ALBANY, NEW YORK

March 11, 1998

11:07 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, the staff to find their places. I'd ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 10th. The Senate met pursuant to adjournment. The Journal of Monday, May 9th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Libous, please place a sponsor's star on Calendar Number 332.

ACTING PRESIDENT KUHL: Calendar Number 332 is starred at the request of the sponsor.

SENATOR MARCELLINO: Mr. President, on page -- on behalf of Senator Rath, on page number 16 (22), I offer the following amendments to Calendar Number 367, Senate Print Number 4412, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on the Third Reading

Calendar.

Senator Padavan.

SENATOR PADAVAN: Mr. President, would you place a sponsor's star on Calendar Number 97, my bill, Print Number 3069.

ACTING PRESIDENT KUHL: Calendar Number 97 will be starred at the request of the sponsor.

Senator Marchi.

SENATOR MARCHI: Mr. President, there is a special resolution that is at the desk. I ask that it be read, along with the title.

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution by Senator Marchi.

THE SECRETARY: By Senator Marchi, Legislative Resolution 2867, memorializing Governor George E. Pataki to proclaim February 3rd of each year as "Four Chaplains Day" in New York State.

ACTING PRESIDENT KUHL: Senator Marchi, do you wish to speak on the bill -- on the resolution?

SENATOR MARCHI: Anything we say in this case would be inadequate and most of you -- or all of you are familiar with the fact that the four chaplains, Catholic, Jewish and Protestant joined hands and gave up their place of security when the ship that they were on was being attacked. So they gave up their place of security, four of the mariners who were on the ship.

So it struck a very responsive chord across this nation, those of you who were alert and living at that time and it's going to be offered by the American Legion on this weekend. So that's why I moved its adoption at this time.

ACTING PRESIDENT KUHL: The question is on the privileged resolution offered by Senator Marchi. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can I ask for a meeting of the Elections Committee immediately in Room 332.

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

Senator Bruno, we have one substitution at the desk we would like to take now, if that's okay.

SENATOR BRUNO: Okay.

ACTING PRESIDENT KUHL: The Secretary will read the substitution.

THE SECRETARY: On page 21, Senator Velella moves to discharge from the Committee on Cities, Assembly Bill Number 3169-A and substitute it for the identical Third Reading Calendar 356.

ACTING PRESIDENT KUHL: The substitution is ordered.

Senator Bruno, that brings us to the calendar.

SENATOR BRUNO: Mr. President, can we at this time take up the non controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 180, by member of the Assembly Harenberg, Assembly Print 3920-A, an act to amend the Education Law, in relation to the provision of physical therapy.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 182, by the Assembly Committee on Rules, Assembly Print 8546-A, an act in relation to persons who may practice a profession within the state without a license.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR BALBONI: Mr. President, I would ask -- request to be - unanimous consent to be -- to abstain from voting on this particular measure.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Balboni will be marked as abstaining from the vote.

The Secretary will record the negatives and announce the results.

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 234, by Senator Volker, Senate Print 5525, an act to amend the Criminal Procedure Law and

others, in relation to the collection of financial obligations.

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

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 263, by Senator Padavan, Senate Print 6084, an act to amend the New York City Charter.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 298, by Senator Johnson, Senate Print 243, an act to amend the Education Law, in relation to requiring that the State University graduation

ceremonies include the Pledge of Allegiance and National Anthem.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay it aside.

THE SECRETARY: Calendar Number 303, by Senator Maziarz, Senate Print 2558, an act to amend the Correction Law, in relation to co-payment of fees for medical services.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 304, by Senator Nozzolio -

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the

bill aside for the day.

THE SECRETARY: Calendar Number 305, by Senator Skelos, Senate Print 3408-A -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 306, by Senator Nozzolio, Senate Print -

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 322, by Senator Stafford, Senate Print 3766, an act to amend the Executive Law, in relation to permitting the Secretary of State to receive records.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 324, by Senator Marcellino, Senate Print 4129-A, an act authorizing the Commissioner of General Services to transfer and convey certain state lands.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR WRIGHT: Mr. President, I request unanimous consent to be recorded as abstaining from this vote.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Wright will be denoted as abstaining on the vote.

The Secretary will record the negatives and announce the results.

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 333, by Senator Trunzo, Senate Print 1488, an act to amend the Public Health Law, in relation to public notification of health hazards.

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

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 39, nays 1, Senator Cook recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

340, by Senator Larkin, Senate Print 4174, an act to amend the Business Corporation Law, in relation to requiring any foreign corporation.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 344, by Senator Alesi, Senate Print 4266, an act to amend the General Business Law, in relation to false price comparisons.

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

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 377, by Senator Marcellino, Senate Print 2848, an act to amend the General Municipal Law, in relation to establishing the town of

Huntington.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

SENATOR BRUNO: Thank you, Mr. President.

Can we at this time return to motions and resolutions.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions.

SENATOR BRUNO: And I believe that there is a privileged resolution at the desk by Senator Goodman. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution at the desk by Senator Goodman.

THE SECRETARY: By Senator Goodman, Legislative Resolution 2868, mourning the death of Eric M. Breindel, outstanding journalist and distinguished citizen.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Goodman on the resolution.

SENATOR GOODMAN: Mr. President, I have asked that we waive the reading of the full resolution, but I would like to say a few special words on behalf of the resolution, if I may.

