
23 Immediate meeting of the Majority.

24 Would the Senators stay in
25 their seats for one moment?

1 SENATOR PATERSON: Mr.
2 President.

3 ACTING PRESIDENT MEIER:
4 Senator Montgomery.

5 SENATOR MONTGOMERY: Mr.
6 President.

7 ACTING PRESIDENT MEIER: Wait
8 a minute. Senator Montgomery, would you hold a
9 minute?

10 Can we have some order in the
11 house, please?

12 Senator Montgomery.

13 SENATOR MONTGOMERY: Mr.
14 President, I wish to call up my bill, Print
15 Number 5374A, recalled from the Assembly, which
16 is now at the desk.

17 ACTING PRESIDENT MEIER:
18 Secretary will read.

19 THE SECRETARY: By Senator
20 Montgomery, Senate Print 5374A, an act to amend
21 the Agriculture and Markets Law.

22 SENATOR MONTGOMERY: I now
23 move to reconsider the vote by which the bill
24 was passed.

25 ACTING PRESIDENT MEIER: Call

1 the roll on reconsideration.

2 (The Secretary called the roll
3 on reconsideration.)

4 THE SECRETARY: Ayes 56.

5 SENATOR MONTGOMERY: Mr.
6 President, I now offer the following amendments.

7 ACTING PRESIDENT MEIER:
8 Amendments received.

9 Senator Farley.

10 SENATOR FARLEY: Thank you,
11 Mr. President.

12 I wish to call up, on behalf
13 of Senator Marcellino, Senate Print 5400, which
14 was recalled from the Assembly, which is now at
15 the desk.

16 ACTING PRESIDENT MEIER:
17 Secretary will read.

18 THE SECRETARY: By Senator
19 Marcellino, Senate Print 5400, an act to amend
20 the Public Service Law.

21 SENATOR FARLEY: I now move
22 to reconsider the vote by which this bill
23 passed.

24 ACTING PRESIDENT MEIER: Call
25 the roll on reconsideration.

1 (The Secretary called the roll
2 on reconsideration.)

3 SENATOR FARLEY: I now offer
4 the following amendments.

5 ACTING PRESIDENT MEIER:
6 Amendments received.

7 Senator Larkin, is there any
8 more business?

9 (There was no response.)
10 Senate will stand in recess
11 until 7 p.m.

12 (The Senate recessed from 6:21
13 p.m. to 7:55 p.m.)

14 ACTING PRESIDENT MEIER:
15 Senator Skelos.

16 SENATOR SKELOS: Mr.
17 President, would you call up Calendar Number
18 1304, Senate 5400A, by Senator Marcellino.

19 ACTING PRESIDENT MEIER:
20 Secretary will read.

21 THE SECRETARY: Calendar
22 Number 1304, Senate Print 5400A, by Senator
23 Marcellino, an act to amend the Public Service
24 Law.

25 SENATOR SKELOS: Would you

1 lay that bill aside temporarily?

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

4 SENATOR SKELOS: Mr.
5 President.

6 ACTING PRESIDENT MEIER:
7 Senator Skelos.

8 SENATOR SKELOS: Would you
9 call up Calendar 1595, Senate 5773, please?

10 ACTING PRESIDENT MEIER:
11 Secretary will read.

12 THE SECRETARY: Calendar
13 Number 1595, by the Committee on Rules, Senate
14 Print 5773, an act to amend the Public Health
15 Law.

16 SENATOR SKELOS: Is there a
17 message of necessity at the desk?

18 ACTING PRESIDENT MEIER: There
19 is a message at the desk.

20 SENATOR SKELOS: Move to
21 accept.

22 ACTING PRESIDENT MEIER:
23 Motion is to accept the message of necessity.

24 All those in favor signify by
25 saying aye.

1 (Response of "Aye.")

2 Opposed nay.

3 (There was no response.)

4 The message of necessity is
5 accepted.

6 SENATOR SKELOS: Read the
7 last section, please.

8 SENATOR DOLLINGER: Could I
9 have an explanation, just briefly?

10 SENATOR SKELOS: Oh, you want
11 an explanation. I'm sorry.

12 ACTING PRESIDENT MEIER:
13 Senator Hannon.

14 SENATOR HANNON: This
15 legislation is that part of the budget which
16 would be called the Article VII provisions in
17 regard to Medicaid. It's probably not a
18 complete explanation because you need the
19 appropriation bill for the departments, in
20 addition, but it does a number of things, along
21 with the appropriation bill, in a sense of
22 restoring about \$680 million of what had been an
23 \$800 million proposed Medicaid reduction. We
24 continue any reductions through two fiscal
25 years.

