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ALBANY, NEW YORK

June 10, 1998

10:03 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

## 1 P R O C E E D I N G S

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

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

8 The invocation will be given by  
9 Dr. Mark Chatterton, Pastor of the United  
10 Ministry of Delhi.

11 DR. MARK CHATTERTON: Let us  
12 pray.

13 Creator God, thank You for the  
14 gift of a new day. We come as real imperfect  
15 people to do a nearly impossible task in a time  
16 and in an environment where too often  
17 vulnerability is an invitation to attack rather  
18 than an opportunity for compassion.

19 We acknowledge that we are real  
20 and imperfect people with real and imperfect  
21 spouses, with real and imperfect children. To  
22 be here in times of personal chaos can be an act  
23 of courage.

24 So today I ask for God's grace.  
25 Grace us with the gift of discernment, to

1 discern what is good and just and fair. At the  
2 end of this day, may we have no regrets. Amen.

3 ACTING PRESIDENT MEIER: The  
4 reading of the Journal.

5 THE SECRETARY: In Senate,  
6 Tuesday, June 9th. The Senate met pursuant to  
7 adjournment, Senator Meier in the Chair upon  
8 designation of the Temporary President. The  
9 Journal of Monday, June 8th, was read and  
10 approved. On motion, the Senate adjourned.

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

13 Presentation of petitions.

14 Messages from the Assembly.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from  
19 state officers.

20 Motions and resolutions.

21 Senator Marcellino.

22 SENATOR MARCELLINO: Mr.

23 President, can you star my bill, Calendar Number  
24 1045, Senate Print 5067-A.

25 ACTING PRESIDENT MEIER: The star

1 will be placed at the request of the sponsor on  
2 Calendar 1045.

3 SENATOR MARCELLINO: Thank you.

4 ACTING PRESIDENT MEIER: Senator  
5 Holland.

6 SENATOR HOLLAND: Mr. President,  
7 on behalf of Senator Johnson, please remove the  
8 sponsor's star from Calendar Number 1221 and on  
9 behalf of Senator Rath, please place a sponsor's  
10 star on Calendar Number 1010.

11 ACTING PRESIDENT MEIER: The  
12 sponsor's star will be removed from Calendar  
13 1221 and a sponsor's star will be placed on  
14 Calendar 1010.

15 Senator Kuhl.

16 SENATOR KUHL: Yes, Mr.  
17 President. On behalf of Senator Spano, on page  
18 24, I offer the following amendments to Calendar  
19 Number 794, Senate Print 6991, and ask that said  
20 bill retain its place on the Third Reading  
21 Calendar.

22 ACTING PRESIDENT MEIER: The  
23 amendments are received and the bill will retain  
24 its place on the Third Reading Calendar.

25 SENATOR KUHL: Also, Mr.

1 President, on behalf of Senator Johnson, on page  
2 47, I offer the following amendments to Calendar  
3 Number 1264, Senate Print 7450, and ask that  
4 said bill retain its place on the Third Reading  
5 Calendar.

6 ACTING PRESIDENT MEIER: The  
7 amendments are received and the bill will retain  
8 its place on the Third Reading Calendar.

9 The Secretary will read the  
10 substitutions.

11 THE SECRETARY: On page 45,  
12 Senator Volker moves to discharge from the  
13 Committee on Codes Assembly Bill Number 8174 and  
14 substitute it for the identical Third Reading  
15 Calendar 1239.

16 On page 46, Senator Balboni moves  
17 to discharge from the Committee on Rules  
18 Assembly Bill Number 10951 and substitute it for  
19 the identical Third Reading Calendar 1252.

20 And on page 46, Senator Alesi  
21 moves to discharge from the Committee on Rules  
22 Assembly Bill Number 10687 and substitute it for  
23 the identical Third Reading Calendar 1255.

24 ACTING PRESIDENT MEIER: The  
25 substitutions are ordered.

1                   SENATOR SKELOS: Please make the  
2                   substitutions, Mr. President.

3                   ACTING PRESIDENT MEIER: The  
4                   substitutions have been ordered.

5                   SENATOR SKELOS: Okay.

6                   ACTING PRESIDENT MEIER: Senator  
7                   Skelos.

8                   SENATOR SKELOS: Read the  
9                   non-controversial calendar, please.

10                  ACTING PRESIDENT MEIER: The  
11                  Secretary will read the non- -

12                  SENATOR KUHL: Before we do that.

13                  ACTING PRESIDENT MEIER: Excuse  
14                  me. Senator Kuhl.

15                  SENATOR KUHL: Before we do that,  
16                  I have a sponsor's star I would like to place,  
17                  it's Calendar 583, Senate Print 4333, my bill,  
18                  place a sponsor's star on the bill.

19                  ACTING PRESIDENT MEIER: A  
20                  sponsor's star will be placed on Calendar Number  
21                  583.

22                  SENATOR KUHL: Thank you, Mr.  
23                  President.

24                  ACTING PRESIDENT MEIER: The  
25                  Secretary will read the non-controversial

1 calendar.

2 THE SECRETARY: Calendar Number  
3 337, by Senator Velella, Senate Print 4422-A, an  
4 act to amend the Public Health Law, in relation  
5 to Human Immunodeficiency Virus infection.

6 ACTING PRESIDENT MEIER: Read the  
7 last -

8 SENATOR PATERSON: Lay it aside.

9 ACTING PRESIDENT MEIER: Lay the  
10 bill aside.

11 THE SECRETARY: Calendar Number  
12 422, by Senator Maltese, Senate Print 4351-B, an  
13 act to amend the Alcoholic Beverage Control Law,  
14 in relation to certain types of wine packaging.

15 ACTING PRESIDENT MEIER: Read the  
16 last section.

17 THE SECRETARY: Section 3. This  
18 act shall take effect September 1.

19 ACTING PRESIDENT MEIER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 37.

23 ACTING PRESIDENT MEIER: The bill  
24 is passed.

25 THE SECRETARY: Ayes 36, nays 1,

1 Senator Marcellino recorded in the negative.

2 ACTING PRESIDENT MEIER: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 510, by Senator Alesi, Senate Print 5941, an act  
6 to amend the Correction Law, in relation to work  
7 release programs.

8 ACTING PRESIDENT MEIER: Read the  
9 last section.

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

12 ACTING PRESIDENT MEIER: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 37.

16 ACTING PRESIDENT MEIER: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 678, by Senator Nozzolio, Senate Print 5181, an  
20 act to amend the Correction Law, in relation to  
21 state Commission of Correction.

22 ACTING PRESIDENT MEIER: Read the  
23 last section.

24 THE SECRETARY: Section 3. This  
25 act shall take effect on the 120th day.

1                   ACTING PRESIDENT MEIER: Call the  
2                   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 37.

5                   ACTING PRESIDENT MEIER: The bill  
6                   is passed.

7                   THE SECRETARY: Calendar Number  
8                   871, by Senator Farley, Senate Print 7352-B, an  
9                   act to amend the Banking Law, in relation to  
10                  participation.

11                  ACTING PRESIDENT MEIER: Read the  
12                  last section.

13                  THE SECRETARY: Section 4. This  
14                  act shall take effect on the first day of  
15                  January.

16                  ACTING PRESIDENT MEIER: Call the  
17                  roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY: Ayes 37.

20                  ACTING PRESIDENT MEIER: The bill  
21                  is passed.

22                  THE SECRETARY: Calendar Number  
23                  888, by Senator Trunzo, Senate Print 6943, an  
24                  act to amend the Civil Service Law, in relation  
25                  to suspension.

1                   ACTING PRESIDENT MEIER: Read the  
2                   last section.

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

5                   ACTING PRESIDENT MEIER: Call the  
6                   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 37.

9                   ACTING PRESIDENT MEIER: The bill  
10                  is passed.

11                  THE SECRETARY: Calendar Number  
12                  929, by Senator Volker, Senate Print 395-B, an  
13                  act to amend the Public Health Law and others,  
14                  in relation to establishing a program to reduce  
15                  the risks of residential lead-based paint  
16                  hazards.

17                  SENATOR DOLLINGER: Lay it aside.

18                  ACTING PRESIDENT MEIER: Lay the  
19                  bill aside.

20                  THE SECRETARY: Calendar Number  
21                  931, by the Assembly Committee on Rules,  
22                  Assembly Print 8696, an act to amend the State  
23                  Finance Law, in relation to a payroll deduction  
24                  plan.

25                  ACTING PRESIDENT MEIER: Read the

1 last section.

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

4 ACTING PRESIDENT MEIER: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 38.

8 ACTING PRESIDENT MEIER: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 959, by Senator Alesi, Senate Print 6191-B, an  
12 act to authorize payment of transportation aid  
13 to the East Rochester Union Free School  
14 District.

15 ACTING PRESIDENT MEIER: There is  
16 a local fiscal impact note at the desk. Read  
17 the last section.

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

20 ACTING PRESIDENT MEIER: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 38.

24 ACTING PRESIDENT MEIER: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 1031, by member of the Assembly DiNapoli,  
3 Assembly Print 10301-A, an act to amend Chapter  
4 273 of the Laws of 1939.

5 ACTING PRESIDENT MEIER: Read the  
6 last section.

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

9 ACTING PRESIDENT MEIER: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 41.

13 ACTING PRESIDENT MEIER: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1039, by the Assembly Committee on Rules,  
17 Assembly Print 11012, an act to amend the  
18 General Municipal Law, in relation to urban  
19 development action area projects.

20 ACTING PRESIDENT MEIER: Read the  
21 last section.

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

24 ACTING PRESIDENT MEIER: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 41.

3 ACTING PRESIDENT MEIER: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1053, by Senator Volker, Senate Print 3534-B, an  
7 act to amend the General Business Law, in  
8 relation to providing.

9 ACTING PRESIDENT MEIER: Read the  
10 last section.

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

13 ACTING PRESIDENT MEIER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 41.

17 ACTING PRESIDENT MEIER: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1090, by Senator Goodman, Senate Print 6988-A,  
21 an act to amend the Tax Law and the Vehicle and  
22 Traffic Law, in relation to authorizing.

23 ACTING PRESIDENT MEIER: Read the  
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MEIER: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 41.

6 ACTING PRESIDENT MEIER: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1093, by Senator Goodman, Senate Print 7317-A,  
10 an act to amend the Tax Law and the  
11 Administrative Code of the city of New York, in  
12 relation to allowing.

13 ACTING PRESIDENT MEIER: Read the  
14 last section.

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

17 ACTING PRESIDENT MEIER: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 41.

21 ACTING PRESIDENT MEIER: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1124, by Senator Marchi -

25 SENATOR SKELOS: Lay it aside for

1 the day.

2 ACTING PRESIDENT MEIER: Lay the  
3 bill aside for the day.

4 THE SECRETARY: Calendar Number  
5 1125, by Senator Marchi, Senate Print 3355, an  
6 act to amend the Not-for-Profit Corporation Law,  
7 in relation to granting.

8 ACTING PRESIDENT MEIER: Read the  
9 last section.

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

12 ACTING PRESIDENT MEIER: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 42.

16 ACTING PRESIDENT MEIER: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1132, by Senator Marchi, Senate Print 6644-A, an  
20 act to amend the Not-for-Profit Corporation Law,  
21 in relation to prepaid niches.

22 ACTING PRESIDENT MEIER: Read the  
23 last section.

24 THE SECRETARY: Section 4. This  
25 act shall take effect in 120 days.

1                   ACTING PRESIDENT MEIER: Call the  
2                   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 42.

5                   ACTING PRESIDENT MEIER: The bill  
6                   is passed.

7                   THE SECRETARY: Calendar Number  
8                   1138, by Senator Stafford, Senate Print 7421, an  
9                   act to amend the Public Authorities Law, in  
10                  relation to authorizing.

11                  ACTING PRESIDENT MEIER: There's  
12                  a home rule message at the desk. Read the last  
13                  section.

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

16                  ACTING PRESIDENT MEIER: Call the  
17                  roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY: Ayes 42.

20                  ACTING PRESIDENT MEIER: The bill  
21                  is passed.

22                  THE SECRETARY: Calendar Number  
23                  1165, by member of the Assembly E. Sullivan,  
24                  Assembly Print 10416, an act to amend the  
25                  Education Law, in relation to streamlining.

1                   ACTING PRESIDENT MEIER: Read the  
2                   last section.

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

5                   ACTING PRESIDENT MEIER: Call the  
6                   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 42.

9                   ACTING PRESIDENT MEIER: The bill  
10                  is passed.

11                  THE SECRETARY: Calendar Number  
12                  1174, by Senator Leibell, Senate Print 7458-A,  
13                  an act to amend the Private Housing Finance Law,  
14                  in relation to contracts.

15                  ACTING PRESIDENT MEIER: Read the  
16                  last section.

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

19                  ACTING PRESIDENT MEIER: Call the  
20                  roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY: Ayes 43.

23                  ACTING PRESIDENT MEIER: The bill  
24                  is passed.

25                  THE SECRETARY: Calendar Number

1 1210, by Senator Stafford, Senate Print 7556, an  
2 act to amend the Public Officers Law, in  
3 relation to permitting.

4 ACTING PRESIDENT MEIER: Read the  
5 last -

6 SENATOR PATERSON: Lay it aside.

7 ACTING PRESIDENT MEIER: Lay the  
8 bill aside.

9 THE SECRETARY: Calendar Number  
10 1229, by Senator Cook, Senate Print 786-A, an  
11 act to amend the Facilities Development  
12 Corporation Act, in relation to definitional  
13 provisions.