Mr. President, last Saturday the state of New York and the world -

ACTING PRESIDENT KUHL: Senator Goodman, excuse me just a minute. There's an awful lot of noise in the chamber. I know it's very difficult for members to hear. I would ask the staff to take their places, members to take their chairs. If you need to have a conversation, let's take it out of the chamber.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT KUHL: Thank

you for the indulgence, Senator Goodman.

SENATOR GOODMAN: Mr. President, last Saturday the City, state and nation lost a brilliant journalist and a great humanitarian. His name is Eric Breindel and for many years he was the editorial chairman of the New York Post and a man who gained universal respect for the forthrightness of his views, the brilliant lucidity of his editorials and the extreme integrity with which he addressed his work as both a journalist and one in pursuit of justice for the press multitudes.

Eric Breindel came from a unique background. Both of his parents were victims of the Holocaust and throughout his life he was especially devoted to both his father and mother and at the funeral which was held in New York on Monday morning, there was an extraordinary outpouring of respect and affection for this unique man.

Those who were in attendance at the funeral ranged from the high and mighty to the common people of the state. Governor Pataki was there, Senator D'Amato and Senator

Moynihan were there, Mayor Giuliani, Henry Kissinger, a wide range of notable celebrities, as well as those who had watched for years with admiration the work of this unique individual.

I knew Eric Breindel personally and counted him as a close friend. We attended one another's social gatherings and he was always genial and exceptionally forthcoming in his generous understanding of human nature.

Mr. President, I would like to just comment on one or two of his special qualities as we consider this resolution. Eric Breindel was the senior vice-president of the News Corporation. He had a legion of friends, colleagues, and world leaders remembered him warmly for his honesty, razor sharp intellect, remarkable leadership and uncomplaining determination.

Many years ago he was diagnosed with cancer and had painful episodes with which he always -- which he always handled with extraordinary bravery. He also was not afraid ever at any point in his journalistic

career to take on tough campaigns on from time to time very unpopular causes.

The resolution which we have sponsored today describes him as a champion of the state of Israel and it takes note of the fact that Breindel was known for his vigorous conservative viewpoint and his unique ability to influence political debate in the City and around the world in his finely crafted literate and clear-sighted columns.

Mr. President, Eric Breindel brought to his columns a remarkable series of insights, but one of the things for which I always had greatest respect for him was the fact that he had a great sense of communication with people, even those who disagreed strongly with his own very strongly held views.

Eric Breindel was a congenial man and a collegial man. He welcomed the chance for debate. He was zestful in his propounding of his own point of view but was a careful listener to those who disagreed and were diametrically opposed to him.

I thought one of the unique

statements made at his funeral was that of a young woman who had been a friend of his and regarded him as a surrogate father. She happened to be the granddaughter of Katherine Graham, the editor of the Washington Post and she said that she disagreed with virtually every one of his editorial positions and loved him as a father because of his kindness to her and the fact that he would always have a special ability to communicate with young people. She commented that one evening while leaving a party he accidentally knocked the front porch off a house in which the party had been held and his comment was he thought the house looked better that way.

He was a man with a keen sense of humor, a great sense of the importance of sticking up for those who were in trouble in life and an enormous dedication to the state of Israel and to the importance of having it provide a shelter and a place for those oppressed always to go in the future and never to permit the Holocaust to be repeated.

He viewed with great derision those who sought to revise history, to suggest

that the Holocaust never existed and he was an ardent champion of the rights of the Israelis to have a homeland free from the constant threat and the overhang of and the possibility of extinction.

And so, Mr. President, as we salute him in his premature death at the age of 42, we realize that a very important notion in life is not -- it is not necessarily the length of time that we are here on earth, but the quality of the hours we spend and the contribution we make during the time that we are active in our pursuit of what we believe in.

It is with those notions that I ask the house to unanimously adopt this resolution and ask that it be opened to sponsorship by any members who wish to join in its resolution.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Maltese, on the resolution.

SENATOR MALTESE: Mr.

President, I can add very little to what Senator Goodman has indicated, except I did want to note that Eric was always accessible, always available despite, as Senator Goodman has so aptly described, his academic acumen, his intellectual achievements. He always was ready for advice on a national basis to both conservatives and liberals alike across the nation. He was of invaluable assistance to the Conservative Party, to the conservative movement. He was -- he combined all the intellectual qualities with being, as they say, a regular guy. He is a person that will be sorely missed by this nation and a very severe loss at such a young age as 42.

I am proud to join in Senator Goodman's resolution.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marchi on the resolution.

SENATOR MARCHI: Mr. President, I believe Senator Goodman has stated the circumstances and facts that sustain the purpose of this resolution.

I can attest personally that

two presidents, at least and perhaps others, but President Nixon and President Reagan both shared with me when we were engaged in casual conversation their unbounded estimate and respect that they had at that time of Mr. Breindel and it's -- I think having known him and having heard even casual comments, they were all excellent in their assessment of this exceptional individual.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the resolution?

(There was no response.)

Senator Goodman has opened the resolution for co-sponsorship. Are there members who would like to be listed as co-sponsors? Seeing a multitude -- Senator Bruno, should we put everybody on as a co sponsor, excepting those people who do not wish to be on the resolution as a co-sponsor?

SENATOR BRUNO: Yes.

ACTING PRESIDENT KUHL: If they would so indicate to the desk, then we'll direct that all members be added as co-sponsors.