1 There are really no new cuts
2 to hospitals. There are rate change formulas
3 for nursing homes which I think are equitable,
4 and there are adjustments for -- to the tune of
5 20 million for Medicaid managed care providers,
6 something that is -- can be done now that we
7 have a waiver from the federal government and
8 have a clear-cut picture of how we're going to
9 move forward with our Medicaid population.

10 SENATOR DOLLINGER: Would the
11 sponsor yield to just one question?

12 ACTING PRESIDENT MEIER:
13 Senator yield for a question?

14 SENATOR HANNON: Yes.

15 ACTING PRESIDENT MEIER:
16 Senator yields.

17 SENATOR DOLLINGER: I've had
18 an opportunity to discuss with the chairman of
19 the Health Committee the issues related to
20 Medicaid managed care.

21 Could you give us a breakdown of
22 what those improvements to the \$20 million
23 increase in Medicaid managed care would mean to
24 the system from a global perspective and then
25 perhaps some sense about how the money would be

1 disbursed?

2 As you know, Mr. Chairman, I'm
3 particularly concerned about the Medicaid
4 managed care program in Monroe County. The
5 Monroe plan, I believe the longest-standing
6 Medicaid managed care program exclusively for
7 Medicaid patients, they've had tremendous
8 difficulty because of declining rates.

9 Could you just give us some
10 sense of how you think -- first of all, what
11 factually will happen with respect to
12 adjustments, and then what does this have on the
13 future of Medicaid managed care?

14 SENATOR HANNON: First of
15 all, we're not totally sure of the future
16 because I think we're entering into a whole new
17 era. With the waiver, we will be doing managed
18 care for about two-thirds of the state's
19 Medicaid recipients. We're going to be
20 replacing a fee-for-service system with a
21 managed care system. We're going to be looking
22 carefully at how the delivery is done to make
23 sure people get good care. We also have
24 concerns about capacity, so that as we get into
25 this on a very carefully phased-in basis, we're

1 going to be reaching new territory each point of
2 the way.

3 For the time being, we have
4 the fact that there are 31 counties that have
5 Medicaid managed care, that's going to go
6 forward right away because of a 1995 procurement
7 process which was one of these negotiated
8 bidding processes that many people feel did not
9 provide enough money.

10 In the bill we give \$20
11 million in three ways: We give \$7 million for
12 those providers whose rates were proved to be
13 too low through the competitive bidding process,
14 and that is retroactive to January 1, 1997.

15 In addition, we will provide
16 an additional \$10 million for all Medicaid
17 managed care producers who participate in the
18 procurement. And, in addition, at the -- we
19 have \$3 million provided for plans and regions
20 with insufficient capacity to meet the
21 enrollment goals.

22 SENATOR DOLLINGER: The
23 explanation is satisfactory. Mr. President,
24 just on the bill, briefly.

25 I commend the chairman of the

1 Health Committee and our colleagues in the
2 Senate because I know that the issue of
3 reduction in assessments paid by nursing homes
4 and hospitals under the assessment plan was a
5 major priority. It appears as though we have
6 begun to chip away at those assessments and
7 bring -- hopefully bring those assessments down
8 so that we'll reduce the overall costs to our
9 hospital and nursing home population.

10 I also think this is a good
11 bill because the \$20 million, as the chairman of
12 the Health Committee describes it, will provide
13 additional resources to communities that have
14 been underfunded for Medicaid managed care.

15 I agree with the chairman of
16 the Health Committee that as we continue to
17 evolve this system under the waiver, we're going
18 to have to look to making sure that the plans
19 that got in early in the process, that invested
20 early and heavily in Medicaid managed care have
21 the sufficiency and the sustainability to be
22 able to compete as the managed care system goes
23 forward.

24 I think it would be a great
25 disservice if we, in essence, because of low

1 long-term rates, ended up fiscally punishing the
2 Medicaid managed care systems that have been
3 around for a long time, such as the Monroe plan
4 in Rochester.

5 So, I think this is a good
6 bill. As those who have been watching know, I
7 have not voted for many budget bills; I'm going
8 to vote for this one because I think this makes
9 some very good improvements. It continues us
10 down the road to slightly tinker with the
11 periphery with our health care system to make
12 sure that we don't end up with a two-tier health
13 system for those who can afford it and those who
14 can't, and I think this is a step in the right
15 direction to creating a universal system that is
16 high quality for all. We've got more to do, but
17 this is a good step in the right direction.

18 ACTING PRESIDENT MEIER: Read
19 the last section.

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

22 ACTING PRESIDENT MEIER: Call
23 the roll.

24 (The Secretary called the
25 roll.)