14 ACTING PRESIDENT MEIER: Read the  
15 last section.

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

18 ACTING PRESIDENT MEIER: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 43.

22 ACTING PRESIDENT MEIER: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1230, by Senator Volker, Senate Print 2402-A, an

1 act to amend the Penal Law, in relation to  
2 criminal sale of a controlled substance.

3 ACTING PRESIDENT MEIER: Read the  
4 last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect on the first day of  
7 September.

8 ACTING PRESIDENT MEIER: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 43.

12 ACTING PRESIDENT MEIER: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1231, by Senator Stavisky, Senate Print 2908, an  
16 act to amend the Penal Law, in relation to  
17 penalties.

18 ACTING PRESIDENT MEIER: Read the  
19 last section.

20 THE SECRETARY: Section 8. This  
21 act shall take effect on the first day of  
22 November.

23 ACTING PRESIDENT MEIER: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 43.

2 ACTING PRESIDENT MEIER: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1232, by Senator Trunzo, Senate Print 3165, an  
6 act to amend the Vehicle and Traffic Law, in  
7 relation to the use of head lamps.

8 ACTING PRESIDENT MEIER: Read the  
9 last section.

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

13 ACTING PRESIDENT MEIER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 43.

17 ACTING PRESIDENT MEIER: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1233, by Senator Montgomery, Senate Print  
21 3860-A, an act authorizing the city of New York  
22 to reconvey its interest.

23 ACTING PRESIDENT MEIER: There's  
24 a home rule message at the desk. Read the last  
25 section.

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

3 ACTING PRESIDENT MEIER: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 43.

7 ACTING PRESIDENT MEIER: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1234, by Senator Leibell, Senate Print 3929-A,  
11 an act to amend the Real Property Actions and  
12 Proceedings Law, in relation to a special  
13 procedure.

14 ACTING PRESIDENT MEIER: Read the  
15 last section.

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

18 ACTING PRESIDENT MEIER: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 43.

22 ACTING PRESIDENT MEIER: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1235, by Senator Johnson, Senate Print 4179-A,

1 an act to amend the Highway Law, in relation to  
2 transportation.

3 ACTING PRESIDENT MEIER: Read the  
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 43.

11 ACTING PRESIDENT MEIER: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1236, by Senator Rath, Senate Print 4462, an act  
15 to amend the Executive Law, in relation to the  
16 computer system.

17 ACTING PRESIDENT MEIER: Read the  
18 last section.

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

21 ACTING PRESIDENT MEIER: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 43.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1237, by Senator Bruno, Senate Print 5260-A, an  
4 act in relation to the timeliness of the  
5 election of the village of Castleton-on-the  
6 Hudson.

7 ACTING PRESIDENT MEIER: There's  
8 a home rule message at the desk. Read the last  
9 section.

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

12 ACTING PRESIDENT MEIER: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 43.

16 ACTING PRESIDENT MEIER: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1238, by Senator Lachman, Senate Print 5463, an  
20 act to amend the Railroad Law, in relation to  
21 providing.

22 ACTING PRESIDENT MEIER: Read the  
23 last section.

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

1                   ACTING PRESIDENT MEIER: Call the  
2                   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 43.

5                   ACTING PRESIDENT MEIER: The bill  
6                   is passed.

7                   THE SECRETARY: Calendar Number  
8                   1239, substituted earlier today, by the Assembly  
9                   Committee on Rules, Assembly Print 8174, an act  
10                  to amend the Penal Law, in relation to the  
11                  definition of criminal act.

12                  ACTING PRESIDENT MEIER: Read the  
13                  last section.

14                  THE SECRETARY: Section 2. This  
15                  act shall take effect on the first day of  
16                  November.

17                  ACTING PRESIDENT MEIER: Call the  
18                  roll.

19                  (The Secretary called the roll.)

20                  THE SECRETARY: Ayes 44.

21                  ACTING PRESIDENT MEIER: The bill  
22                  is passed.

23                  THE SECRETARY: Calendar Number  
24                  1240, by Senator Kuhl, Senate Print 6016, an act  
25                  to amend the Military Law, in relation to the

1 conspicuous service cross award.

2 ACTING PRESIDENT MEIER: Read the  
3 last section.

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

6 ACTING PRESIDENT MEIER: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 44.

10 ACTING PRESIDENT MEIER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1241, by Senator Marchi, Senate Print 6123, an  
14 act authorizing the city of New York to reconvey  
15 its interest.

16 ACTING PRESIDENT MEIER: There's  
17 a home rule message at the desk. Read the last  
18 section.

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

21 ACTING PRESIDENT MEIER: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 44.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1242, by Senator Trunzo, Senate Print 6142-A, an  
4 act to amend the Tax Law, in relation to  
5 establishing.

6 ACTING PRESIDENT MEIER: Read the  
7 last section.

8 THE SECRETARY: Section 2. This  
9 act shall take effect on the first day of  
10 January.

11 ACTING PRESIDENT MEIER: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 44.

15 ACTING PRESIDENT MEIER: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1244, by Senator Kuhl, Senate Print 6361-A, an  
19 act to amend the Tax Law, in relation to the  
20 agricultural property tax credit.

21 ACTING PRESIDENT MEIER: Read the  
22 last section.

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

25 ACTING PRESIDENT MEIER: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 44.

4 ACTING PRESIDENT MEIER: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1245, by Senator Meier, Senate Print 6393-A, an  
8 act to amend the Military Law, in relation to  
9 creating a new state military decoration.

10 ACTING PRESIDENT MEIER: Read the  
11 last section.

12 THE SECRETARY: Section 3. This  
13 act shall take effect on the 120th day.

14 ACTING PRESIDENT MEIER: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 44.

18 ACTING PRESIDENT MEIER: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1247, by Senator Velella, Senate Print 6438, an  
22 act authorizing the city of New York to reconvey  
23 its interest.

24 ACTING PRESIDENT MEIER: There's  
25 a home rule message at the desk. Read the last

1 section.

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

4 ACTING PRESIDENT MEIER: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 44.

8 ACTING PRESIDENT MEIER: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1248, by Senator Nozzolio, Senate Print 6522, an  
12 act to amend the Alcoholic Beverage Control Law,  
13 in relation to the exemption.

14 ACTING PRESIDENT MEIER: Read the  
15 last section.

16 SENATOR PATERSON: Lay it aside.

17 ACTING PRESIDENT MEIER: Lay the  
18 bill aside.

19 THE SECRETARY: Calendar Number  
20 1249, by Senator Balboni, Senate Print 6648, an  
21 act to amend the Local Finance Law, in relation  
22 to refunding bonds.

23 ACTING PRESIDENT MEIER: Senator  
24 Markowitz.

25 SENATOR MARKOWITZ: No.

1                   ACTING PRESIDENT MEIER: No. Hi,  
2                   there. Read the last section.

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

5                   ACTING PRESIDENT MEIER: Call the  
6                   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 44.

9                   ACTING PRESIDENT MEIER: The bill  
10                  is passed.

11                  THE SECRETARY: Calendar Number  
12                  1250, by Senator Padavan, Senate Print 6655-A,  
13                  an act to amend the Real Property Tax Law, in  
14                  relation to clarifying.

15                  ACTING PRESIDENT MEIER: Read the  
16                  last section.

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

19                  ACTING PRESIDENT MEIER: Call the  
20                  roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY: Ayes 44.

23                  ACTING PRESIDENT MEIER: The bill  
24                  is passed.

25                  THE SECRETARY: Calendar Number

1 1251, by Senator Kuhl, Senate Print 6742, an act  
2 in relation to authorizing the village of Penn  
3 Yan.

4 ACTING PRESIDENT MEIER: There's  
5 a home rule message at the desk. Read the last  
6 section.

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

9 ACTING PRESIDENT MEIER: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 44.

13 ACTING PRESIDENT MEIER: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1252, substituted earlier today, by the Assembly  
17 Committee on Rules, Assembly Print 10951, an act  
18 to amend the Environmental Conservation Law, in  
19 relation to the general powers.

20 ACTING PRESIDENT MEIER: Read the  
21 last section.

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

24 ACTING PRESIDENT MEIER: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 45.

3 ACTING PRESIDENT MEIER: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1253, by Senator Volker, Senate Print 6937, an  
7 act to amend the Penal Law, the Criminal  
8 Procedure Law and the Family Court Act, in  
9 relation to enhanced penalties.

10 ACTING PRESIDENT MEIER: Read the  
11 last section.

12 THE SECRETARY: Section 20. This  
13 act shall take effect on the first day of  
14 November.

15 ACTING PRESIDENT MEIER: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 44.

19 ACTING PRESIDENT MEIER: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1254, by Senator DeFrancisco, Senate Print 6969,  
23 an act to amend the Judiciary Law, in relation  
24 to punishments.

25 ACTING PRESIDENT MEIER: Read the

1 last section.

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

5 ACTING PRESIDENT MEIER: Call the  
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 45.

9 ACTING PRESIDENT MEIER: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1255, substituted earlier today, by the Assembly  
13 Committee on Rules, Assembly Print 10687, an act  
14 to amend the Social Services Law, in relation to  
15 reporting.

16 ACTING PRESIDENT MEIER: Read the  
17 last section.

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

20 ACTING PRESIDENT MEIER: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 45.

24 ACTING PRESIDENT MEIER: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 1256, by Senator Seward, Senate Print 7080, an  
3 act to amend the Tax Law, in relation to a  
4 reduction.

5 ACTING PRESIDENT MEIER: Read the  
6 last section.

7 SENATOR PATERSON: Lay it aside.

8 ACTING PRESIDENT MEIER: Lay the  
9 bill aside.

10 THE SECRETARY: Calendar Number  
11 1257, by Senator Larkin, Senate Print 7222-B, an  
12 act to amend the General Municipal Law and the  
13 Executive Law, in relation to the conduct of  
14 games.

15 ACTING PRESIDENT MEIER: Read the  
16 -- read the last section.

17 THE SECRETARY: Section 19. This  
18 act shall take effect on the 180th day.

19 ACTING PRESIDENT MEIER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 45.

23 ACTING PRESIDENT MEIER: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 1258, by Senator Seward, Senate Print 7320, an  
2 act to amend the Tax Law, in relation to  
3 excluding stock of subsidiaries.

4 ACTING PRESIDENT MEIER: Read the  
5 last section.

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

8 ACTING PRESIDENT MEIER: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 45.

12 ACTING PRESIDENT MEIER: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1259, by Senator Alesi, Senate Print 73...

16 SENATOR SKELOS: Lay it aside for  
17 the day.

18 ACTING PRESIDENT MEIER: Lay the  
19 bill aside for the day.

20 THE SECRETARY: Calendar Number  
21 1260, by Senator Santiago, Senate Print 7389-A,  
22 an act to authorize the city of New York to  
23 reconvey a certain parcel of real property.

24 ACTING PRESIDENT MEIER: There's  
25 a home rule message at the desk. Read the last

1 section.

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

4 ACTING PRESIDENT MEIER: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 45.

8 ACTING PRESIDENT MEIER: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1261, by the Senate Committee on Rules, Senate  
12 Print 7432, an act to amend the General Business  
13 Law, in relation to the licensing.

14 ACTING PRESIDENT MEIER: Read the  
15 last section.

16 THE SECRETARY: Section 3. This  
17 act shall take effect January 1.

18 ACTING PRESIDENT MEIER: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 45.

22 ACTING PRESIDENT MEIER: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1262, by Senator Seward, Senate Print 74...

1                   SENATOR SKELOS: Lay it aside for  
2 the day.

3                   ACTING PRESIDENT MEIER: Lay the  
4 bill aside for the day.

5                   THE SECRETARY: Calendar Number  
6 1263, by Senator Seward, Senate Print 7447 -

7                   SENATOR SKELOS: Lay it aside for  
8 the day.

9                   ACTING PRESIDENT MEIER: Lay the  
10 bill aside for the day.

11                   THE SECRETARY: Calendar Number  
12 1266, by Senator Stafford, Senate Print 7555, an  
13 act to amend the Executive Law, in relation to  
14 permitting.

15                   ACTING PRESIDENT MEIER: Read the  
16 last section.

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

19                   ACTING PRESIDENT MEIER: Call the  
20 roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY: Ayes 45.

23                   ACTING PRESIDENT MEIER: The bill  
24 is passed.

25                   THE SECRETARY: Calendar Number

1 1268, by Senator Nozzolio, Senate Print 7574, an  
2 act to amend the Family Court Act, in relation  
3 to increasing the number of Family Court judges.

4 ACTING PRESIDENT MEIER: Read the  
5 last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect January 1.

8 ACTING PRESIDENT MEIER: Call the  
9 roll.

10 (The Secretary called the roll.)

11 SENATOR DOLLINGER: Mr.  
12 President, just to explain my vote.

13 ACTING PRESIDENT MEIER: Senator  
14 Dollinger.

15 SENATOR DOLLINGER: I want to  
16 thank my colleagues in the Monroe County  
17 delegation and in particular Senator Nozzolio  
18 for their work in putting this bill on the floor  
19 and getting it through the Senate.

20 This is an issue that a number of  
21 us have worked together with for a long time and  
22 we have finally reached the end of what has been  
23 a long road but for the people in my community,  
24 many of whom need the extensive services avail  
25 able in the Family Court, this is a blessing for

1           them, and I commend Senator Nozzolio, Senator  
2           Alesi and Senator Maziarz for their cooperative  
3           work in getting this job done. Long overdue,  
4           but the right thing to do.