The question is on the resolution offered by Senator Goodman. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 263, by Senator Padavan, Senate Print 6084, an act to amend the New York City Charter.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation of Calendar Number 263 has been requested by Senator Gold.

SENATOR PADAVAN: Thank you, Mr. President.

This legislation corrects a bill drafting error in Chapter 569 of a law -

a bill we passed which became law last year. The intent of that chapter was to allow nail and mail service of Environmental Control Board violations, the property owners of one-, two- and three-family buildings. It was important in terms of strengthening New York City's ability to deal precisely with a very pervasive problem of illegal occupancies and illegal conversions.

Unfortunately due to a drafting error that placed language in Subparagraph A (i) instead of Paragraph A (ii) of Section 1404, Chapter 569 unintentionally permits nail and mail service on all residential and commercial property and restricts the use of personal service which was previously allowed for all residential and commercial buildings.

Expansion of the nail and mail service, while restricting personal service was never the intention of the city of New York or the state Legislature.

This amendment reinstates, by the way, in addition to the other error, the ability of the fire department and the department of buildings to personally serve

notice of ECB violations on residential and commercial buildings and restricts nail and mail service to one, two and three residential buildings.

Also, some language that inadvertently was deleted relating to additional mailings of notice of violations is rectified with this amendment.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Will the gentleman yield to a question?

ACTING PRESIDENT KUHL: Senator Padavan, do you yield? The Senator yields.

SENATOR PADAVAN: Yes.

SENATOR GOLD: Senator, I certainly am not suggesting that we should by inadvertence eliminate situations of personal service and if it was merely what you're saying, I could start to understand the bill, but I'm looking at the bill. I'm looking at the City's memo and if you could help me, I would be very grateful.

On page 2 of your bill, it says

"provided, however, that the department of buildings and the fire department may not utilize the procedures set forth in this item to serve a notice of violation relating to commercial premises or residential premises with illegal occupancy of four or more dwellings."

So if we left the law alone and did not put this phrase in, I understand they could use the nail and mail on commercial properties also.

SENATOR PADAVAN: Correct.

SENATOR GOLD: But where is it in the bill where it talks about restricting the personal service? I don't see any of that in the bill.

SENATOR PADAVAN: It was not - what do you mean "restricting"? The original -

SENATOR GOLD: In other words -

SENATOR PADAVAN: Our bill passed. It passed last year. Inadvertently it left that out.

SENATOR GOLD: Well, I don't

see that. That's what I'm trying to tell you.

SENATOR PADAVAN: It's there.

SENATOR GOLD: Well, Senator, if you'll let me ask the question.

SENATOR PADAVAN: Sure. I thought I answered it.

SENATOR GOLD: There are two concerns I have with the piece of legislation. Number one, assuming that personal service remained available -- and I think it should remain available -- I don't know why we would want to restrict the fire department and the buildings department from using this additional method of making service in commercial situations. Maybe you could explain to me how we are hurting the city of New York rather than helping the city of New York by allowing them that extra method, the nail and mail method, if it deals with commercial violations.

SENATOR PADAVAN: All right. I understand your question, Senator. I'll try and answer it.

First, the problems that the

City historically has experienced is not with commercial establishments because the owners of commercial buildings and the managing agents of commercial buildings are readily available. So the need to nail a violation to the front door of a commercial building has never been necessary. There's been no difficulty whatsoever historically as far as the city of New York is able to relate to us and frankly in terms of my own personal experience in doing that.

The problem has been with the illegal conversion of one-, two- and three family residential buildings where either we have an absentee owner or access is refused to a building inspector, and so that precipitated the bill we passed last year.

So to answer your question directly, it is simply a question of need and in the City's judgment and one with which I concur, the need is with the ones, twos and threes and not with the commercial buildings.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator

Padavan, do you continue to yield?

SENATOR GOLD: As I understand it, Senator, the fact that the City has this authority isn't hurting the City. You're saying that they want to eliminate it even though they have it because they don't need it, isn't that correct?

SENATOR PADAVAN: Would you say that again, please?

SENATOR GOLD: Surely. Senator, if I understand your comments, the law last year gave the City the authority to nail and mail in not only the ones, twos and threes which you talk about but in all other situations, residential and commercial, and what I believe you just said is even though they've got that authority, they want to give up that authority because they say they don't need it. Is that it?

SENATOR PADAVAN: They don't. They never had -- they never did need it.

SENATOR GOLD: And if this bill did not pass, they would have the authority and if they don't want to use it, they don't have to use it, isn't that correct?

SENATOR PADAVAN: No, they don't, I guess. In fact, you're right. It just an encumbrance that's unnecessary.

SENATOR GOLD: Well, when you say it's an encumbrance, Senator, you're adding more language in here so you're making a bigger law than it was without your language, so it's not encumbrance.

The one part that I didn't understand which, in my opinion, would justify your bill, it says that in doing what we did last year, we apparently restricted the use of personal service. Now, that's in the City's memo. It says that the -- unintentionally permits nail and mail and restricts the use of personal service.

I don't see anywhere in your bill where we are unrestricting personal service, and I would just like you to point that out to me if you can. The City's memo said that was one of the problems with the amendment last year and, therefore, we're doing the Padavan bill. I don't see in here where we are unrestricting that and maybe I'm just missing that, but if you could show that

to me.

SENATOR PADAVAN: As far as I know, Senator, the language in the bill that you have, the amendment before us today -

SENATOR GOLD: I'm sorry?