1 THE SECRETARY: Ayes 57.

2 ACTING PRESIDENT MEIER: The
3 bill is passed.

4 ACTING PRESIDENT MEIER:
5 Senator Skelos?

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

10 ACTING PRESIDENT MEIER:
11 Immediate meeting of the Rules Committee in the
12 Majority Conference Room.

13 Senate will stand at ease -
14 Senator Holland.

15 SENATOR HOLLAND: Mr.
16 President, can we take up Calendar 1304, Senate
17 bill number 5400A. I think everybody has a copy
18 at their desk. No?

19 ACTING PRESIDENT MEIER: I'm
20 sorry, Senator Holland. The Secretary just
21 informs me the bill is not at the desk -- I'm
22 sorry. The Secretary states the jacket is not
23 at the desk; the bill is.

24 We can take that up in about
25 two minutes, I believe it will be here.

1 SENATOR HOLLAND: Thank you.

2 ACTING PRESIDENT MEIER: The
3 Senate will stand at ease for a couple of
4 minutes.

5 (The Senate stood at ease from
6 8:04 p.m. to 8:07 p.m.)

7 Senator Holland.

8 SENATOR HOLLAND: Mr.
9 President, if we can take up Senate bill Number
10 5400A, which I understand has been distributed
11 to everybody, including the desk.

12 ACTING PRESIDENT MEIER:
13 Secretary will read.

14 THE SECRETARY: Calendar
15 Number 1304, by Senator Marcellino, Senate Print
16 5400A, an act to amend the Public Service Law.

17 ACTING PRESIDENT MEIER:
18 Senator Holland, there is a message of necessity
19 at the desk.

20 SENATOR HOLLAND: Message of
21 necessity at the desk? Move we accept the
22 message.

23 ACTING PRESIDENT MEIER:
24 Motion is to accept the message of necessity.

25 All those in favor signify by

1 saying aye.

2 (Response of "Aye.")

3 Opposed nay.

4 (There was no response.)

5 The message of necessity is
6 accepted.

7 SENATOR HOLLAND: Mr.

8 President, we have a request from the Minority
9 that Senator Leichter would like to debate the
10 bill and he is in Rules. Can we just lay the
11 bill aside until he returns, please?

12 ACTING PRESIDENT MEIER: Lay
13 the bill aside.

14 (The Senate stood at ease from
15 8:09 p.m. to 8:25 p.m.)

16 ACTING PRESIDENT MEIER:
17 Senator Holland.

18 SENATOR HOLLAND: Mr.

19 President, Senator Leichter is here. Can we
20 resume the discussion on Calendar 1304, please?

21 ACTING PRESIDENT MEIER:
22 Secretary will read.

23 THE SECRETARY: Calendar
24 Number 1304, by Senator Marcellino, Senate Print
25 5400A, an act to amend the Public Service Law.

1 ACTING PRESIDENT MEIER:

2 Senator Leichter?

3 SENATOR LEICHTER:

4 Explanation, please.

5 ACTING PRESIDENT MEIER:

6 Senator Marcellino, an explanation has been
7 requested by Senator Leichter.

8 SENATOR MARCELLINO: Thank
9 you, Mr. President.

10 Mr. President, this
11 legislation requires utilities to allow a
12 certain number of their residential customers to
13 use net metering to get the most out of the
14 residential solar generating systems. This
15 legislation also provides an income tax credit
16 for eligible equipment costs.

17 Net energy metering for
18 eligible customer generators is one way to
19 encourage private investment in renewable energy
20 resources, stimulate in-state economic growth,
21 enhance the continued diversification of the
22 state's energy resource mix, and provide
23 consumers a cost-effective choice.

24 This bill has passed this
25 house on two other occasions unanimously -- I'm

1 sorry, with one negative vote, unanimously the
2 last time and previously, in the previous year,
3 in a slightly different version, with one
4 negative vote.

5 ACTING PRESIDENT MEIER:
6 Senator Leichter.

7 SENATOR LEICHTER: Senator
8 Marcellino, Senator, I do remember that we did
9 the bill. Is this the exact same bill that we
10 did before, or are there some changes in this?

11 SENATOR MARCELLINO: There are
12 some minor language changes that were requested
13 by the other house and we're accommodating them.