5                         And I'll add just one other thank  
6           you and that goes to Monroe County Executive  
7           Jack Doyle with whom I've had my discussions in  
8           the past, but I think he came to the table and  
9           realized after some study that this was the  
10          right thing to do. I commend him and the County  
11          Legislature for supporting this initiative as  
12          well.

13                        It's the right thing to do for so  
14          many people in my community, and I thank all of  
15          you for making it happen.

16                        ACTING PRESIDENT MEIER: Senator  
17          Dollinger will be recorded in the affirmative.

18                        Senator Nozzolio.

19                        SENATOR NOZZOLIO: Mr. President,  
20          I ask permission to explain my vote. Thank you,  
21          Mr. President, my colleagues.

22                        I wish to express my thanks for  
23          the passage of this measure, particularly my  
24          colleagues, Senators Alesi and Maziarz on this  
25          side of the aisle and Senator Dollinger on the

1 other side of the aisle, that this is an example  
2 where those of us can -- a true example that  
3 those of us can work together, that the County  
4 Executive of Monroe, Jack Doyle, was steadfast  
5 in his analysis and that the proper course was  
6 taken, the proper preparation is made so that  
7 this Family Court judge will be implemented with  
8 -- in a planned way with minimal impact on the  
9 county's budget.

10 It's a good process and I want to  
11 thank my colleagues and the County Executive of  
12 Monroe County for their participation in  
13 establishing this very needed Family Court  
14 judge.

15 Thank you, Mr. President.

16 ACTING PRESIDENT MEIER: Senator  
17 Nozzolio will be recorded in the affirmative.

18 THE SECRETARY: Ayes 47.

19 ACTING PRESIDENT MEIER: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1269, by Senator Fuschillo, Senate Print 7576,  
23 an act to amend the Vehicle and Traffic Law, in  
24 relation to establishing.

25 ACTING PRESIDENT MEIER: Read the

1 last section.

2 THE SECRETARY: Section 4. This  
3 act shall take effect on the first day of  
4 November.

5 ACTING PRESIDENT MEIER: Call the  
6 roll.

7 (The Secretary called the roll.)

8 SENATOR GOLD: Lay it aside,  
9 please.

10 ACTING PRESIDENT MEIER: Lay the  
11 bill aside.

12 THE SECRETARY: Calendar Number  
13 1270, by Senator Spano, Senate Print 7628, an  
14 act to amend the Labor Law, in relation to the  
15 definitions of manufacturer, contractor and  
16 realtor.

17 ACTING PRESIDENT MEIER: Read the  
18 last section.

19 THE SECRETARY: Section 8. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT MEIER: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 47.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1271, by Senator Hannon, Senate Print 5346, an  
4 act to amend the Public Health Law and the  
5 Insurance Law, in relation to eliminating.

6 ACTING PRESIDENT MEIER: Read the  
7 last section.

8 SENATOR PATERSON: Lay it aside.

9 ACTING PRESIDENT MEIER: Lay the  
10 bill aside.

11 Senator Skelos, that completes  
12 the reading of the non-controversial calendar.

13 SENATOR SKELOS: Mr. President,  
14 if we could go to the controversial calendar and  
15 please start with Senator Volker's bill,  
16 Calendar Number 929.

17 ACTING PRESIDENT MEIER: The  
18 Secretary will go to the controversial calendar  
19 and commence with Senator Volker's bill,  
20 Calendar 929.

21 THE SECRETARY: Calendar Number  
22 929, by Senator Volker, Senate Print 395-B, an  
23 act to amend the Public Health Law and others,  
24 in relation to establishing a program.

25 SENATOR DOLLINGER: Explanation.

1 SENATOR VOLKER: Mr. President.

2 ACTING PRESIDENT MEIER: Senator  
3 Volker, an explanation has been requested.

4 SENATOR VOLKER: Mr. President,  
5 this is a bill -- a similar bill has passed this  
6 house, I believe twice. This relates to a  
7 series of actions that have occurred over a  
8 number of years in an attempt to deal with the  
9 issue of lead in residential homes throughout  
10 the state and previous to this, by the way, we  
11 have also taken actions on businesses.

12 Actually, although the -- some of  
13 the activists in this area claim that there has  
14 not been a great deal of activity in this area,  
15 they are totally wrong. We have made dramatic  
16 inroads in the issue of lead throughout this  
17 state. I won't go into all the details.

18 Art Eve and I have been  
19 attempting to deal with this issue since 1975.  
20 It is a difficult issue because, although we  
21 have made great strides and there is a lot of  
22 lead abatement going on in this state, some of  
23 which may be at times a bit questionable because  
24 of the way in which some of it is done -- what  
25 this bill really attempts to do is, number one,

1 set up training in what we call risk assessment  
2 procedure in the law and it applies, by the way,  
3 to the entire state which is important because  
4 the real problem with this bill is -- which this  
5 bill would have passed as it is, I believe years  
6 ago if it wasn't for the city of New York, and I  
7 say -- by the "city of New York", I do not mean  
8 the city of New York as an entity because  
9 generally speaking the city of New York supports  
10 this bill, is not opposed to this bill. In  
11 fact, the only real opposition to this bill when  
12 you come right down to it, is from two sources:  
13 One is the Trial Lawyers who oppose this bill  
14 primarily because of what's called constructive  
15 notice in this bill. They want constructive  
16 notice so they can continue to do their class  
17 actions and as a result of that, even though  
18 there is no environmental difference essentially  
19 or any other difference in this bill from the  
20 Assembly bill, the EPL opposes it and NYPIRG and  
21 the rest, but really it all has to do with class  
22 actions and yet in New York City, for instance,  
23 the way the Assembly bill would operate is if  
24 you buy a home and/or an apartment building and  
25 you -- 30 days goes by and you have not

1 remediated, even though you don't know there's a  
2 problem, you are stuck. You could be the  
3 subject of a class action and you could be the  
4 subject of some heavy lawsuits.

5           What this bill does is say, look,  
6 you've got to know and if you know, you've got  
7 to take an action and it basically sets up  
8 standards for taking those actions because the  
9 federal government will be coming in with  
10 standards in September -- September 1st, the  
11 federal standards will come into place. The  
12 major problem is that right now there are people  
13 who are doing lead abatement in this state but  
14 because we don't have a training process in  
15 place, the people that are trained have to go to  
16 a different state. Ironically, most of the  
17 people that go -- from Albany here go to  
18 Connecticut.

19           Connecticut is a state that  
20 originally did a lead abatement bill similar to  
21 the one that was supported by many of the  
22 so-called environmentalists which totally  
23 brought Connecticut to a halt in doing any lead  
24 abatement because it was completely out of  
25 whack. It suggested that the state would only

1 put up 2-, \$3 billion they would be able to lead  
2 abate. Of course, that was impossible. So  
3 Connecticut backed off, basically moved back to  
4 a modified kind of schedule and did their  
5 training piece similar to this one and now  
6 Connecticut is moving on to try to do some lead  
7 abatement.

8 So what this bill really tries to  
9 do is a major step forward in allowing for the  
10 training of people who can do the lead  
11 abatement, not bringing the housing stock sales,  
12 and so forth, totally to a halt as could well  
13 happen if we passed a bill that over-did the  
14 issue of lead abatement and thirdly to set up  
15 some standards for how the lead abating is done,  
16 and that essentially is what this bill does and  
17 I must clear one thing up and I know there's  
18 going to be an amendment.

19 There's very, very little  
20 difference any more between the Senate and  
21 Assembly bill and anyone that claims there's  
22 some sort of environmental difference or  
23 whatever hasn't read the bills. In fact,  
24 another bill just went in the last two weeks  
25 because there's a lot of interest, especially in

1 the upstate cities where people are getting  
2 very, very restive and would prefer to have the  
3 state of New York control our destiny rather  
4 than the federal government.

5 SENATOR DOLLINGER: Through you,  
6 Mr. President.

7 ACTING PRESIDENT MEIER: Senator  
8 Dollinger.

9 SENATOR DOLLINGER: Is there an  
10 amendment at the desk, Mr. President?

11 ACTING PRESIDENT MEIER: Yes,  
12 there is, Senator.

13 SENATOR DOLLINGER: I would ask  
14 that the reading of the amendment be waived and  
15 that I be heard on the amendment.

16 ACTING PRESIDENT MEIER: The  
17 reading of the amendment is waived and you're  
18 recognized for the purpose of explaining your  
19 amendment.

20 SENATOR DOLLINGER: Thank you.

21 Once again, as yesterday, I  
22 appear with an amendment to a bill sponsored by  
23 Senator Volker, who has very well explained his  
24 underlying bill. I should preface the  
25 discussion of this amendment with a -- as I did

1           yesterday with an understanding that I share  
2           much of what Senator Volker has described as to  
3           the state of what's going on in lead abatement.

4                        We have made some advancements in  
5           lead abatement, and I think through the work of  
6           Assemblyman Eve and Senator Volker, we have  
7           driven this issue into the public consciousness  
8           and that the problem is being attended to.

9                        Unfortunately, the problem  
10          continues to proceed at a dramatic level, if you  
11          look at the health of the children who are  
12          living in homes or apartment buildings that have  
13          lead and the presence of lead as a problem in  
14          early childhood development is well known and,  
15          unfortunately in many of our urban areas, our  
16          older areas of this state, the incidence of lead  
17          poisoning is continuing to rise. So when we're  
18          faced with that difficulty -- and I appreciate  
19          Senator Volker's work with Assemblyman Eve to  
20          try to deal with this problem.

21                        What we're seeking to do today  
22          and what this amendment seeks to do, Mr.  
23          President, is to simply establish a lead paint  
24          certification program. This is one of several  
25          bills that Assemblyman Eve carries. It's -- the

1 text of his bill -- it's Assembly bill 7099 -  
2 and what it would do is it would simply require  
3 that, in order to be involved in a lead paint  
4 abatement process, that you would have to have  
5 certified workers doing it, so we're assured  
6 that it would be properly done, it would be  
7 effectively done, that during the period of time  
8 of removal, there would be no greater exposure  
9 to lead and when the final product is done, we  
10 can actually certify, we would know that the  
11 work has been properly done and we would end up  
12 with a systemic renewal of our neighborhoods in  
13 the older portions of our communities where we  
14 know that lead paint has been fully and  
15 completely abated.

16 Mr. President, we did this  
17 amendment last year. It failed. My sense is it  
18 may also fail this year. I think that would be  
19 unfortunate, because Senator Volker's correct.  
20 We do have a problem of marching down the road  
21 to lead abatement and reducing lead abatement if  
22 we allow the federal government to come in and  
23 tell us what to do. We will have a system then  
24 that is perhaps dictated by lead abatement  
25 problems in Detroit or Philadelphia or Atlanta,

1 Georgia or St. Louis, Missouri and not the kind  
2 of lead problems that we have in Rochester,  
3 Buffalo, Syracuse, New York City and Albany.

4 It seems to me that we should  
5 seize the opportunity to make New York deal with  
6 this problem and deal with it in a special way  
7 that we understand, that we control, where the  
8 destiny and future of lead abatement will be  
9 held by this chamber and by the chamber across  
10 the way instead of our friends in the  
11 Environmental Protection Agency that may be  
12 bureaucrats living in our state or, frankly, a  
13 Congress based in Washington that doesn't know  
14 this problem as well as Senator Volker,  
15 Assemblyman Eve and other members of the two  
16 houses know it.

17 So my suggestion is that we  
18 accept this amendment. We move down the road in  
19 discussions with Senator Volker and Assemblyman  
20 Eve. We give them the impetus to come to the  
21 table with the leadership of both houses to  
22 bring a bill out that will achieve the  
23 beneficial purpose of improving our record on  
24 lead abatement. At the same time -- and I know  
25 there are complicated issues. Senator Volker

1 outlined them with respect to notice and  
2 instances in which civil recovery might be  
3 possible, but those issues, I think can be  
4 resolved. I think if we adopt this amendment,  
5 we would be signalling to the other house that  
6 there's a rapprochement in dealing with this  
7 issue and that we're prepared to go forward,  
8 hopefully even in the next week, to resolve a  
9 bill that will deal with this long-standing  
10 problem.

11 Senator Volker says he's been  
12 working on this since 1975. I will say one  
13 thing about him. He worked on the death penalty  
14 which was the subject of our bill since, I  
15 believe the early '70s, and he finally got that  
16 a couple years ago.

17 Senator Volker, no one would be  
18 applauding more than I on this issue, whereas I  
19 was perhaps not applauding a couple of years ago  
20 when your perseverance on death penalty reached  
21 its peak and you were successful but no one  
22 would be applauding more than I if we got a bill  
23 that did what's necessary in New York, in my  
24 judgment.

25 Let's deal with the lead

1 abatement problem. Let's continue the good work  
2 that's been started. Let's send a message to  
3 our colleagues in the other house that there's  
4 an open door to resolving some of these  
5 outstanding issues and by accepting this  
6 amendment, I think that we might be able to send  
7 that message. I would urge all of my colleagues  
8 to vote in favor of it.

9 ACTING PRESIDENT MEIER: On the  
10 amendment, all those in favor signify by saying  
11 aye.

12 (Response of "Aye".)

13 Opposed, nay.

14 (Response of "Nay".)