SENATOR PADAVAN: The amendment we have before us today restores something that we inadvertently left out last year.

SENATOR GOLD: But that's what I'm asking you, Senator. Where is it restored? It's a short bill. If you want to lay it aside a day, that's okay.

SENATOR PADAVAN: I don't need to lay it aside.

SENATOR GOLD: I understand that but, Senator, the City's memo says they had inadvertently have made a restriction on personal service. If they've done that, that concerns me, and I will certainly want to give them unfettered ability to make personal service, but if you take a look at the language that you're adding to this bill and there is some language taken out on page 1, but I just want to understand where -- and there's some two words taken out on page 2 -

I would just like to understand where in this bill it cures that particular problem that's set forth in the City's memo.

SENATOR PADAVAN: Well, Senator, if you read the bracketed parts on lines 21 to 24, you see where it says that the department of buildings and fire department may not utilize the procedures set forth in this item to serve a notice of violation?

SENATOR GOLD: All right. So that's -- so on line 20 -- that's all right. I think you gave me my answer.

SENATOR PADAVAN: I think so.

SENATOR GOLD: On lines 20 to 24, if we did not eliminate that language, they would not be able to -

SENATOR PADAVAN: Yeah. See the word "not"?

SENATOR GOLD: That's what I'm -- let me just ask the question.

SENATOR PADAVAN: No. I'm saying -- I'm pointing out to you, the answer to your question, we're taking that out because it said "may not utilize" and that corrects the problem that you referred to.

SENATOR GOLD: All right. And where it says "may not utilize", that's the personal service procedure?

SENATOR PADAVAN: Yes.

SENATOR GOLD: All right. Thank you for your help.

SENATOR PADAVAN: You're welcome.

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

(There was no response.)

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR WALDON: Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon, to explain your vote.

SENATOR WALDON: No. When we're finished with this, I wanted to -

ACTING PRESIDENT KUHL: We're

on a roll call.

SENATOR WALDON: Sorry about that.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 51, nays 1, Senator Sampson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Waldon, did you wish to -

SENATOR WALDON: Yes, Mr. President. I would like the record to reflect unanimous consent to be recorded in the negative on 303. I was out of the chamber on other business.

ACTING PRESIDENT KUHL: Without objection, Senator Waldon will be recorded in the negative on Calendar Number 303.

The Secretary will continue to call the controversial calendar, but before that, Senator Bruno.

SENATOR BRUNO: Mr. President, can I ask for an immediate meeting of the Children and Families Committee in Room 332.

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

The Secretary will read.

THE SECRETARY: Calendar Number 298, by Senator Johnson, Senate Print 243, an act to amend the Education Law, in relation to requiring that the State University graduation ceremonies include the Pledge of Allegiance and National Anthem.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

305, by Senator Skelos, Senate Print 3408-A, an act to amend the Executive Law and the Penal Law, in relation to payment of a fee by persons sentenced to probation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Gold.

SENATOR GOLD: Mr. President, may I have unanimous consent to be voted in the negative on Calendar 298.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Gold will be recorded in the negative on Calendar Number 298.

The Secretary will continue to

read.

SENATOR PATERSON: Mr. President, with unanimous consent, might I offer to move to reconsider Calendar 298 which just passed this chamber seconds ago which Senator Leichter had asked me to lay aside.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which Calendar Number 298 passed the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR PATERSON: May we have an explanation on that bill.

ACTING PRESIDENT KUHL: Senator Johnson, an explanation of Calendar Number 298 has been requested by Senator Paterson.

SENATOR JOHNSON: Mr. President, this bill requires the Education Department to promulgate regulations concerning the recitation of the Pledge of

Allegiance and performance of the National Anthem at all graduation ceremonies of the State University institutions.

Thank you.

ACTING PRESIDENT KUHL: Senator Paterson, explanation satisfactory?

SENATOR PATERSON: It's satisfactory to me, Mr. President.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives.

SENATOR LEICHTER: Mr. President, just -

ACTING PRESIDENT KUHL: Announce the results.

Senator Leichter.

SENATOR LEICHTER: Mr. President, if I may explain my vote, please.

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

SENATOR LEICHTER: Yeah. I don't think anybody who's voting against the bill has any problems with playing the National Anthem or reciting the Pledge of Allegiance at graduation ceremonies or at any other occasion. In fact, we honor the National Anthem and the Pledge of Allegiance as much as anybody else. We just don't believe it is the role and function of the Legislature to interfere with the functions of the State University to the extent of telling them how to do their graduation. Next we'll see a bill will tell them how to set up the chairs or what robes they should wear, what speeches they ought to make. This is rank interference.

As we've suggested in the past, if Senator Johnson wants to do something for the State University -- it needs a lot of help, Senator Johnson, no question about it - I would like to see you work to try to get more funding for the State University, more TAP, deal with the problems of deteriorated

campuses but not tell them how to conduct their graduation.

I vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter will be recorded in the negative. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 298 are Senators Gold, Leichter, Markowitz, Seabrook, Smith and Waldon. Ayes 47, nays 6.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 340, by Senator Larkin, Senate Print 4174, an act to amend the Business Corporation Law, in relation to requiring any foreign corporation providing gambling.

SENATOR GOLD: Hold on a second.

ACTING PRESIDENT KUHL: Senator Gold, did you have a question of the sponsor?

SENATOR GOLD: Mr. President, my question was about Calendar Number 305, which I understand that's passed?