14 SENATOR LEICHTER: Could you
15 tell us what those are?

16 SENATOR MARCELLINO: Yes.
17 Senator, apparently -- through you, Mr.
18 President -- there were four changes to what was
19 Senate 5400. Essentially, on line -- page 2,
20 line 5, the sentence starts on line 4, it says,
21 "Net energy meter means a nondemand, nontimed
22 differentiated meter that measures as it was -
23 as originally that was registered," and a little
24 ways down where the word "register" is, "is used
25 to measure" is what was there before.

1 There's another line where the
2 word "section" was changed to "act", and the
3 word "single" was deleted some place in the
4 bill, and I think there was a comma moved.
5 Those are literally the changes, Senator.

6 SENATOR LEICHTER: Let me
7 just ask you, really get at the heart of it,
8 what essentially you provide, if I'm correct, is
9 a tax credit for expenditures in connection with
10 this solar electrical generating equipment. Is
11 there any limit as to the amount of the credit?

12 SENATOR MARCELLINO: Yes,
13 there's a cap on that of up to \$3,750 dollars.

14 SENATOR LEICHTER: And is that
15 annually or is that a one-time cap?

16 SENATOR MARCELLINO: One-time.

17 SENATOR LEICHTER: Okay.

18 Thank you.

19 SENATOR MARCELLINO: Thank
20 you.

21 ACTING PRESIDENT MEIER: Read
22 the last section.

23 There is a message of
24 necessity already at the desk. Read the last
25 section -- and it's been approved.

1 THE SECRETARY: Section 5.

2 This act shall take effect immediately.

3 ACTING PRESIDENT MEIER: Call
4 the roll.

5 (The Secretary called the
6 roll.)

7 THE SECRETARY: Ayes 57.

8 ACTING PRESIDENT MEIER: The
9 bill is passed.

10 Senator Holland.

11 SENATOR HOLLAND: Is there
12 any housekeeping, Mr. President?

13 ACTING PRESIDENT MEIER: No,
14 Senator Holland, there is none at the desk.

15 SENATOR HOLLAND: Could we
16 return to reports of standing committees and do
17 the Rules Committee, please, just the report?

18 ACTING PRESIDENT MEIER:
19 Secretary will read.

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

23 Senate Print 2461A, by Senator
24 Holland, an act to amend the Education Law;
25 2917, by Senator Nanula, an

1 act to amend the Local Finance Law;
2 3550B, by Senator Spano, an
3 act to amend the Labor Law;
4 4025, by Senator Larkin, an
5 act to amend the Racing, Pari-mutuel Wagering
6 and Breeding Law;
7 4838, by Senator Velella, an
8 act to amend the Administrative Code of the City
9 of New York;
10 4903, by Senator Trunzo, an
11 act to amend the Education Law;
12 4908, by Senator Trunzo, an
13 act to amend the Education Law;
14 5205A, by Senator Goodman, an
15 act to amend the Taxpayer Bill of Rights Act of
16 1997;
17 5387A, by Senator Hannon, an
18 act to amend the Public Health Law;
19 5405B, by Senator Spano, an
20 act to amend the Retirement and Social Security
21 Law;
22 5506, by the Committee on
23 Rules, an act in relation to granting Tier I
24 retirement status;
25 5518A, by Senator Marchi, an

1 act to amend the Highway Law;
2 5690A, by Senator Hannon, an
3 act in relation to persons who may practice;
4 5701, by Senator Trunzo, an
5 act to amend the Retirement and Social Security
6 Law;
7 5727, by the Committee on
8 Rules, an act to amend the Public Authorities
9 Law;
10 5734, by Senator Maziarz, an
11 act to amend Chapter 41 of the Laws of 1997;
12 5736, by Senator Spano, an act
13 to amend the Retirement and Social Security Law;
14 5743, by Senator Meier, an act
15 to amend the Alcoholic Beverage Control Law;
16 and 5778, by the Committee on
17 Rules, an act to amend the Racing, Pari-mutuel
18 Wagering and Breeding Law.
19 All bills directly for third
20 reading.
21 ACTING PRESIDENT MEIER:
22 Senator Holland.
23 SENATOR HOLLAND: Move we
24 accept the report of the Rules Committee,
25 please.

1 ACTING PRESIDENT MEIER: All
2 in favor of accepting the report of the Rules
3 Committee please signify by saying aye.

4 (Response of "Aye.")

5 Opposed nay.

6 (There was no response.)

7 The report of the Rules
8 Committee is accepted.

9 Senator Holland.

10 SENATOR HOLLAND: Since the
11 agenda and bills are not on the desk yet, can we
12 stand at ease until they are here, please, Mr.
13 President?

14 ACTING PRESIDENT MEIER: The
15 Senate will stand at ease.

16 (The Senate stood at ease from
17 8:31 p.m. to 8:48 p.m.)