15 The amendment fails.

16 Read the last section.

17 THE SECRETARY: Section 10. This  
18 act shall take effect December 31st.

19 ACTING PRESIDENT MEIER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MEIER: Announce  
23 the results.

24 THE SECRETARY: Those recorded in  
25 the negative on Calendar Number 929 are Senators

1 Balboni, Connor, Dollinger, Fuschillo, Gentile,  
2 Goodman, Lachman, Leibell, Marcellino,  
3 Markowitz, Onorato, Paterson and Spano. Ayes  
4 36, nays 13.

5 ACTING PRESIDENT MEIER: The bill  
6 is passed.

7 THE SECRETARY: Also Senator  
8 Gold. Ayes 35, nays 14.

9 ACTING PRESIDENT WRIGHT: The  
10 bill is passed.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number  
13 337, by Senator Velella, Senate Print 4422-A -

14 SENATOR SKELOS: Lay that aside  
15 temporarily and please take up Calendar Number  
16 1210, by Senator Stafford.

17 ACTING PRESIDENT WRIGHT: The  
18 bill is laid aside.

19 The Secretary will read 1210.

20 THE SECRETARY: Calendar Number  
21 1210, by Senator Stafford, Senate Print 7556, an  
22 act to amend the Public Officers Law, in  
23 relation to permitting.

24 SENATOR DOLLINGER: Explanation.

25 SENATOR STAFFORD: I would

1 immediately point out that Senator Dollinger's  
2 point is very, very well taken. They explained  
3 to me yesterday you asked, and I, for the most  
4 part, think we have to be very, very careful  
5 about this, and I think it's a very, very  
6 sensitive point and that is people leaving and  
7 then coming back into service.

8 I would respectfully suggest that  
9 due to the severity of this -- can't hear me?

10 SENATOR DOLLINGER: Now I can.  
11 I'm fine. Go ahead.

12 SENATOR STAFFORD: I would  
13 respectfully suggest that due to the severity of  
14 the problems with the millennium and due to the  
15 technical situation as far as people's  
16 expertise, I think we're going to have to both  
17 in the private and public sector pull in  
18 everybody we can, and I just the other day was  
19 talking to someone and they're talking about  
20 possibly at -- how would it be -- 12:01 on 1999,  
21 it's amazing what could happen.

22 I think that we have enough -- I  
23 think the issue has a high enough profile now  
24 that the country won't shut down, but I suggest  
25 that when you talk to people that are in this

1 field and have this problem, that it is  
2 something that this exception would prevail.

3 SENATOR DOLLINGER: Mr.  
4 President.

5 ACTING PRESIDENT WRIGHT: Thank  
6 you, Senator.

7 Senator Dollinger.

8 SENATOR DOLLINGER: Just on the  
9 bill. I appreciate Senator Stafford's  
10 comments. I'm really torn on this one. I don't  
11 quite know what the right thing to do is.

12 My problem with this bill is that  
13 here we've got a situation where we know we have  
14 a virtual catastrophe if our computers aren't  
15 dealing with the year 2000 problem and we've got  
16 this group of experts who know how to deal with  
17 it.

18 So what do they do? We spend  
19 taxpayers' money training them how to deal with  
20 it. We give them all the information. They  
21 know how to do it. Well, then what do they do?  
22 They exercise their right, and I'm not disputing  
23 their right to do this is, but they retire from  
24 our system and then they -- under normal course,  
25 they would be banned by the Public Officers Law

1 prohibition about going back to work as a  
2 consultant for their department. Instead they  
3 know that they've got the technical knowledge  
4 and information to be able to more than better  
5 compete with the private industry to solve the  
6 problem, they've got -- they're the perfectly  
7 situated group to be able to do it. So they  
8 retire and they come back on our door and in  
9 essence say to us, Well, we've got the  
10 solution. We know the machines. We know the  
11 technology. We know the people we've got.  
12 We're the perfect people to solve this problem  
13 except we want to solve it as private  
14 consultants at a significant pay rather than  
15 members of the state work force if we had stayed  
16 and hadn't retired.

17 I really, quite frankly, don't  
18 quite know what to do in this instance, but it  
19 seems to me that it's somewhat unfair to the  
20 people of this state who made an investment in  
21 these employees to allow them, even though  
22 they're not doing anything illegal, anything  
23 improper, but we end up in a situation where  
24 we're absolutely beholden to them because  
25 they've got the goods on us.

1 I appreciate this bill. I'll  
2 simply vote against it perhaps as a personal  
3 protest to what seems to be the unfair  
4 bargaining position we end up by virtue of law,  
5 but we need to solve the 2000 problem. These  
6 are probably the right people to do it. It just  
7 seems as though our law doesn't quite put the  
8 people of this state and the taxpayers who  
9 trained them and paid for their training and  
10 education in a position to defend themselves  
11 when they're now retired and able to leverage  
12 their position in the negotiations over solving  
13 this problem.

14 The bill ought to pass. If my  
15 vote were necessary to have it pass, I would  
16 have it pass, but I'm going to vote in the  
17 negative because it seems as though we're not  
18 getting the right deal.

19 ACTING PRESIDENT WRIGHT: Read  
20 the last section.

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

23 ACTING PRESIDENT WRIGHT: Call  
24 the roll.

25 (The Secretary called the roll.)

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

3 ACTING PRESIDENT WRIGHT: The  
4 bill is passed.

5 Senator Skelos.

6 SENATOR SKELOS: Mr. President,  
7 in discussing 1248 with Senator Paterson, I  
8 think he has a quick question to ask or a  
9 comment to make and just to alert the members on  
10 both sides of the aisle, there will then be a  
11 conference of the Majority and the Minority upon  
12 completion of this bill. So if you're not in  
13 the chamber, start heading over.

14 So could you call up Calendar  
15 Number 1248, please.

16 ACTING PRESIDENT WRIGHT: The  
17 Secretary will read Calendar Number 1248.

18 THE SECRETARY: Calendar Number  
19 1248, by Senator Nozzolio, Senate Print 6522, an  
20 act to amend the Alcoholic Beverage Control Law,  
21 in relation to the exemption.

22 ACTING PRESIDENT WRIGHT: Senator  
23 Paterson.

24 SENATOR PATERSON: Mr. President,  
25 on this particular bill, I'm in concurrence with

1           what appears to be not only Senator Nozzolio's  
2           feeling but the feelings of other Senators. I  
3           saw a bill very similar written by Senator  
4           Goodman. There are about three or four bills  
5           out here and my statement, even though I'm  
6           voting aye, is that if the wall is coming down  
7           between the distributor and the retailer of  
8           alcohol, if peoples' tastes are changing and if  
9           it's getting to the point where we're having the  
10          situation now where we have the winery creating  
11          the brew pub right on the -- on its area -  
12          there's one right here in Albany -- if that's  
13          the case, then I think we really need to invoke  
14          this as a statewide policy.

15                        This particular bill actually  
16           addresses one piece of land in one area of the  
17           state, and I don't think we need to be doing it  
18           that way. I don't think Senator Nozzolio or  
19           anyone else should be forced to put these bills  
20           in one at a time. Let's put a broad-based  
21           policy together and establish some responsible  
22           legislating on this subject.

23                        ACTING PRESIDENT WRIGHT: Senator  
24           Skelos.

25                        SENATOR SKELOS: Senator

1           Nozzolio, are you going to want to explain your  
2           vote or make a comment now?

3                        SENATOR NOZZOLIO:  Explain my  
4           vote.

5                        SENATOR SKELOS:  So why don't we  
6           have the last section read.

7                        ACTING PRESIDENT WRIGHT:  Read  
8           the last section.

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

11                       ACTING PRESIDENT WRIGHT:  Call  
12          the roll.

13                        (The Secretary called the roll.)

14                       ACTING PRESIDENT WRIGHT:  Senator  
15          Nozzolio, to explain his vote.

16                        SENATOR NOZZOLIO:  Yes, Mr.  
17          President.  Thank you for the opportunity.

18                        Just for history that the law  
19          currently allows winery owners to also own and  
20          operate a retail establishment on the same  
21          premise or adjacent to each other.  It does not  
22          allow them to own also a brewery along with a  
23          winery in a retail establishment.  It's an  
24          archaic law.  It doesn't make sense.

25                        I conclude -- I agree with

1 Senator Paterson that we should have a statewide  
2 issue focused on. However, this gentleman is in  
3 business and we have only a few weeks in this  
4 legislative session left and that we need to  
5 make hay while the sun shines in upstate New  
6 York and certainly this is very important to  
7 this business owner in the Finger Lakes region,  
8 and I appreciate the opportunity to support this  
9 measure.

10 ACTING PRESIDENT WRIGHT: Results  
11 -- I'm sorry. Senator Padavan, to explain his  
12 vote -- Senator Mendez, to explain her vote.

13 SENATOR MENDEZ: Yes, Mr.  
14 President. I would like to have unanimous -

15 ACTING PRESIDENT WRIGHT: I'm  
16 sorry, Senator. We're currently on a roll  
17 call. We'll come back to you, Senator.

18 Is there anyone else wishing to  
19 explain their vote on 12... Calendar 1248?

20 (There was no response.)

21 Results.

22 THE SECRETARY: Ayes 50.

23 ACTING PRESIDENT WRIGHT: The  
24 bill is passed.

25 Senator Skelos.

1                   SENATOR SKELOS: Mr. President,  
2                   please recognize Senator Padavan.

3                   ACTING PRESIDENT WRIGHT: Senator  
4                   Padavan.

5                   SENATOR PADAVAN: I would like to  
6                   be recorded in the negative on Calendar Number  
7                   422.

8                   ACTING PRESIDENT WRIGHT: Without  
9                   objection, so ordered.

10                  SENATOR PADAVAN: 929.

11                  ACTING PRESIDENT WRIGHT: Without  
12                  objection, so ordered.

13                  SENATOR PADAVAN: And 1257.

14                  ACTING PRESIDENT WRIGHT: Without  
15                  objection, so ordered.

16                  Senator Mendez.

17                  SENATOR MENDEZ: Yes. I would  
18                  like to be recorded in the negative on Calendar  
19                  Number 1234 -- 1234.

20                  Thank you.

21                  ACTING PRESIDENT WRIGHT: Without  
22                  objection, so ordered.

23                  Senator Smith.

24                  SENATOR SMITH: Mr. President, I  
25                  request unanimous consent to be recorded in the

1 negative on Calendar Number 929.

2 ACTING PRESIDENT WRIGHT: Without  
3 objection, so ordered.

4 Senator Kruger.

5 SENATOR KRUGER: Mr. President, I  
6 would ask unanimous consent to be recorded on  
7 Calendar Number 929 in the negative.

8 ACTING PRESIDENT WRIGHT: Without  
9 objection, so ordered.

10 SENATOR SKELOS: Mr. President.

11 ACTING PRESIDENT WRIGHT: Senator  
12 Skelos.

13 SENATOR SKELOS: There will be an  
14 immediate -- there will be an immediate Majority  
15 Conference in the Majority Conference Room and  
16 the conferences will last one half hour.

17 Senator Paterson? 31 minutes.  
18 Senator Dollinger needs that extra minute.

19 ACTING PRESIDENT WRIGHT: Senator  
20 Paterson.

21 SENATOR PATERSON: Mr. President,  
22 would you please recognize Senator Mendez.

23 ACTING PRESIDENT WRIGHT: Senator  
24 Mendez.

25 SENATOR MENDEZ: There will be an

1 immediate conference of the Minority in Room  
2 314.

3 ACTING PRESIDENT WRIGHT: There  
4 will be immediate conferences of the Majority  
5 and the Minority for one half hour, one minute  
6 allocated to Senator Dollinger. The Senate is  
7 in recess -- will stand at ease.

8 (Whereupon, the Senate stood at  
9 ease from 10:57 a.m. until 12:10 p.m.)

10 ACTING PRESIDENT KUHL: The  
11 Senate will come to order. Ask the members to  
12 find their places, those who are not in the  
13 chamber to come to the chamber. Ask the staff  
14 to find their places.

15 The Chair recognizes Senator  
16 Skelos.

17 SENATOR SKELOS: Please recognize  
18 Senator Hoffmann.

19 ACTING PRESIDENT KUHL: Senator  
20 Hoffmann, why do you rise?

21 SENATOR HOFFMANN: Mr. President,  
22 I was out of the chamber at the time Calendar  
23 929 was taken up. I would request unanimous  
24 consent to be recorded in the negative.

25 ACTING PRESIDENT KUHL: Without

1 objection.

2 SENATOR HOFFMANN: Thank you.

3 ACTING PRESIDENT KUHL: Hearing  
4 no objection, Senator Hoffmann will be recorded  
5 in the negative on Calendar Number 929.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,  
8 Senator Nanula, please.

9 ACTING PRESIDENT KUHL: The Chair  
10 recognizes Senator Nanula.

11 SENATOR NANULA: Thank you, Mr.  
12 President.

13 I too would like to request  
14 unanimous consent to be recorded in the negative  
15 on Calendar Number 929.

16 ACTING PRESIDENT KUHL: Without  
17 objection.

18 SENATOR NANULA: Thank you.

19 ACTING PRESIDENT KUHL: Hearing  
20 no objection, Senator Nanula will be recorded in  
21 the negative on Calendar Number 929.