ACTING PRESIDENT KUHL: That

did pass, but let me continue on this bill and if you have any further questions, I'll be happy -

SENATOR GOLD: I want to recall 305, so can we hold -

ACTING PRESIDENT KUHL: It's out of the house, Senator.

SENATOR GOLD: It's out of the house.

ACTING PRESIDENT KUHL: Your motion would be inappropriate at the time because we're already on another bill.

SENATOR GOLD: I know, but you're telling me -

ACTING PRESIDENT KUHL: It's out of the house. It left five minutes ago.

SENATOR GOLD: But it's out of the house?

ACTING PRESIDENT KUHL: It's out of the house.

The Secretary will read the last section on Calendar Number 340.

SENATOR LEICHTER: No. If Senator Larkin would yield, please.

ACTING PRESIDENT KUHL: Senator

Larkin, do you yield to a question from Senator Leichter?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, I took a quick look -- I took a quick look at your bill, Senator, and I just question the constitutionality of what we're doing. Isn't this an area that's preempted by the commerce clause? Are you saying that if a company, a corporation in Nevada, wishes over the Internet to set up a gambling operation or operation that would allow people in New York City or New York State to gamble, that we can force that corporation to incorporate in New York?

SENATOR LARKIN: Two things, Senator. Senator Kyl from Arizona, with sponsors on both sides of the aisle in both the House and Senate in Washington, have their own bill to address this.

Our bill is very specific. We have, with the attorney generals across the

state and our own Attorney General Vacco, who is chairing the attorney generals' cause on this, what we're trying to do is to just get a handle on it because we're getting correspondence every day, Senator, of people who are getting invites to participate in this.

Recently there was a -- sent to us some information on this Internet gambling and, lo and behold, going through the numbers that we were told to call, we found out in support of an off-shore in Antigua, the phone call was in Billy Stachowski's area in Buffalo, New York.

SENATOR LEICHTER: If Senator Larkin will continue to yield.

SENATOR LARKIN: One other thing I would like to point out. If you'll read the memo, what we're saying is that we're asking them to file it. Technically there's no gambling. It's illegal to gamble in New York State. So the Secretary of State technically cannot accept and validate their application.

What we're trying to do is to

try to build a base so we can be supportive of our people who maybe are being bilked out of dollars with off-shore companies that they don't know. We're trying to build a database.

SENATOR LEICHTER: Senator, if you would be so good as to continue to yield. I don't question the fact that there's a problem. I don't question the intent of our trying to deal with it, but you haven't addressed what is -- my difficulty with this bill is that I believe that the state of New York cannot force a company that's in interstate commerce and that's not located in New York State to incorporate in New York State, and I just wondered whether you had done any research on that issue.

SENATOR LARKIN: Well, we haven't changed the bill from last year, Senator Leichter. We're not -- we're not forcing them. They can stay incorporated wherever they're at. What we're trying to do is to get a handle on this issue which is growing by leaps and bounds. Every bit of information we're told that this is an

industry, by next year will be worth $20 billion and we're not saying that you must incorporate in New York State. We're very clear.

Go ahead.

SENATOR LEICHTER: Excuse me, Mr. President. If Senator Larkin would continue to yield.

That's exactly what you're saying. You're saying it shall, therefore, be required. You use the word "required". You require that corporation to obtain authorization to do business in this state, and I don't think that constitutionally we can do that.

SENATOR LARKIN: Two things: Gambling is illegal in the state of New York, so we didn't change the Constitution. The Secretary of State cannot officially receive your application and get it. What we're saying, he can accept it and he will reject it because there is no gambling and then we will have our database of who you are and where you are.

SENATOR LEICHTER: If you would

continue to yield. I think we're talking at cross-purposes but then that's not unusual in this chamber. I don't mean between you and me.

SENATOR LARKIN: I'm not mean-spirited on this one. You've got to admit that.

SENATOR LEICHTER: Senator, it's just that you're not addressing the issue that I'm raising. First of all, you're saying that we're not requiring them to do this, but the language in the bill says they shall be required.

Secondly, you say that there's no authorization for the Secretary of State to submit a charter of a corporation that says "our business is gambling" because gambling is illegal in the state. Are you saying that the purpose of your bill is to provide that the Secretary of State may accept the charter of a corporation that wishes to engage in gambling if the gambling is being conducted over the Internet?

SENATOR LARKIN: We're saying solely that the Secretary of State, they can

file with him, it says. We're asking him to file with the Secretary of State. The Secretary of State does not have any authority to turn around then and certify them as an Internet operator in the state of New York.

SENATOR LEICHTER: Okay. But my question still is, Senator, the very first question I asked, do you have any authority? Have you looked into the constitutional issue and question that this corporation not being located in New York State and being engaged in interstate commerce, whether we have the authority and the legal right under the U.S. Constitution to require that corporation to incorporate in New York State? And your bill says that they must and while I can't say that I am particularly knowledgeable of the commerce clause, not having really looked at it much since my days in law school which was many years ago, but it still seems to me, as I recollect, that the commerce clause gives that authority to Congress, and I don't believe that the state of New York can make a corporation that's not physically located in the state, that's merely transacting business

through the Internet to say you must incorporate in the state of New York. I don't want you to do something that's fruitless. I don't want us here as a body to pass legislation, people are going to look at it and say this is laughable. These guys never read the U.S. Constitution. They don't know about the commerce clause.