18 ACTING PRESIDENT MEIER:
19 Senator Skelos.

20 SENATOR SKELOS: Mr.
21 President, all the bills that were reported from
22 the Rules Committee are now on the desks.
23 There's a technical problem with the printing of
24 the calendar. What we're going to do is make
25 the Assembly substitutions, take up those bills

1 individually, and then by then the calendar
2 should be printed for the balance of the bills.

3 ACTING PRESIDENT MEIER:
4 Secretary will read.

5 THE SECRETARY: In relation
6 to Calendar Number 1600, Senator Nanula moves to
7 discharge from the Committee on Rules, Assembly
8 Print 4914 and substitute it for the identical
9 Senate bill, Third Reading 1600.

10 ACTING PRESIDENT MEIER: The
11 substitution is ordered.

12 Secretary will read.

13 THE SECRETARY: Calendar
14 Number 1600, by Member of the Assembly
15 Pillittere, Assembly Print 4941, an act to amend
16 the Local Finance Law.

17 ACTING PRESIDENT MEIER:
18 There is a home rule message at the desk. Read
19 the last section.

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

22 ACTING PRESIDENT MEIER: Call
23 the roll.

24 (The Secretary called the
25 roll.)

1 THE SECRETARY: Ayes 57.

2 ACTING PRESIDENT MEIER: The
3 bill is passed.

4 THE SECRETARY: Calendar
5 1601, Senator Spano moves to discharge from the
6 Committee on Rules, Assembly Print 6394B and
7 substitute it for the identical Senate bill,
8 Third Reading 1601.

9 ACTING PRESIDENT MEIER:
10 Substitution is ordered.

11 Secretary will read.

12 THE SECRETARY: Calendar
13 Number 1601, by Member of the Assembly Nolan,
14 Assembly Print 6394B, an act to amend the Labor
15 Law.

16 ACTING PRESIDENT MEIER: Read
17 the last section.

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

20 ACTING PRESIDENT MEIER: Call
21 the roll.

22 (The Secretary called the
23 roll.)

24 THE SECRETARY: Ayes 57.

25 ACTING PRESIDENT MEIER: The

1 bill is passed.

2 THE SECRETARY: Calendar
3 Number 1602, Senator Larkin moves to discharge
4 from the Committee on Racing, Wagering and
5 Gaming, Assembly Print 6685 and substitute it
6 for the identical Senate bill, Third Reading
7 1602.

8 SENATOR SKELOS: Would you
9 lay that bill aside, please?

10 ACTING PRESIDENT MEIER:
11 Substitution is ordered. Lay the bill aside.

12 THE SECRETARY: Calendar
13 Number 1603, Senator Velella moves to discharge
14 from the Committee on Rules, Assembly Print 8127
15 and substitute it for the identical Senate bill,
16 Third Reading 1603.

17 ACTING PRESIDENT MEIER:
18 Substitution is ordered. There is a home rule
19 message at the desk.

20 Secretary will read.

21 Read the last section.

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

24 ACTING PRESIDENT MEIER: Call
25 the roll.

1 (The Secretary called the
2 roll.)

3 THE SECRETARY: Ayes 57.

4 ACTING PRESIDENT MEIER: The
5 bill is passed.

6 THE SECRETARY: Calendar
7 Number 1604, Senator Trunzo moves to discharge
8 from the Committee on Rules, Assembly Print 6324
9 and substitute it for the identical Senate bill
10 1604.

11 ACTING PRESIDENT MEIER:
12 Substitution is ordered. Secretary will read.

13 THE SECRETARY: Calendar
14 Number 1604 by Member of the Assembly Vitaliano,
15 Assembly Print 6324, an act to amend the
16 Education Law.

17 ACTING PRESIDENT MEIER: Read
18 the last section.

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

21 ACTING PRESIDENT MEIER: Call
22 the roll.

23 (The Secretary called the
24 roll.)

25 THE SECRETARY: Ayes 57.

1 ACTING PRESIDENT MEIER: The
2 bill is passed.

3 THE SECRETARY: Calendar
4 Number 1608, Senator Marchi moves to discharge
5 from the Committee on Rules, Assembly Print
6 8080A and substitute it for the identical Senate
7 bill, Third Reading 1608.

8 ACTING PRESIDENT MEIER:
9 Substitution is ordered. Secretary will read.

10 THE SECRETARY: Calendar
11 Number 1608, by the Committee on Rules, Assembly
12 Print 8080A, an act to amend the Highway Law.

13 ACTING PRESIDENT MEIER: Read
14 the last section.

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

17 ACTING PRESIDENT MEIER: Call
18 the roll.

19 (The Secretary called the
20 roll.)