22 SENATOR MARCELLINO: Mr.  
23 President.

24 ACTING PRESIDENT KUHL: Senator  
25 Marcellino.

1                   SENATOR MARCELLINO: We have a  
2 motion.

3                   ACTING PRESIDENT KUHL: Return to  
4 the order of motions and resolutions, Senator  
5 Skelos.

6                   The Chair recognizes Senator  
7 Marcellino.

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

10                  On behalf of Senator Johnson, I  
11 wish to call up his bill, Print Number 2550-D,  
12 recalled from the Assembly, which is now at the  
13 desk.

14                  ACTING PRESIDENT KUHL: The  
15 Secretary will read.

16                  THE SECRETARY: Calendar Number  
17 256, by Senator Johnson, Senate Print 2550-D, an  
18 act to amend the Vehicle and Traffic Law.

19                  ACTING PRESIDENT KUHL: Senator  
20 Marcellino.

21                  SENATOR MARCELLINO: Mr.  
22 President, I now move to reconsider the vote by  
23 which this bill was passed.

24                  ACTING PRESIDENT KUHL: The  
25 Secretary will call the roll on reconsideration.

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

3 THE SECRETARY: Ayes 53.

4 ACTING PRESIDENT KUHL: Senator  
5 Marcellino.

6 SENATOR MARCELLINO: Thank you,  
7 Mr. President.

8 I now offer the following  
9 amendments.

10 ACTING PRESIDENT KUHL: The  
11 amendments are received and adopted.

12 SENATOR MARCELLINO: Thank you.

13 ACTING PRESIDENT KUHL: Senator  
14 Oppenheimer, why do you rise?

15 SENATOR OPPENHEIMER: I rise to  
16 ask unanimous consent to be recorded in the  
17 negative on 9... Calendar 929.

18 ACTING PRESIDENT KUHL: Without  
19 objection, hearing no objection, Senator  
20 Oppenheimer will be recorded in the negative on  
21 Calendar Number 929.

22 Senator Skelos.

23 SENATOR SKELOS: Mr. President,  
24 is there any other housekeeping at the desk at  
25 this time?

1                   ACTING PRESIDENT KUHL: We have  
2 one -- or two substitutions.

3                   SENATOR SKELOS: Please make the  
4 substitutions.

5                   ACTING PRESIDENT KUHL: The  
6 Secretary will read the substitutions at the  
7 desk.

8                   THE SECRETARY: On page 13,  
9 Senator Present moves to discharge from the  
10 Committee on Rules Assembly Bill Number 9238 and  
11 substitute it for the identical Third Reading  
12 Calendar 499.

13                   And on page 21, Senator Trunzo  
14 moves to discharge from the Committee on Rules  
15 Assembly Bill Number 10081 and substitute it for  
16 the identical Third Reading Calendar 721.

17                   ACTING PRESIDENT KUHL: The  
18 substitutions are ordered.

19                   Senator Skelos.

20                   SENATOR SKELOS: Mr. President,  
21 if we could return to the controversial  
22 calendar, I believe Calendar Number 1269 by  
23 Senator Fuschillo was inadvertently laid aside.  
24 If we could take that up at this time.

25                   ACTING PRESIDENT KUHL: The

1 Secretary will read Calendar Number 1269 by  
2 Senator Fuschillo.

3 THE SECRETARY: Calendar Number  
4 1269, by Senator Fuschillo, Senate Print 7576,  
5 an act to amend the Vehicle and Traffic Law, in  
6 relation to establishing.

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

9 SENATOR GOLD: Mr. President.

10 ACTING PRESIDENT KUHL: Senator  
11 Gold, to explain his vote?

12 SENATOR GOLD: No. Just a minor  
13 correction. I didn't inadvertently lay it  
14 aside, but I have no objection to the bill.

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

17 THE SECRETARY: Section 4. This  
18 act shall take effect on the first day of  
19 November.

20 ACTING PRESIDENT KUHL: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 54.

24 ACTING PRESIDENT KUHL: The bill  
25 is passed.

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President,  
3 would you please call up Calendar Number 337, by  
4 Senator Velella.

5 ACTING PRESIDENT KUHL: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 337, by Senator Velella, Senate Print 4422-A, an  
9 act to amend the Public Health Law, in relation  
10 to Human Immunodeficiency Virus infection.

11 SENATOR PATERSON: Explanation,  
12 please.

13 ACTING PRESIDENT KUHL: Senator  
14 Velella, an explanation of Calendar Number 337  
15 has been requested by the Acting Minority  
16 Leader, Senator Paterson.

17 SENATOR VELELLA: Yes, Mr.  
18 President.

19 This is a bill which would  
20 establish a name reporting system to track HIV  
21 infection in this state and it also makes  
22 provisions for confidential partner notification  
23 procedures.

24 The way this bill sets up the  
25 process is if a person is diagnosed with the HIV

1 virus, a notice would be sent to the  
2 Commissioner of Health, who would in turn notify  
3 the local health authority. That local health  
4 authority would send out a trained health care  
5 worker, social worker or health care  
6 professional, to discuss with the person who's  
7 been diagnosed with the HIV virus the fact that  
8 this is a communicable disease, advise them of  
9 all of their rights, advise them of all of the  
10 services and treatments that are available and  
11 request -- and I stress the word "request" -  
12 from them a list of potential contacts or  
13 possible contacts that they had to which this  
14 disease may have been spread.

15 There is no mandatory provision  
16 that the infected person must reveal the names  
17 of anybody that they either had a physical  
18 contact with or shared a needle or any way that  
19 the virus might have been transmitted. There is  
20 no provision to put anyone on the rack and  
21 stretch them until they come clean and confess.  
22 That person has the option to say I do not wish  
23 to discuss this with you. I consider it a  
24 private matter and that's where the conversation  
25 ends.

1                   If, in fact, that person chooses  
2                   to let the health care worker know some contacts  
3                   that they had had that may have been infected,  
4                   that health care worker will then notify the  
5                   people that are on that list personally and will  
6                   then let them know that you have been exposed to  
7                   the HIV virus. There is a possibility that you  
8                   have contracted this virus. You ought to get  
9                   yourself tested. Their names will be held  
10                  confidential. There's nowhere that this will be  
11                  published as a list. It will be a strictly  
12                  confidential reporting system and it will work.

13                  The arguments that I have heard  
14                  against this bill are nothing but fear tactics.  
15                  It is the same arguments that were raised when I  
16                  did the baby AIDS bill, that this was a terrible  
17                  thing. People weren't going to be tested. It  
18                  was going to make people have babies in  
19                  alleyways. You know what? We passed the baby  
20                  AIDS bill. It's working. I think if we all  
21                  think about it, it is probably one of the most  
22                  significant votes that we have made to save  
23                  lives.

24                  That bill is working today,  
25                  thanks to the work of my colleague over in the

1 Assembly, Nettie Mayersohn, who has really done  
2 an outstanding job on calling these issues to  
3 the public.

4 This bill will do the same  
5 thing. It will help us fight the battle. We  
6 have to stop treating this disease as a  
7 politically protected disease. It is a  
8 communicable disease. Why do we want to abandon  
9 all of the state policies that have dealt with  
10 communicable diseases before, whether it be  
11 tuberculosis, whether it be syphilis,  
12 gonorrhoea. We have put provisions in our laws  
13 that have dealt with these diseases and worked  
14 and make them almost non-existent, or to at  
15 least a low level. Why not for AIDS? Why not  
16 for this case? Why do we treat it especially?

17 Because I say to you, there are  
18 some people who have financial interests in  
19 keeping this the way it is, to obtain all of  
20 this counseling money, all the money we see in  
21 the budget. Let's do it the good old-fashioned  
22 way, the way we've whipped tuberculosis, the way  
23 we've controlled syphilis and gonorrhoea. Let's  
24 treat it the same way. Let's pass this bill.

25 SENATOR GOLD: Mr. President.

1                                   ACTING PRESIDENT KUHL:  Senator  
2                                   Gold.

3                                   SENATOR GOLD:  Mr. President,  
4                                   it's interesting to hear Senator Velella's  
5                                   reference to an Assemblywoman from Queens.  
6                                   Actually I think that probably everyone that has  
7                                   been involved with this Legislature in recent  
8                                   years would admit that Nettie Mayersohn has been  
9                                   a pain in the neck for years over this issue, a  
10                                  pain, a disturbance, someone who can drive you  
11                                  crazy.  And what's the result of all of that?  
12                                  That woman is responsible for saving lives and  
13                                  that's the bottom line, and I think we owe a  
14                                  debt of gratitude to someone who doesn't give up  
15                                  and doesn't mind being cursed out now and then  
16                                  and being avoided in the halls and who dedicates  
17                                  herself to the fact that the cause is important  
18                                  enough that lives are going to be saved and she  
19                                  stayed with it.

20                                  Which points out something else,  
21                                  and that is that I have a great sympathy for the  
22                                  people who have lobbied this issue and the  
23                                  politics of the whole AIDS/HIV issue, in my  
24                                  opinion, has not worked well over recent years  
25                                  and many people have made the comment that if

1 the politics had worked out differently, perhaps  
2 we would have been more aggressive in the way  
3 we've handled this whole issue in terms of the  
4 health problem that clearly does exist, and I  
5 feel badly about that.

6 But I will tell you that one  
7 thing I've learned over my years in this  
8 Legislature is that there is a difference  
9 between being supportive of an issue, supportive  
10 of a group that is committed to an issue and  
11 being owned or controlled, and I think that as  
12 legislators we've got to know where that  
13 difference is.

14 I'm certainly not running away  
15 from my record on issues that deal with the -  
16 with the gay community and the human rights  
17 issues involved and in this bill people have  
18 raised privacy issues and I'm sensitive to that,  
19 but I must tell you that the determining factor  
20 as to how I would vote on this bill came as a  
21 result of a meeting I had, I think just two  
22 weeks ago outside this chamber with a lobbying  
23 group that was very much opposed to this bill,  
24 and it's irrelevant to name the group, but I  
25 listened to their arguments against this bill

1 and people told me about how difficult it is to  
2 be notified that you have this terrible disease  
3 and that the trauma is huge and then the trauma  
4 of having to go back and tell somebody else.  
5 People who go through this trauma may need  
6 counseling. They may need a certain amount of  
7 personal care and attention, and I must tell you  
8 without trying to be cruel in any way, that the  
9 way I heard the argument was "I, I, I, I" and I  
10 said to myself, I have never in my life tried to  
11 delineate between love and to criticize anyone  
12 who professed to love, and you don't -- and a  
13 child loves a parent. A parent loves a child  
14 and there are heterosexual relationships where  
15 people love and there are homosexual  
16 relationships where people love, and I have  
17 never in my life ever suggested that one type of  
18 love is different or less caring, and I said to  
19 myself, if you love, it means you care. I don't  
20 know how you can love and not care, and if you  
21 love and you care, how can you know a piece of  
22 information that can dramatically affect the  
23 life of an individual or individuals for whom  
24 you say you care and then say, I'm sorry.  
25 That's all in the back burner because I need the

1           counseling and I need this and I need that and  
2           I'm sorry. I'm sorry. That's not my  
3           understanding of reactions.

4                         We have seen mothers face certain  
5           death to run into a burning house to save a  
6           child. We've seen men and women do that for  
7           each other. I mean, love is something which  
8           when it comes to caring and expressing care,  
9           people do irrational things because they care  
10          and in this situation, this bill, in my humble  
11          opinion, is setting up something that is,  
12          indeed, rational, not irrational, but rational  
13          and says that there is an obligation that goes  
14          past the one individual and it goes to other  
15          individuals and maybe even to society as a whole  
16          because we have seen the terrible situations  
17          where some people who don't care have increased  
18          the risk to society in general.

19                        So I am sorry that this always  
20          gets politicized, but on the other hand as I  
21          look around the room, we got elected to take the  
22          heat and everything we do is in one way or  
23          another political.

24                        So I will continue my commitment  
25          to try to see to it that AIDS programs are

1 properly funded, that we don't politicize that  
2 issue to the point where we don't do everything  
3 that's scientifically and medically necessary to  
4 deal with that dreadful situation and wipe it  
5 out, but it seems to me that this bill is a  
6 common sense bill and that this bill does not  
7 offend the conscience of people who say, if you  
8 love somebody, how do you just not get involved  
9 with an activity or a circumstance that can save  
10 their lives?

11 I think there are protections in  
12 this bill and I'm going to vote very comfortably  
13 in favor of the bill.

14 ACTING PRESIDENT KUHL: Senator  
15 Hoffmann.

16 SENATOR HOFFMANN: Mr. President,  
17 I would like to compliment the sponsor of this  
18 bill. I think it is a necessary and appropriate  
19 response to a terrible dilemma that we face  
20 right now.

21 I'm impressed with some of the  
22 things that Senator Gold said because he talked  
23 about a concept of love and how loving partners  
24 would, in most instances, be so concerned about  
25 the health and well-being of the partner that

1           they would take all appropriate steps to see  
2           that that individual receives medical care if  
3           they were jeopardized by any kind of a disease;  
4           but something seems to happen when we're looking  
5           at the HIV issue. Is it possible that some  
6           people become frightened or embarrassed, or is  
7           it possible that on occasion it was not love  
8           that motivated the sexual activity in the first  
9           place, and they really don't care at all about  
10          the infected partners or the potentially  
11          infected partners, and those are the issues as  
12          policymakers that we've had to look at in this  
13          state over the last couple of years.

14                        There is no example more  
15          startling in this state and possibly the nation  
16          than the Nushawn Williams case. This has given  
17          all of us quite an education in what can happen  
18          in the HIV spectrum of experiences.