Now, I may be wrong and maybe you've looked into that issue. I hope it's not on the reliance of the Attorney General of this state, but I would trust your research into it, but if you haven't done that research, I raise the question whether this bill is within the purview and authority of the state of New York to enact.

SENATOR LARKIN: The only response I have, Franz, is that under the Constitution, gambling is a state's issue. The proposals put forth by Senator Kyl and other members in the House addresses part of the problem that I think you're talking about, but right now we believe having researched this matter, talked to the people at the fed's and talked all around, we believe we're doing

the right thing for the people of the state of New York and so far have that authority because gambling is the state's rights. It's our right to regulate gambling and what we're trying to do is get a handle on an issue that is growing by leaps and bounds.

ACTING PRESIDENT KUHL: Senator Leichter, are you asking Senator Larkin to continue to yield?

SENATOR LEICHTER: Yes. Senator, I understand what you're saying, but I seriously question whether we have the authority to do this.

I yield to Senator Marchi.

ACTING PRESIDENT KUHL: Senator Marchi.

SENATOR MARCHI: You're stating something that is at least partially established, but I was wondering whether there was more to it in terms of police powers given the nature of the Senator's sponsorship? I believe that there is -- it's not that clear where you're weighing police powers by the state but -

SENATOR LEICHTER: Senator, I

still think the police power of the state of New York is significantly limited to the extent that we're dealing with matters in an interstate commerce that have been either exempted -- I don't mean exempted -- have been taken over by the federal government or are reserved to the federal government by the - by the Constitution.

I just don't know what we're accomplishing here. I think what we're dealing with is a very serious problem that we have in this state and frankly throughout the nation and throughout the world, that you now have means of communication. How do you control the Internet? How do you control a company, they could be in Macao, they could be in Hong Kong and they're conducting gambling over the Internet? How does New York State which tries to protect its citizens from gambling, how do we control that?

The answer is probably that we can't. Let Senator Larkin try, but I think on this one he's being a Don Quixote and tilting at windmills.

SENATOR MARCHI: Senator, just

one more question. Suppose I wanted to do something like this and I'm not doing too well within the state and so you go to another jurisdiction, would that confer -- well, it's debatable just what it would confer, but under this bill, the application, at least we would know about it.

SENATOR LEICHTER: Well, maybe the key issue is -- if I could just ask Senator Larkin to yield again for a moment.

ACTING PRESIDENT KUHL: Senator Larkin, do you yield to another question from Senator Leichter?

SENATOR LARKIN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, what happens, I'm a company in Hong Kong and I'm conducting this gambling operation through the Internet and somebody comes to me in Hong Kong and says, Hey, you didn't register in New York under the Larkin Law. I say, The Larkin Law? Yeah. Everybody knows the Larkin Law. You got to register in New York State to conduct gambling and I say, The hell with it.

Let Larkin come and tell me to my face I got to register. What does New York State do?

SENATOR LARKIN: Well, Senator Leichter, I would like to refer this back to something last year when we had in this chamber what's called Megan's Law and you and a few others had objected to it and it went to the courts, the highest courts and the court said that New York State was right. I think that this is a matter -- I believe that that's why we should let this out. We're not forcing anybody. We're not changing the commerce law. We checked with people in Washington and the attorney generals, 50 of them, bipartisan believe that this is the right approach to address the issue. We don't have a handle on something that is growing by leaps and bounds and, Senator, what I would think we should be doing, we should be passing this and then if somebody wants to take it to the courts, let them. I think that we're doing what's right for the people of the state of New York.

Thank you.

SENATOR LEICHTER: Senator,

just one more question on this. I appreciate your -- the point that you very subtly made: Leichter, you were wrong on Megan's Law. Why should we listen to you?

SENATOR LARKIN: I didn't mean it disrespectfully.

SENATOR LEICHTER: It's perfectly fair.

SENATOR LARKIN: You voted for this bill back in 1997.

SENATOR LEICHTER: Perfectly proper, and I will acknowledge after a momentary victory at the District Court level, every court since then has said I was wrong on that issue, but I'm raising the practical problem now. Your law has passed. You've got this company in Hong Kong doing business over the Internet. They thumb their nose at the Larkin Law. What do you do? What does New York State do? You've got this company. They've refused to register and they're still sending their material under the Internet gambling. What do you do?

SENATOR LARKIN: Go back to the basic principle -- purpose of what we're

trying to do to this bill. We're trying to build a database. We're trying to work with Congress to get them to enact some federal legislation, and I think we're in the right direction, Franz.

SENATOR LEICHTER: Thank you.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, I have several people before you.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I rise just to offer another insight on Senator Larkin's bill which I supported last year and I'm going to support again.

This bill steps us down the road to extending long-arm jurisdiction over these companies. What it requires is the company be authorized to do business in New York.

I agree with Senator Leichter, that is, what are we going to do with the company in Hong Kong that's running an international gambling operation through the

Internet?

The answer is, I don't believe under this bill that we can go to Hong Kong and shut them down and enforce them, but what I think we ought to do -- this is a bill that begins the step down the road to redefining the minimum contacts under our long-arm statute so that if someone is victimized by fraud, they can sue in the New York courts and get jurisdiction.