21 THE SECRETARY: Ayes 57.

22 ACTING PRESIDENT MEIER: The
23 bill is passed.

24 Secretary will read.

25 THE SECRETARY: Calendar

1 Number 1610, Senator Trunzo moves to discharge
2 from the Committee on Rules, Assembly Print
3 Number 8425 and substitute it for the identical
4 Senate bill, Third Reading 1610.

5 ACTING PRESIDENT MEIER:
6 Substitution is ordered. Secretary will read.

7 Home rule message is at the
8 desk.

9 THE SECRETARY: Calendar
10 1610, by the Committee on Rules, Assembly Print
11 8425, an act to amend the Retirement and Social
12 Security Law.

13 ACTING PRESIDENT MEIER: Read
14 the last section.

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

17 ACTING PRESIDENT MEIER: Call
18 the roll.

19 (The Secretary called the
20 roll.)

21 THE SECRETARY: Ayes 57.

22 ACTING PRESIDENT MEIER: The
23 bill is passed.

24 SENATOR SKELOS: Mr.
25 President, is there any housekeeping at the

1 desk?

2 ACTING PRESIDENT MEIER: Yes,
3 there is, Senator Skelos.

4 Senator Marcellino.

5 SENATOR MARCELLINO: Yes, Mr.
6 President. On behalf of Senator Bruno, I wish
7 to call up his bill, Print Number 3, recalled
8 from the Assembly, which is now at the desk.

9 ACTING PRESIDENT MEIER:
10 Secretary will read.

11 THE SECRETARY: Calendar
12 Number 485, by Senator Bruno, Senate Print 3, an
13 act to amend the Education Law.

14 SENATOR MARCELLINO: Mr.
15 President, I now move to reconsider the vote by
16 which this bill was passed.

17 ACTING PRESIDENT MEIER: Call
18 the roll on reconsideration.

19 (The Secretary called the roll
20 on reconsideration.)

21 THE SECRETARY: Ayes 57.

22 SENATOR MARCELLINO: Mr.
23 President, I now offer the following amendments.

24 ACTING PRESIDENT MEIER:
25 Amendments received.

1 SENATOR MARCELLINO: Thank
2 you.
3 SENATOR SKELOS: Mr.
4 President.
5 ACTING PRESIDENT MEIER:
6 Senator Skelos.
7 SENATOR SKELOS: Would you
8 please take up Senate Supplemental Calendar 64B,
9 noncontroversial?
10 ACTING PRESIDENT MEIER:
11 Secretary will read.
12 THE SECRETARY: Calendar
13 Number 1256, by Senator Spano, Senate Print
14 5405B, an act to amend the Retirement and Social
15 Security Law.
16 ACTING PRESIDENT MEIER: Read
17 the last section.
18 THE SECRETARY: Section 2.
19 This act shall take effect immediately.
20 ACTING PRESIDENT MEIER: Call
21 the roll.
22 (The Secretary called the
23 roll.)
24 THE SECRETARY: Ayes 57.
25 ACTING PRESIDENT MEIER: The

1 bill is passed.

2 SENATOR DOLLINGER: Which
3 Calendar Number was that?

4 ACTING PRESIDENT MEIER:
5 Senator Dollinger -- oh, the calendar number,
6 Calendar Number 1256, Supplemental Calendar 64B.

7 SENATOR DOLLINGER: Thank you
8 very much.

9 ACTING PRESIDENT MEIER:
10 Secretary will read.

11 THE SECRETARY: Calendar
12 Number 1379, by the Committee on Rules, Senate
13 Print 5506, an act in relation to granting Tier
14 1 retirement status.

15 ACTING PRESIDENT MEIER: Read
16 the last section.

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

19 ACTING PRESIDENT MEIER: Call
20 the roll.

21 (The Secretary called the
22 roll.)

23 THE SECRETARY: Ayes 57.

24 ACTING PRESIDENT MEIER: The
25 bill is passed.

1 Senator Dollinger

2 THE SECRETARY: Excuse me.

3 Ayes 56, nays 1, Senator Dollinger recorded in
4 the negative.

5 Calendar 1599 by Senator
6 Holland, Senate Print 2461A, an act to amend the
7 Education Law.

8 ACTING PRESIDENT MEIER: Read
9 the last section.

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

12 ACTING PRESIDENT MEIER: Call
13 the roll.

14 (The Secretary called the
15 roll.)