19                        This individual, using several  
20          different names, cut a wide swath of sexual  
21          activity across the state of New York, having  
22          sexual experience with many young girls, some as  
23          young as the age of 13, allegedly even younger.  
24          These girls were totally unaware of his status,  
25          and probably totally unaware of the risks that

1 they were undertaking when they agreed to have  
2 sex with him. The result of his activity is  
3 that many of them are now infected with HIV and  
4 there have been several infected babies born to  
5 some of these girls. It is anticipated that  
6 there will be more as well. There are also  
7 young men who were the secondary partners of  
8 some of these women, young girls, who had slept  
9 with Nushawn Williams, and they are infected as  
10 well.

11 Now, what happened in that case  
12 that we should be learning from? In that  
13 instance out in Chautauqua County, a very small  
14 health department was able to ascertain that  
15 there was a problem, and a couple of very astute  
16 individuals were able to piece together the fact  
17 that it was quite possibly one individual with  
18 an ostensibly diabolical modus operandi to sleep  
19 with as many young girls as possible who was, in  
20 fact, causing this high rate of infection.

21 Under the current law, it was  
22 necessary to achieve access to his victim  
23 population through the legal system. There was  
24 no medical provision in place that would have  
25 compelled all of the doctors who might have

1 encountered any of the victims to put that  
2 information in a central repository. It became  
3 an issue of law enforcement rather than the  
4 medical community in the Nushawn Williams case.

5 This measure, I believe, will put  
6 the matter squarely where it belongs, in the  
7 hands of the medical and the health community,  
8 and it will not have to become a matter of law  
9 enforcement responsibility in the future. When  
10 people are going to be notified about the  
11 prospect of having had a sexual encounter with a  
12 person who is infected with a disease like HIV,  
13 I conclude that most of those people would  
14 prefer to be notified by a health official.  
15 They would prefer that rather than have a knock  
16 on the door from a sheriff or a member of a law  
17 enforcement outfit who is following up on the  
18 criminal activity of the individual responsible  
19 for the infection.

20 We have learned the hard way in  
21 Chautauqua County and the other rural counties,  
22 where this one individual cruelly infected so  
23 many people, that the responsibility did not  
24 exist where it needed to, in the medical and in  
25 the health departments and it then fell to law

1 enforcement to try to treat this as a criminal  
2 activity.

3 I am confident that this measure  
4 will give people who are well qualified, who are  
5 sensitive, who are trained and who care about  
6 the health and well-being of all citizens, the  
7 opportunity to do the right thing at the right  
8 time and help head off the type of epidemic that  
9 occurred out in western New York.

10 I understand also that there are  
11 other states that have attempted with some  
12 success to do what we're looking at today and  
13 have evaluated what has happened in the area of  
14 confidentiality. This isn't always the first  
15 question people ask when we talk about any kind  
16 of notification of HIV.

17 I had the experience a couple of  
18 weeks ago of visiting with some people from the  
19 state of Florida at a health-related conference,  
20 I and another member of this Senate. Senator  
21 Smith and I talked with people who were  
22 responsible for implementing, for designing and  
23 implementing the statute that's in effect in the  
24 state of Florida.

25 We asked the question about

1 breaches of confidentiality. The answer was no,  
2 there have been none. We also asked the  
3 question about the gay community that had so  
4 vigorously opposed any notification laws in this  
5 state, and what their role was in the state of  
6 Florida and, to our surprise, we were told that  
7 several organizations, including the Gay Men's  
8 Health Crisis, had actually participated in  
9 development of that legislation. This marks a  
10 tremendous change, and a coming together of very  
11 diverse groups of people whose thinking has  
12 often polarized people in this chamber and in  
13 other legislatures around the country on the  
14 issue of HIV and HIV reporting.

15 I take great comfort in the fact  
16 that 28 other states are doing what we are doing  
17 now. I feel terrible that we have not had a law  
18 in place that might have assisted in the  
19 tracking of an individual who was as wantonly  
20 irresponsible and callous as Nushawn Williams  
21 apparently was in Chautauqua County, New York,  
22 but I believe that by passing this bill we will  
23 be able to safely say that lives are being saved  
24 in the future.

25 I will vote aye.

1                   ACTING PRESIDENT KUHL: Secretary  
2 will read the last section. Excuse me. Senator  
3 Dollinger.

4                   SENATOR DOLLINGER: Will the  
5 sponsor yield to just a couple quick questions?

6                   ACTING PRESIDENT KUHL: Senator  
7 Velella, do you yield? The Senator yields.

8                   SENATOR VELELLA: Yes.

9                   SENATOR DOLLINGER: So I  
10 understand this, Senator Velella, I call your  
11 attention to page 2, section 3, just deals with  
12 the transmission of the information which, as I  
13 understand it, what this bill will do is the  
14 reports will be filed from the physician to the  
15 state health commissioner and then routed to the  
16 local health commissioners; is that correct?

17                   SENATOR VELELLA: I'm sorry.  
18 Yes.

19                   SENATOR DOLLINGER: O.K. Again  
20 through you, Mr. President, it says, the way I  
21 read it, that will not only be the name of the  
22 individual who is diagnosed.

23                   SENATOR VELELLA: Could you cite  
24 the line you're talking about.

25                   SENATOR DOLLINGER: Line 12,

1 section 3, it says this is the information that  
2 will be divulged to the commissioner. It will  
3 include not only the name identification of the  
4 person diagnosed with HIV, but any contacts of  
5 the protected individual as well; is that  
6 correct?

7 SENATOR VELELLA: Of any contacts  
8 or to protect the individual, yes.

9 SENATOR DOLLINGER: So the  
10 information that's transferred from the local  
11 physician, the primary care physician or whom  
12 ever, to the health commissioner is not just  
13 going to be the name of the diagnosed individual  
14 but the name of any contact. So my question is,  
15 you -- you have an individual who comes in and  
16 is diagnosed. There is the question asked, and  
17 I know the latter portion of the bill deals with  
18 the ability of the physician to make the  
19 notification, allows the health commissioner to  
20 review that process of notification, but there's  
21 a list at that point of names of contacts and  
22 there's no -- at the time the information is  
23 transmitted to the health commissioner, there's  
24 no notice to the -- to the contacts at that  
25 point.

1                   What your bill provides is that  
2                   once the health commissioner gets it, that  
3                   information, person diagnosed and contacts is  
4                   then relayed to the local health commissioner,  
5                   who takes the health information and determines  
6                   whether the contacts have been informed; is that  
7                   correct?

8                   SENATOR VELELLA: Well, I don't  
9                   know that necessarily the procedure is going to  
10                  work the way you outline it. The state health  
11                  officials will notify the local people who will  
12                  then, in turn, notify the persons that are on a  
13                  list of contacts which will have been obtained  
14                  voluntarily from the infected person.

15                 SENATOR DOLLINGER: I  
16                 understand. The -- again through you, Mr.  
17                 President, if Senator Velella will continue to  
18                 yield, and just so I understand it, what's going  
19                 to be transmitted is not just the information of  
20                 the person who has been diagnosed but the name  
21                 of all the contacts as well, voluntarily  
22                 obtained in a consultation with the physician or  
23                 other person, will be transferred to the state  
24                 Health Department and then, in turn, transferred  
25                 to the local Health Department.

1                   SENATOR VELELLA:  It's my  
2                   understanding that you may be just generaliz  
3                   ing too broadly.  Obviously this isn't in  
4                   effect.  However, there are other notification  
5                   provisions for other communicable diseases.  
6                   It's my understanding that the local health  
7                   official -- let us just, for example, use me as  
8                   an example.  I live in Bronx County.  My local  
9                   New York City, because we have the five counties  
10                  would be notified, the official health  
11                  commissioner of New York City.  He would then  
12                  get the names of anybody I had given that lived  
13                  within that area.  If it was someone that I had  
14                  a contact with that may have been involved in  
15                  Chautauqua County, that health official would  
16                  get that name.  He wouldn't necessarily get the  
17                  names from anywhere outside his own  
18                  jurisdiction, the idea being he would be  
19                  responsible to reach out to the people within  
20                  his jurisdiction.

21                  SENATOR DOLLINGER:  Again I -  
22                  and again through you, Mr. President.

23                  ACTING PRESIDENT KUHL:  Senator  
24                  Velella, do you continue to yield?

25                  SENATOR VELELLA:  Yes.

1                   ACTING PRESIDENT KUHL:  Senator  
2                   Velella continues to yield.  Senator continues  
3                   to yield.

4                   SENATOR DOLLINGER:  I want to  
5                   make sure that it's not just the name of the  
6                   diagnosed person, the protected individual as  
7                   it's used in the bill, and I believe used  
8                   elsewhere in the Public Health Law, but it's the  
9                   names of the contacts as well that would be  
10                  transmitted in this chain of information.

11                  SENATOR VELELLA:  To the  
12                  commissioners in the area where those people  
13                  might be found.

14                  SENATOR DOLLINGER:  O.K.  
15                  The second thing I'm concerned  
16                  about, I've read the bill in somewhat -- in some  
17                  detail.  I clearly understand what it does.  The  
18                  -- are you satisfied -- again through you, Mr.  
19                  President, if Senator Velella will continue to  
20                  yield.

21                  ACTING PRESIDENT KUHL:  Senator  
22                  Velella, do you continue to yield?

23                  SENATOR VELELLA:  Yes.

24                  ACTING PRESIDENT KUHL:  Senator  
25                  continues to yield.

1                   SENATOR DOLLINGER: Are you  
2                   satisfied, Senator, that the non-disclosure  
3                   provisions of this bill are sufficient to  
4                   protect the disclosure of this information  
5                   either under the Freedom of Information Law in  
6                   New York State or the disclosure of this  
7                   information to any other agency of the state of  
8                   New York; that is, not just the public health  
9                   commissioner but the housing commissioner, the  
10                  police commissioner, and are you satisfied that  
11                  these records would be immune from disclosure to  
12                  agencies of the federal government?

13                         SENATOR VELELLA: Yes.

14                         SENATOR DOLLINGER: Can you tell  
15                         me where your language is that suggests that?

16                         SENATOR VELELLA: Well, let me  
17                         begin by saying that we've tried as much as  
18                         possible to mirror the language of laws that  
19                         protect people from this disclosure in other  
20                         circumstances such as the transmission of  
21                         syphilis or other communicable diseases, so that  
22                         while this -- while this would be no new law or  
23                         new procedure that would guarantee the safety or  
24                         the security of these names, it would have the  
25                         same security that other communicable diseases

1 have, which has proven over time not to have  
2 published a list of people who have these  
3 diseases. So I would rely on the body of law  
4 that we have and the case law and -- which  
5 section? -- Section 2135, "Confidentiality"  
6 which is what I would rely on where we have  
7 taken that from the other statutes that protect  
8 people from unfair disclosure of their  
9 communicable disease.

10 SENATOR DOLLINGER: O.K.

11 ACTING PRESIDENT KUHL: Senator  
12 Dollinger.

13 SENATOR DOLLINGER: Just on the  
14 bill briefly, Mr. President.

15 ACTING PRESIDENT KUHL: Senator  
16 Dollinger, on the bill.

17 SENATOR DOLLINGER: I appreciate  
18 the clarifying comments of Senator Velella. I'm  
19 somewhat troubled by the notion that it's not  
20 just the names of the diagnosed individual that  
21 will be in this confidential chain of  
22 information, and I should parenthetically add  
23 that I believe Senator Velella speaks correctly  
24 and accurately when he says that generally  
25 dealing with syphilis and other STDs, the chain

1 of confidentiality has not been broken in this  
2 state. We have a Health Department that has  
3 strongly preserved the confidential nature of  
4 this information with respect to other STDs,  
5 which gives us the optimism and I think the  
6 well-founded optimism and hope that this will  
7 continue for HIV.

8 But the notion is, however that  
9 it's just not the recording of the individuals  
10 diagnosed. It's the reporting of context as  
11 well, which I think I understand why that  
12 information is going to be supplied, but it just  
13 means there are going to be more names in the  
14 system, more names that at least at the point of  
15 transmission of the information from the  
16 physician to the health commissioner, there  
17 won't necessarily have been any verification of  
18 whether there actually was contact.

19 There will be the statement of  
20 the individual diagnosed that he had a contact,  
21 it won't have been verified, certainly won't  
22 have been verified whether transmission of this  
23 disease has occurred or exposure to it has  
24 occurred, but it's just that there are more  
25 names that will be in this system than I

1 initially anticipated.

2 The other issue that I raised in  
3 my questioning of Senator Velella is that you  
4 believe the great fear with this bill is the  
5 breach of confidentiality, that the state of New  
6 York somehow, these names will be exposed to a  
7 broader group of people than are absolutely  
8 necessary to serve the public health interest  
9 and that's why I would suggest, even though the  
10 language that Senator Velella has adopted in  
11 Section 2135 of this proposed bill renders them  
12 confidential, I would suggest if there's any  
13 further discussion of this with the other house,  
14 I would make them specifically exempt from any  
15 disclosure under the Freedom of Information Act  
16 or any information under our Freedom of  
17 Information Act. I would exempt them from  
18 disclosure to any other state agency if there's  
19 no internal transmission of this information,  
20 any police agency, any social service agency,  
21 any housing agency, that none of that be  
22 expressly provided in this bill; and lastly, I  
23 would expressly provide that they could not be  
24 disclosed to the federal government under any  
25 circumstance, simply to strengthen the wall of

1            confidentiality that I see the sponsor would  
2            like to see. I just think it should be more  
3            tightly drafted and more positively stated that  
4            those restrictions occur.