What we'll have to do, and I think the part of the longer road to really achieve long-arm jurisdiction is to go back, look at the long-arm statute under the CPLR and redefine the concept of minimum contacts under International Shoe. That doctrine is flexible enough in my judgment to accommodate the new transmission capabilities that are present that allow Internet gambling and my hope is at some point we'll look at the long-arm statute and say let's extend it further so that if you're an Internet operating company and the transaction, the sale transaction, the deposit of the money, the advancing of the money occurs in New York

State, New York State then has jurisdiction, as far as I'm concerned, any place on the planet to bring that person to the New York courts, sue them there, recover a judgment and then go and enforce it in Hong Kong, Pennsylvania or in the Bahamas.

Senator Larkin's bill doesn't accomplish all that yet. I hope this is the first step to walk down that road. I agree with Senator Leichter that it's a good idea perhaps to require them to obtain authority to do business in this state but there's no way to enforce it against the Hong Kong corporation unless we go to the next step.

I'll vote for it now, and I hope we get to the next step in the near future.

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: If Senator Dollinger would yield. Senator Dollinger, isn't it a fact that long-arm jurisdiction does not -- or doing business to sustain

long-arm jurisdiction doesn't depend on whether this bill is passed or not? A court could very -- let me finish the question. A court could very well determine that by conducting a gambling operation through the Internet, you're doing business in New York State. Doing business doesn't require -- and as you pointed out, while the state of New York could say gambling over the Internet is deemed to be doing business in the state of New York, that would require an amendment of the CPLR which this bill doesn't do.

So I question whether this bill in any way advances the test under the standard of doing business.

SENATOR DOLLINGER: Through you, Mr. President. This does not specifically deal with the long-arm jurisdiction issue. What this is, as I see it, is a first step to move down the road to addressing the long-arm jurisdiction issue, and I agree with you that the courts can interpret it currently to give New York State jurisdiction over Internet gambling companies wherever they are in the planet, but it would

be preferable if this Legislature gave guidance to the courts, expanded the scope of the long-arm statute by -- and legislative action, gave guidance to the courts as to what we intended and have the issue of whether we've gone too far challenged by some company from the Bahamas when we get jurisdiction, get a judgment and seek to enforce it some place else. That's the way the system should work.

Again, I'm going to vote in favor of this bill. I'm not convinced it's the total solution, but I think it steps us down the road a little bit, and I hope next year we'll look at the long-arm statute, expand the scope of jurisdiction so people who are victimized by these Internet gambling frauds will have a right of action here in New York, can sue here in New York, give their business to New York lawyers and then go enforce their judgments some place else.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

I would like Senator Larkin to

yield, but before that I would just like to point out my admiration for Senator Leichter who can smile about being wrong in a situation which is more than the Senator and our other colleagues do every time we're right for something that is unconstituional. We never hear about that one.

I also have been looking around the room for Alice. I haven't seen her. I know we've entered Wonderland with this bill.

Senator Larkin, if you would yield to a question.

ACTING PRESIDENT KUHL: Senator Larkin, do you yield?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, there is a principle of law in the state of New York where we all happen to be standing which says that the law never requires a useless act. That's absolutely the law in this state.

You, by this law, are asking someone to file a document requesting

something that the law doesn't allow to be given. Now, isn't that, in effect, passing a law mandating a useless act?

SENATOR LARKIN: I think, Senator, if you take a step back and look at -- I would appreciate that. You have a better view this way -- I would appreciate it if you would think of what we're trying to do, what has been discussed on the Internet, what everybody else has been saying. There must be a way to get a handle on the issue.

We've talked to people in Washington. We've talked to people at other states. We talked to what is known as the "nickel states" that have the gambling that have experienced greater problems with this than New York has. Other states are doing the same type of legislation and they're waiting on the federal government and what the states are trying to do is to get a handle on how - the impact on New York. We are not telling them that gambling is the state's rights. We are not forcing them. We're letting them submit an application to the Secretary of State.

SENATOR GOLD: Which will be denied.

SENATOR LARKIN: That's right, but the Secretary of State at that time will have that data so if we need something and we will hope that the federal government, with their Kyl bill, will come up with what we have been recommending to them to support us in New York State, then we will have some direct guidance. In the meantime, we think we should move forward and try to control it, period.

SENATOR GOLD: Will the gentleman yield to another question?

ACTING PRESIDENT KUHL: Senator Larkin, do you continue to yield? The Senator continues to yield.

SENATOR LARKIN: Yes, Mr. President.

SENATOR GOLD: Senator, I appreciate your interest in gambling and trying to control it or hold it down. I think one of the most disgusting things is child pornography. Why don't you put in a bill that says that if you want to go on the Internet from Alaska -- from the Orient with child

pornography, you have to apply to the Secretary of State in New York for corporate authorization? Why don't you tell people if they want to commit interstate bank fraud that they've got to file with the Secretary of State and then you can say, Well, we're not going to give the child pornographer a license but now we're going to start getting a database because all these child pornographers reading the Larkin Law are going to start to send in their applications. We won't give them a license, but we'll know who they are.

Senator, this is fairyland. I mean it really is. What are we talking about here? If -- by the way, Senator -- on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, on the bill.

SENATOR GOLD: Senator, I heard about a week or so ago, I believe that the U.S. Attorney for the Southern District of New York has indicted some of these off-shore people for gambling on the Internet, what you're talking about.

People have raised the issue in

that lawsuit as to whether or not the federal government has a right to go after these people who are in some ways beyond our jurisdiction but, Senator, the fact of the matter is that you, in your legislative background, have done some very good things. Many of us have done good things. We do what we can do and we should be smart enough to understand what we can't do and leave it alone.