16 THE SECRETARY: Ayes 57.

17 ACTING PRESIDENT MEIER: The
18 bill is passed.

19 THE SECRETARY: Calendar
20 Number 1605, by Senator Trunzo, Senate Print
21 4908, an act to amend the Education Law.

22 ACTING PRESIDENT MEIER: Read
23 the last section.

24 THE SECRETARY: Section 8.
25 This act shall take effect immediately.

1 ACTING PRESIDENT MEIER: Call
2 the roll.
3 (The Secretary called the
4 roll.)
5 THE SECRETARY: Ayes 57.
6 ACTING PRESIDENT MEIER: The
7 bill is passed.
8 THE SECRETARY: Calendar
9 Number 1606, by Senator Goodman, Senate Print
10 5205A, an act to enact the Taxpayer Bill of
11 Rights Act of 1997.
12 ACTING PRESIDENT MEIER: Read
13 the last section.
14 THE SECRETARY: Section 56.
15 This act shall take effect immediately.
16 ACTING PRESIDENT MEIER: Call
17 the roll.
18 (The Secretary called the
19 roll.)
20 THE SECRETARY: Ayes 57.
21 ACTING PRESIDENT MEIER: The
22 bill is passed.
23 THE SECRETARY: Calendar
24 Number 1607, by Senator Hannon, Senate Print
25 5387A, an act to amend the Public Health Law.

1 SENATOR SKELOS: Is there a
2 message at the desk? Move to accept.

3 ACTING PRESIDENT MEIER: Yes,
4 Senator Skelos, there is a message at the desk.

5 SENATOR SKELOS: Move to
6 accept, please.

7 ACTING PRESIDENT MEIER:
8 Motion to move to accept the message of
9 necessity.

10 All those in favor signify by
11 saying aye.

12 (Response of "Aye.")

13 Opposed nay.

14 (There was no response.)

15 The message of necessity is
16 accepted.

17 Read the last section.

18 THE SECRETARY: Section 15.
19 This act shall take effect immediately.

20 ACTING PRESIDENT MEIER: Call
21 the roll.

22 (The Secretary called the
23 roll.)

24 THE SECRETARY: Ayes 57.

25 ACTING PRESIDENT MEIER: The

1 bill is passed.

2 ACTING PRESIDENT MEIER:

3 Senator Padavan.

4 SENATOR PADAVAN: Mr.

5 President, I would like to be recorded by
6 unanimous consent in the negative on Calendar
7 Number 1601, Senate Bill 3550B.

8 ACTING PRESIDENT MEIER:

9 Without objection, Senator Padavan will be
10 recorded in the negative on Calendar 1601.

11 Senator Tully.

12 SENATOR TULLY: Without
13 objection, I would like to be recorded in the
14 negative on Calendar Number 1601.

15 ACTING PRESIDENT MEIER:

16 Without objection, Senator Tully will be -
17 Senator Tully, that bill has been laid aside.

18 Senator Markowitz.

19 SENATOR MARKOWITZ: Yes. I

20 would like to have unanimous approval to be
21 recorded in the affirmative on Calendar 1576.

22 ACTING PRESIDENT MEIER:

23 Without objection, Senator Markowitz will be
24 recorded in the affirmative on Calendar Number
25 1576.

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Senator Rath.

SENATOR RATH: Mr. President,
I would like to request unanimous consent to be
recorded in the negative on Calendar 1601.

ACTING PRESIDENT MEIER:
Without objection, Senator Rath will be recorded
in the negative on Calendar 1601.

SENATOR FARLEY: 1601.

ACTING PRESIDENT MEIER: Also
Senator Farley, without objection, will be
recorded in the negative on Calendar 1601.

THE SECRETARY: Calendar
Number 1609, by Senator Hannon, Senate Print
5690A, an act in relation to persons.

ACTING PRESIDENT MEIER: The
bill is high, it will be laid aside.

THE SECRETARY: Calendar
Number 1611, by the Committee on Rules, Senate
Print 5727, an act to amend the Public
Authorities Law.

ACTING PRESIDENT MEIER: Read
the last section.

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

ACTING PRESIDENT MEIER: Call

1 the roll.

2 (The Secretary called the
3 roll.)

4 THE SECRETARY: Ayes -

5 SENATOR OPPENHEIMER: I would
6 like to explain my vote.

7 ACTING PRESIDENT MEIER:
8 Senator Oppenheimer.

9 SENATOR OPPENHEIMER: In areas
10 that are bordering the New York State Thruway,
11 almost all of the mayors and the government
12 officials in those areas have come out against
13 this bill, which would require them to provide
14 fire protection and emergency services on the
15 Thruway.