5                            Generally, on this bill, this is  
6            a difficult bill. This is an emotional issue.  
7            This is a very complicated issue. I am  
8            satisfied that the medical evidence in dealing  
9            with this question has convinced me that this is  
10           the proper way to go to deal with the epidemic  
11           that this disease involves. It requires a  
12           difficult policy choice, but I believe that when  
13           you balance all the factors, our best hope  
14           for dealing with HIV and reducing its incidence  
15           in all of our communities across New York State  
16           is to begin to try to deal with it as we have  
17           dealt with other STDs.

18                           I would add one other closing  
19           comment, and I would say this to my Republican  
20           colleagues in the house. There is a tremendous  
21           fear in many communities in this state about  
22           this bill, and the reason is because there's a  
23           perception that HIV, the mere mention of the  
24           word, creates fear and changes people's  
25           conduct. It changes their conduct in

1 employment; it changes their conduct in health  
2 care. It changes their conduct in housing.  
3 Merely mention the word and it changes people's  
4 behavior.

5 I would suggest to you that one  
6 of the reasons why there's a fear amongst  
7 certain groups in this state about this bill is  
8 because we have never given them -- we have  
9 never accepted the fact that they should be  
10 treated just like everyone else in this state  
11 and prohibited from unlawful discrimination on  
12 the basis of their sexual orientation.

13 My feeling is, if we pass the gay  
14 rights bill, we would go a long way to  
15 alleviating the fears that many people have that  
16 this bill is designed against a specific  
17 community and designed to punish a specific  
18 community, and if we had the guts to do what's  
19 necessary to treat the gay community and the  
20 issue of sexual orientation the same way we  
21 treat the rights of those who have religious  
22 beliefs, the same way we treat the rights of  
23 those who are African-American, the same way we  
24 treat the rights of our Puerto Rican and  
25 Hispanic colleagues, if we gave them the

1 assurance that we would not discriminate against  
2 them on the basis of their disease or their  
3 sexual orientation, they might feel a little  
4 less fearful of what this bill entails.

5 ACTING PRESIDENT KUHL: Senator  
6 Connor.

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

9 This is a rather difficult vote  
10 for me personally. I think in the 20 years I've  
11 been in the Senate, I certainly have advocated  
12 for equal treatment for the gay community. I've  
13 -- one of the first bills I sponsored involved  
14 a non-discrimination provision in the civil  
15 service based on sexual orientation, so  
16 apologies to know one really.

17 I rise here to explain why I feel  
18 compelled to vote in favor of this bill. You  
19 know, the tragedy of the HIV/AIDS epidemic and  
20 it's been a tragedy these past years, has seen  
21 us lose on a large level in our society some of  
22 our most talented and respected people.  
23 Certainly on a personal basis, I ask you, all my  
24 colleagues, whether you be liberal,  
25 conservative, upstate, downstate and all, I ask

1           you, is there anyone in this chamber -- is there  
2           anyone in this chamber who hasn't known someone  
3           who's been the victim of AIDS, who hasn't known  
4           a family that's lost a family member?

5                        When this disease first came to  
6           the fore, when people first became aware of it,  
7           the people called it "the gay disease" and then,  
8           oh, yes, it was "the gay and Haitian disease".

9                        Well, my colleagues, it's  
10          neither. As someone pointed out to me earlier  
11          today, most people who are HIV-positive, most  
12          people with AIDS today are not gay, and it's not  
13          an American disease. It's not a -- we don't own  
14          it. Unfortunately, it's spread throughout the  
15          world in nations that once looked at it as some  
16          sort of decadent western disease because of  
17          western decadence or mores or whatever. Those  
18          countries indeed are now in an AIDS epidemic.  
19          It's a stranger to no continent on this earth.

20                        It's fortunate that, in this  
21          country, it appears that the spread of HIV has  
22          slowed down. That's good. That's a testament  
23          to some of the measures, and I don't -- as we  
24          undo some of the legislation that we put in  
25          place to deal with it a decade ago, we need a

1 very clear rationale for doing that, and the  
2 good news is there are now treatments. There  
3 are now treatment modalities. There are now  
4 drug regimens that, at least for some who suffer  
5 from AIDS or HI -- or who are infected with HIV,  
6 it's been a great help. We've seen some of  
7 these for some people. I've known people who  
8 appeared to be -- were very incapacitated.  
9 Indeed, they appeared to be but a few months  
10 away from death, who because of the cocktail  
11 regimens, and so forth, so-called "cocktails"  
12 they appear healthy, although obviously still  
13 infected, who are functioning and living  
14 relatively normal lives.

15 So that's been a wonderful  
16 miracle and a testament to the researchers and  
17 scientists and the many, many people who have  
18 contributed to that research financially and  
19 with political support and other things. That's  
20 good, but it's time that we re-examine.

21 I agree we must re-examine the  
22 public health modality we put into place for  
23 HIV. Once upon a time I stood over there in  
24 supporting the original legislation and said  
25 we're not treating AIDS as an ordinarily

1 sexually transmitted disease, public health  
2 problem, because there were those that said why  
3 don't we just treat it -- at the time, let's  
4 just treat it like we do other sexually  
5 transmitted diseases with reporting, notifica  
6 tion, so on and so forth, and I remember saying  
7 it's -- we're treating it differently because it  
8 is different. It is different than those other  
9 diseases.

10 One of the differences then was  
11 that it appeared to have no cure, no treatment  
12 that alleviated -- to alleviate it, except very  
13 briefly the progress of the disease, and was -  
14 appeared to be always fatal. So it was  
15 different, and we treated it differently, and  
16 yes, some of that different treatment, because I  
17 had medical people at the time say to me, you  
18 know, this is a disease but you're -- it's not  
19 being -- the way we're dealing with it, it isn't  
20 being driven by the medical community and  
21 medical concerns. It's being driven by  
22 politics, and I suppose it was, and I make no  
23 apologies for that, because of the understand  
24 able concern many, many advocates had at the  
25 time for issues like confidentiality, for issues

1       like preventing discrimination in so many ways,  
2       and indeed this Legislature has had to deal or  
3       subsequently had to deal with little forms of  
4       discrimination that arose, whether it be  
5       employment, whether it be insurance, lots of  
6       other things, renting an apartment or whatever.  
7       There clearly was -- it was not a misplaced  
8       concern. It wasn't a paranoid fantasy.

9                Certainly when it was perceived  
10       as a gay disease, people who had it were treated  
11       unfairly, as unfortunately many members of the  
12       gay community have been treated, and still -  
13       still are often treated unfairly, because this  
14       Legislature -- because this part of this  
15       Legislature in the Senate has not seen fit in  
16       the last 20 years to adopt a civil rights bill  
17       that guarantees civil rights to all of our  
18       citizens, and that protects people who differ  
19       perhaps in their sexual orientation from the  
20       majority, that protects them from  
21       discrimination.

22                So those weren't misplaced fears,  
23       Mr. President. They were well founded, well  
24       placed fears that understandably still persist,  
25       and that because of the history of these past

1 years, somehow or other is connected to HIV and  
2 AIDS in some people's mind; but I suggest, Mr.  
3 President, it's not in the popular mind so  
4 connected on such a widespread basis as it once  
5 was, because AIDS doesn't care about race,  
6 religion, ethnicity, economic status or sexual  
7 orientation. It -- AIDS doesn't discriminate.

8           While the politics and the  
9 understandable concerns and sensitivity,  
10 concerns for privacy, for protecting people, for  
11 not intruding because, after all, what could you  
12 do about it anyway, drove the public health  
13 decisions that were first made, the good news is  
14 that medical advances made some of the measures  
15 we put into effect not relevant or perhaps not  
16 the best way to go.

17           Once upon a time when the  
18 so-called "baby AIDS bill" was first put out, I  
19 was against it. After all, what could you do?  
20 What could you do for these infants? You know,  
21 what -- why place value on knowledge? Knowledge  
22 that is, if anything, disturbing but not  
23 offering the possibility of anything that  
24 approached either a cure or an improvement in  
25 the life expectancy of those infants.

1                   Then we saw, and it's good news,  
2                   we saw that, gee, there were in utero treatments  
3                   developed; there were early intervention things  
4                   that actually gave some cause for hope, and so  
5                   it is with people who are HIV-positive today  
6                   with adults or who have AIDS, and therefore, we  
7                   come to a point where perhaps it's appropriate  
8                   -- not "perhaps", it is appropriate to do all  
9                   that we can now to identify those who have been  
10                  exposed to the HIV virus, not so we can point  
11                  fingers, not so we can ostracize them, not so  
12                  they can be discriminated against but so that  
13                  they can get treatment as soon as possible to  
14                  avoid the destruction and death that this  
15                  disease has brought on so many people, so many  
16                  people that we miss, that we miss today and, if  
17                  there be a testament to those who have paid the  
18                  ultimate price of this disease, let it be that  
19                  we rescue -- we rescue people, that we finally  
20                  get to the point where we can place HIV on the  
21                  defensive, and the only way to do that is to  
22                  apply the kind of public health protocols that  
23                  have worked so well elsewhere with other  
24                  diseases.

25                   Now, I understand the concerns

1 partly in this state because of the failure -  
2 the failure of the leadership, of succeeding  
3 leaderships in this house to bring a civil  
4 rights bill out. There is still among our  
5 citizens a concern, a concern that their rights  
6 will be lost if they're identified as being gay  
7 or lesbian. That's not a misplaced concern,  
8 because when we fail to act on something like  
9 this, it certainly conveys from this house, from  
10 the highest levels of this state government, an  
11 attitude, an attitude that you don't really  
12 count. You're not really part of it.

13 The failure -- the failure of  
14 this house to adopt an anti-bias -- an anti-bias  
15 violence bill that includes sexual orientation,  
16 that would in effect protect those who we see  
17 are more often than not the primary victims or  
18 focus of bias violence, bias-related violence,  
19 the failure of this house to do that is further  
20 cause for concern in the gay community that we  
21 really, as a government, as a state government,  
22 as a Legislature, ought to be suspect when we do  
23 anything in this area, ought to be suspect and  
24 are suspect.

25 What's the real motive? What are

1           they really trying to do here? Can we really  
2           trust them? Can we trust the state government  
3           they set up to really preserve confidentiality?  
4           You know, if they're not willing -- if they're  
5           not willing to guarantee me my apartment free of  
6           discriminatory intent on the part of the renter,  
7           if they're not willing to guarantee my job  
8           against mindless bias, if they're not willing to  
9           respect my personal relationships with those  
10          whom I love, if they're not willing to record me  
11          and protect my rights that are the same as every  
12          other New Yorker's, how can I really trust that  
13          they want to do legislation like this because  
14          they care so much about me and mine that they  
15          want to protect us against -- in the best  
16          possible way against the ravages of HIV?

17                        So, my colleagues, when you see  
18          the opponents of this bill, and you read a New  
19          York Times editorial that says it's a good bill  
20          and indeed the New York Times as these things  
21          go -- and I don't think they have all truth at  
22          their disposal, it certainly doesn't appear in  
23          their columns all the time, but certainly it's  
24          been an editorial page that has been concerned  
25          about the rights of our gay and lesbian citizens

1 in the past. They look at it as a public health  
2 issue, and I have to look at it as a public  
3 health issue. Take the politics out of it, and  
4 this is the way to go with the treatments that  
5 are available today and, more hopefully, the  
6 treatments of a short tomorrow for those who  
7 have it.

8 But I say to my colleagues do  
9 that civil rights bill, you know. It's 1998.  
10 Let's do that civil rights bill. Why not? Why  
11 not? Let's face it. The world has changed in  
12 the last 20 or 30 years. I asked the question  
13 earlier rhetorically of all my colleagues. Let  
14 me ask you all, regardless of your political  
15 persuasions now, be there one of you who  
16 somewhere in your family or your spouse's family  
17 or your best friend's family or your extended  
18 family, that you don't have someone who now is  
19 so-called out and proud and, gee, their family  
20 loves them because we've come a long way. We've  
21 come a long way these past two or three decades,  
22 as we should have, so why can't we start making  
23 a big deal about it for politics. Why can't we?  
24 Forget about advocacy groups. Yeah, they have  
25 their politics, but why can't we as a

1 legislator, as sworn public officials, stop  
2 making a political football, stop making a  
3 political football.

4 Protect people's civil rights.  
5 What's the big deal? You all know it's the  
6 right thing to do and you all know you would  
7 fight within your own families or your extended  
8 families, you would all fight for that cousin or  
9 nephew or uncle or whatever who now you -- is  
10 willing to say, "I'm gay, I'm gay but I'm me and  
11 I'm proud." You'd all fight for their rights if  
12 somebody was grossly discriminating against  
13 them, so why won't you just pass a law and  
14 preserve it to all New Yorkers.

15 But that's not the bill before  
16 us. The bill before us, looking at it as a  
17 public health measure, and while I respect and  
18 understand the concern that advocacy groups have  
19 because they don't trust us, and they shouldn't  
20 trust us, tend to reflect upon the bill based on  
21 its source, and I don't mean the sponsor of this  
22 bill. I just mean the state Legislature in  
23 general, that hasn't adopted these other  
24 things. Can't we all grow up, put aside the  
25 politics, do this bill.