The concept of telling someone that they must file an application for something that we have no authority to grant because then we're going to have the names and addresses of everybody who filed the application is ludicrous. It makes no sense. It's below our dignity. People will read this and say we have lost our marbles, and I think you ought to withdraw the bill.

If there was any jurisdiction to control this, I would love to see it controlled. I think that gambling should be controlled. I'm not arguing that it's not a state function to control it. I am arguing that in spite of our right to control it, that

we ought to have some personal pride in this chamber as to what we put on a piece of paper and, Senator Larkin, no one has better motivation than you. No one is more sincere than you, but we can't do it, can't do it, and if you're home over the weekend and you're out to dinner with friends or whatever, your closest friends, you tell them that you put in a bill that requires people to apply for a license in New York that they can't get and you're collecting a database and in the privacy of having a drink or dinner with your friends, you get their reaction, because they're going to think we're all nuts.

I admire your attempt. I admire your sensitivity to the issue, but this bill does nothing except, I think most respectfully, make us look a little not so brilliant.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

(There was no response.)

Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Those recorded in the negative on Calendar Number 340 are Senators Connor, Gold, Leichter, Paterson, Rosado and Waldon. Ayes 47, nays 6.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Waldon, why do you rise?

SENATOR WALDON: Mr. President, I was engaged in other Senate business when the house considered Calendar 305. I'm advised through listening to your statements earlier that it's out of the house, but I would like the record to reflect that had I been here and had I had the opportunity, that I would have voted in the negative.

ACTING PRESIDENT KUHL: Would

you like unanimous consent to be recorded in the negative?

SENATOR WALDON: I'll be as smooth as you if I keep working at it, right? Yes, Mr. President.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Waldon will be recorded in the negative on Calendar Number 305.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 377, by Senator Marcellino, Senate Print 2848, an act to amend the General Municipal Law, in relation to establishing the town of Huntington Industrial Development Agency.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Marcellino, an explanation of Calendar Number 377, Senate Print 2848, has been requested by Senator Paterson.

SENATOR MARCELLINO: Yes, Mr. President. This bill amends the General Municipal Law by adding a new section, that would be Section 907 (d) to establish the town

of Huntington Industrial Development Agency in the county of Suffolk.

It has been introduced at the request and passed, by the way, by this house at the request of the town of Huntington Town Board, last year when the town board was under Republican control and this year again when the town board is under Democrat control. It's an effort by the town to provide more effective economic planning.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Explanation satisfactory, excellent.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

Senator Paterson, to explain your vote?

SENATOR PATERSON: No, Mr. President. I wanted to speak to you after the vote.

ACTING PRESIDENT KUHL: Okay. We'll conclude the roll call after the negatives are recorded.

THE SECRETARY: Those recorded in the negative on Calendar Number 377 are Senators Leichter and Stachowski. Ayes 51, nays 2.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, with unanimous consent, I would like to be recorded in the negative on Calendar Number 305 which escaped this chamber in a way that must have been faster than the speed of light.

ACTING PRESIDENT KUHL: Without objection, we will quickly record Senator Paterson in the negative.

Senator Gold, why do you rise?

SENATOR GOLD: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 305 which got out of this chamber almost as well as you putt.

ACTING PRESIDENT KUHL: Without objection, record Senator Gold in the negative on Calendar Number 305.

Senator Holland.

SENATOR HOLLAND: May we return to reports of standing committees. I understand the Children and Families Committee report is available at the desk.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees.

I'll ask the Secretary to read.

THE SECRETARY: Senator Saland, from the Committee on Children and Families, reports:

Senate Print 2379, by Senator Saland, an act to amend the Criminal Procedure Law and others;

5149, by Senator Skelos, an act to amend the Domestic Relations Law; and

5196, by Senator Saland, an act to amend the Social Services Law.

All bills ordered direct to third reading.

ACTING PRESIDENT KUHL: All bills are ordered directly to third reading.

Senator Holland.

SENATOR HOLLAND: Mr. President, could you recognize Senator Paterson. I understand he has an announcement. Is that true?

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, immediately after session, the Senate Minority will have a Democratic Conference in the conference room, Room 314 in the Capitol.

ACTING PRESIDENT KUHL: Immediately after session -- immediately after session, there will be a Minority -

SENATOR ONORATO: For the purpose of a search for Calendar 305.

ACTING PRESIDENT KUHL: Pardon -- excuse me just a minute, Senator Onorato. Without objection, we're going to search for 305, right -- no. There is a meeting of the Minority in the Minority Conference Room immediately after session, Room 314, and without objection, Senator Onorato will be recorded in the negative on Calendar Number 305. Okay. You don't want to be recorded in the negative on Calendar Number 305?

SENATOR ONORATO: No.

ACTING PRESIDENT KUHL: All right. Senator Holland, could we return to motions and resolutions.

The Chair recognizes Senator Rath.

SENATOR RATH: Mr. President, I move that the following bill be discharged from committee and be recommitted with instructions to strike the enacting clause. It's item 3203-B, Senator Rath's bill.

ACTING PRESIDENT KUHL: Without objection, the bill will be recommitted.

Senator Holland.

SENATOR HOLLAND: No further

housekeeping?

ACTING PRESIDENT KUHL: There's none.

SENATOR HOLLAND: There being no further business, I move we adjourn until Monday, March 16th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, March 16th, 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 12:08 p.m., the Senate adjourned.)