16 The local areas through which
17 the Thruway passes are all covered by existing
18 what's called certificates of need and they are
19 issued by the State Department of Health to
20 emergency service providers to ensure that there
21 exists adequate emergency coverage in every
22 locality in the state, and these emergency
23 service providers holding this certificate of
24 need for a particular area is obligated by law
25 to provide timely EMS coverage or must have

1 standing agreements to refer the request to the
2 closest provider with resources that are
3 available to respond to the emergency.

4 It's the responsibility of the
5 EMS provider holding this certificate of need to
6 provide the service and that includes the lands
7 in the Thruway system. And while some areas of
8 the state volunteer ambulance corps have
9 experienced some manpower shortages, and there
10 are occasional delays because of the severe
11 shortages, the provider really retains the
12 obligation to provide this service or to arrange
13 a backup service.

14 They feel that they can take
15 care of this issue. They have been taking care
16 of this problem for many years, and they do not
17 want the situation changed.

18 So, I have a memo from the
19 Conference of Mayors and Municipal Officials and
20 they are saying this is simply another unfunded
21 mandate by state government. So, I will be
22 voting no in support of the localities'
23 officials who say they don't want yet another
24 unfunded mandate.

25 ACTING PRESIDENT MEIER:

1 Senator Oppenheimer will be recorded in the
2 negative.

3 Senator Dollinger recorded in
4 the negative.

5 THE SECRETARY: Those
6 recorded in the negative on Calendar 1611:
7 Senator DeFrancisco, Senators Dollinger, Farley,
8 Maziarz, Meier, Oppenheimer and Rath. Also
9 Senator Present. Ayes 49 nays 8.

10 ACTING PRESIDENT MEIER:
11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Request
13 unanimous consent to be recorded in the negative
14 on 1601, please.

15 ACTING PRESIDENT MEIER:
16 Without objection, Senator DeFrancisco will be
17 recorded in the negative on Calendar 1601.

18 Secretary will read.

19 THE SECRETARY: Calendar
20 Number 1612, by Senator Maziarz, Senate Print
21 5734, an act to amend Chapter 41 of the Laws of
22 1997.

23 ACTING PRESIDENT MEIER: Read
24 the last section.

25 THE SECRETARY: Section 2.

1 This act shall take effect immediately.

2 ACTING PRESIDENT MEIER: Call
3 the roll.

4 (The Secretary called the
5 roll.)

6 THE SECRETARY: Ayes 57.

7 ACTING PRESIDENT MEIER: The
8 bill is passed.

9 THE SECRETARY: Calendar
10 Number 1613, by Senator Spano, Senate Print
11 5736, an act to amend the Retirement and Social
12 Security Law.

13 ACTING PRESIDENT MEIER: Read
14 the last section.

15 THE SECRETARY: Section 2.

16 This act shall take effect immediately.

17 ACTING PRESIDENT MEIER: Call
18 the roll.

19 (The Secretary called the
20 roll.)

21 THE SECRETARY: Ayes 57.

22 ACTING PRESIDENT MEIER: The
23 bill is passed.

24 THE SECRETARY: Calendar
25 Number 1614, by Senator Meier, Senate Print

1 5743, an act to amend the Alcoholic Beverage
2 Control Law.

3 ACTING PRESIDENT MEIER: The
4 bill is high; it will be laid aside.

5 THE SECRETARY: Calendar
6 Number 1616, by the Committee on Rules, Senate
7 Print 5778, an act to amend the Racing,
8 Pari-mutuel Wagering and Breeding Law.

9 ACTING PRESIDENT MEIER: The
10 bill is high; lay it aside.

11 SENATOR SKELOS: Mr.
12 President.

13 ACTING PRESIDENT MEIER:
14 Senator Skelos.

15 SENATOR SKELOS: Is there any
16 housekeeping at the desk?

17 ACTING PRESIDENT MEIER: No,
18 Senator, there is not.

19 SENATOR SKELOS: There being
20 no further business, I move we adjourn -

21 ACTING PRESIDENT MEIER:
22 Senator Saland.

23 SENATOR SALAND: I would like
24 to ask unanimous consent to be recorded in the
25 negative on 1601.

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ACTING PRESIDENT MEIER:

Without objection, Senator Saland will be recorded in the negative on Calendar 1601.

Senator Skelos.

SENATOR SKELOS: Mr.

President, there being no further business, I move we adjourn until Sunday, August 3rd, at 1:00 p.m. sharp.

ACTING PRESIDENT MEIER:

Senate will stand adjourned until Sunday, August 3rd, at 1:00 p.m. sharp.

Whereupon at 9:10 p.m., the Senate adjourned.)