1 I'm going to vote for this bill  
2 but let's see -- let's see that civil rights  
3 bill. You know, it moved from one committee to  
4 the other just a week or two ago. Virtually  
5 everybody on the committee in both parties voted  
6 to advance the bill. If the time is now, the  
7 time is now, you know. We're not talking about  
8 putting a stamp of approval on anything, any  
9 kind of conduct. We're just talking about  
10 assuring all New Yorkers their privacy rights.  
11 Let's talk about privacy because somebody in the  
12 conference said, Well, how much authority would  
13 this bill give state officials to investigate  
14 people's sexual contacts and relationships? And  
15 the answer is a lot. The answer is a lot of  
16 authority, but the problem is not in this bill.  
17 The problem is not in this bill. The problem is  
18 in what we fail to do as a society.

19 If, in a civil -- if, in a civil  
20 case, people who are called as witnesses can be  
21 asked about their personal conduct, their  
22 personal sexual relationships and required under  
23 oath to answer truthfully, even when it's not  
24 relevant because you don't need -- the questions  
25 don't have to be relevant in a deposition and

1           then, you know, grand juries can be impounded  
2           and haul people in to ask them all sorts of  
3           questions. You know, once upon a time a truth  
4           speaker 40 or 50 years ago in those  
5           circumstances would have been a cad. There was  
6           a description for that.

7                                So given the media, given what  
8           we're doing now, reputations get besmirched,  
9           things that used to not be discussed now get  
10          talked about and I've had constituents come up  
11          to me, I've had straight constituents who had no  
12          agenda before, never particularly to my  
13          knowledge involved in advocating a gay civil  
14          rights bill, come up to me and say, "Senator,  
15          let me ask you something. I see it the news and  
16          all, see what's going on in Washington, and you  
17          mean somebody's got a right to make me tell  
18          about my personal conduct with my girl friend or  
19          whatever?" Yeah, under oath, and if you deny  
20          it, probably have the right to prosecute you,  
21          you know. If they have bad judgment enough to,  
22          they have a right to do it, yeah, and  
23          unfortunately it just may be somebody has bad  
24          enough judgment as well to bring such a case.

25                                People react in shock, and I've

1           said to them, Well, don't you think we ought to  
2           have the kind of civil rights that protects the  
3           guaranteed privacy to consenting adults in their  
4           private relationships, all consenting adults, no  
5           matter who their partner is? Yeah, they said.

6                         Well, we should. So maybe it's  
7           time for us to wake up and stop, you know,  
8           looking at it as odd. This is just to benefit  
9           that group or this thing, you know. Perhaps  
10          everybody's privacy is at stake. Perhaps  
11          everybody's most personal relationships are at  
12          stake as we enter into this new century where  
13          everything is on computers, everything is on the  
14          TV, everything is in the papers.

15                        So I think a first start would be  
16          if we brought next week, the last week of  
17          session, and I urge my colleagues in the  
18          Majority, I'm not going to talk about this.  
19          Bring this bill out. Let's do it. No reason  
20          not to. You all know in your hearts it's not a  
21          big deal. It's not a big deal to your  
22          constituents either. They think it's the right  
23          thing to do.

24                        Thank you, Mr. President.

25                        ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 VOICES: Slow roll call.

7 ACTING PRESIDENT KUHL: If there  
8 are five members requesting a slow roll call,  
9 please stand. Secretary will ring the bell and  
10 read the roll slowly.

11 THE SECRETARY: Senator Abate.

12 (There was no response. )

13 Senator Alesi.

14 (There was no response. )

15 Senator Balboni.

16 SENATOR BALBONI: Aye.

17 THE SECRETARY: Senator Breslin.

18 SENATOR BRESLIN: No.

19 THE SECRETARY: Senator Bruno.

20 (There was no response. )

21 Senator Connor.

22 SENATOR CONNOR: Aye.

23 THE SECRETARY: Senator Cook.

24 (There was no response. )

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Yes.  
2 THE SECRETARY: Senator  
3 Dollinger.  
4 SENATOR DOLLINGER: Aye.  
5 THE SECRETARY: Senator Farley.  
6 SENATOR FARLEY: Aye.  
7 THE SECRETARY: Senator  
8 Fuschillo.  
9 SENATOR FUSCHILLO: Aye.  
10 THE SECRETARY: Senator Gentile.  
11 SENATOR GENTILE: Yes.  
12 THE SECRETARY: Senator Gold.  
13 SENATOR GOLD: Yes.  
14 THE SECRETARY: Senator  
15 Gonzalez.  
16 (There was no response. )  
17 Senator Goodman.  
18 (There was no response. )  
19 Senator Hannon.  
20 SENATOR HANNON: Yes.  
21 THE SECRETARY: Senator  
22 Hoffmann.  
23 (There was no response. )  
24 Senator Holland.  
25 SENATOR HOLLAND: Yes.

1 THE SECRETARY: Senator Johnson.  
2 (There was no response. )  
3 Senator Kruger.  
4 SENATOR KRUGER: Yes.  
5 THE SECRETARY: Senator Kuhl.  
6 SENATOR KUHL: Yes.  
7 THE SECRETARY: Senator Lachman.  
8 (There was no response. )  
9 Senator Lack.  
10 (There was no response. )  
11 Senator Larkin.  
12 SENATOR LARKIN: Yes.  
13 THE SECRETARY: Senator LaValle.  
14 SENATOR LAVALLE: Aye.  
15 THE SECRETARY: Senator Leibell.  
16 SENATOR LEIBELL: Aye.  
17 THE SECRETARY: Senator Leichter  
18 excused.  
19 Senator Libous.  
20 SENATOR LIBOUS: Aye.  
21 THE SECRETARY: Senator Maltese.  
22 (There was no response. )  
23 Senator Marcellino.  
24 SENATOR MARCELLINO: Aye.  
25 THE SECRETARY: Senator Marchi.

1 SENATOR MARCHI: Aye.  
2 THE SECRETARY: Senator  
3 Markowitz.  
4 SENATOR MARKOWITZ: No.  
5 THE SECRETARY: Senator Maziarz.  
6 SENATOR MAZIARZ: Aye.  
7 THE SECRETARY: Senator Meier.  
8 SENATOR MEIER: Yes.  
9 THE SECRETARY: Senator Mendez.  
10 SENATOR MENDEZ: Aye.  
11 THE SECRETARY: Senator  
12 Montgomery.  
13 SENATOR MONTGOMERY: No.  
14 THE SECRETARY: Senator Nanula.  
15 SENATOR NANULA: Yes.  
16 THE SECRETARY: Senator  
17 Nozzolio.  
18 SENATOR NOZZOLIO: Aye.  
19 THE SECRETARY: Senator Onorato.  
20 SENATOR ONORATO: Aye.  
21 THE SECRETARY: Senator  
22 Oppenheimer.  
23 (There was no response. )  
24 Senator Padavan.  
25 SENATOR PADAVAN: Yes.

1 THE SECRETARY: Senator  
2 Paterson.  
3 Senator Paterson.  
4 SENATOR PATERSON: Yes.  
5 THE SECRETARY: Senator Present.  
6 SENATOR PRESENT: Aye.  
7 THE SECRETARY: Senator Rath.  
8 SENATOR RATH: Aye.  
9 THE SECRETARY: Senator Rosado.  
10 SENATOR ROSADO: No.  
11 THE SECRETARY: Senator Saland.  
12 SENATOR SALAND: Aye.  
13 THE SECRETARY: Senator Sampson  
14 excused.  
15 Senator Santiago.  
16 SENATOR SANTIAGO: No.  
17 THE SECRETARY: Senator  
18 Seabrook.  
19 (There was no response. )  
20 Senator Seward.  
21 SENATOR SEWARD: (Affirmative  
22 indication. )  
23 THE SECRETARY: Senator Skelos.  
24 SENATOR SKELOS: Aye.  
25 THE SECRETARY: Senator Smith.

1                   ACTING PRESIDENT KUHL:  Senator  
2                   Smith, to explain her vote.

3                   SENATOR SMITH:  Mr. President,  
4                   thank you.  Mr. President, to explain my vote.

5                   Previously I would have been  
6                   opposed to this legislation, but after having  
7                   long hours of discussion with members of the  
8                   African-American medical community and the  
9                   Hispanic Puerto Rican medical community, I  
10                  believe that it is the right thing to do,  
11                  especially now that the largest growing  
12                  population of those with AIDS are women and  
13                  children, and it is our responsibility to  
14                  protect our young and it is critical that we  
15                  vote in the affirmative on this bill.

16                  Thank you.

17                  ACTING PRESIDENT KUHL:  Senator  
18                  Smith will be recorded in the affirmative.

19                  Continue the slow roll call.

20                  THE SECRETARY:  Senator Spano.

21                  SENATOR SPANO:  Aye.

22                  THE SECRETARY:  Senator  
23                  Stachowski.

24                  SENATOR STACHOWSKI:  Yes.

25                  THE SECRETARY:  Senator

1           Stafford.

2                   (There was no response. )

3           Senator Stavisky.

4           SENATOR STAVISKY:  Aye.

5           THE SECRETARY:  Senator Trunzo.

6           SENATOR TRUNZO:  Yes.

7           THE SECRETARY:  Senator Velella.

8           SENATOR VELELLA:  Yes.

9           THE SECRETARY:  Senator Volker.

10          SENATOR VOLKER:  Yes.

11          THE SECRETARY:  Senator Waldon

12          excused.

13          Senator Wright.

14                (There was no response. )

15          ACTING PRESIDENT KUHL:  Secretary

16          will call the absentees.

17          THE SECRETARY:  Senator Alesi.

18          SENATOR ALESI:  Yes.

19          THE SECRETARY:  Senator Cook.

20                (There was no response. )

21          Senator Abate.

22                (There was no response. )

23          Senator Gonzalez.

24          SENATOR GONZALEZ:  Yes.

25          THE SECRETARY:  Senator Goodman.

1 (There was no response. )  
2 Senator Hoffmann.  
3 SENATOR HOFFMANN: Aye.  
4 THE SECRETARY: Senator Johnson.  
5 SENATOR JOHNSON: Aye.  
6 THE SECRETARY: Senator Lachman.  
7 SENATOR LACHMAN: Yes.  
8 THE SECRETARY: Senator Lack.  
9 (There was no response. )  
10 Senator Maltese.  
11 (There was no response. )  
12 Senator Oppenheimer.  
13 SENATOR OPPENHEIMER: Yes.  
14 THE SECRETARY: Senator  
15 Stafford.  
16 (There was no response. )  
17 Senator Stafford.  
18 SENATOR STAFFORD: (Affirmative  
19 indication. )  
20 THE SECRETARY: Senator Wright.  
21 SENATOR WRIGHT: Aye.  
22 THE SECRETARY: Senator Maltese.  
23 SENATOR MALTESE: Aye.  
24 ACTING PRESIDENT KUHL: Announce  
25 the results.

1 THE SECRETARY: Ayes 50, nays 3.

2 ACTING PRESIDENT KUHL: The bill  
3 is passed.

4 Senator Skelos.

5 SENATOR SKELOS: Mr. President,  
6 there will be a meeting of the Rules Committee  
7 at 1:30 in the Majority Conference Room, and if  
8 at this time we could take up Calendar Number  
9 1256, by Senator Seward.

10 SENATOR KUHL: There will be a  
11 meeting, meeting of the Rules Committee in the  
12 Majority Conference Room at 1:30.

13 Secretary will read Calendar  
14 Number 1256, by Senator Seward.

15 SENATOR LACHMAN: Explanation.

16 THE SECRETARY: Calendar Number  
17 1256, by Senator Seward, Senate Print 7080, an  
18 act to amend the Tax Law, in relation to a  
19 reduction.

20 ACTING PRESIDENT KUHL: Senator  
21 Seward, an explanation of Calendar Number 1256  
22 has been requested by Senator Lachman.

23 SENATOR SEWARD: Certainly,  
24 Mr. -

25 ACTING PRESIDENT KUHL: Senator

1 Seward, wait just a minute until the members who  
2 are going to Rules Committee have exited the  
3 chamber and we get a little quiet.

4 Senator Seward.

5 SENATOR SEWARD: Yes, thank you,  
6 Mr. President.

7 The legislation before us  
8 accelerates the scheduled one percent reduction  
9 of the gross receipts tax on utilities and  
10 telecommunications providers that we enacted  
11 last year to make the reduction fully effective  
12 on January 1, 1999 rather than January 1, 2000  
13 as current law states.

14 Now, this bill also provides an  
15 additional one percent reduction of the GRT from  
16 3.25 percent down to 2.25 percent effective  
17 January 1, 2000.

18 Now, additionally, the bill on  
19 the telephone side, the telecommunications side,  
20 provides local telephone companies with GRT  
21 relief akin to that provided to long distance  
22 carriers by phasing out that portion of the GRT  
23 dealing with those carriers.

24 I would point out, Mr. President,  
25 that the bill further amends the formula for the

1 distribution of funds received from the GRT to  
2 maintain the required funding level for the mass  
3 transportation operating assistance funds.  
4 That's right in the bill. We're going to  
5 maintain that funding by changing the formula to  
6 make sure that we live up to the commitment from  
7 the GRT to that fund.

8           And finally, the bill requires  
9 that any net decrease in cost to the utilities  
10 and the telecommunications providers because of  
11 this tax reduction would be required to benefit  
12 the ratepayers. What we're talking about here,  
13 Mr. President, is ratepayer relief. Everyone  
14 who receives a utility bill in this state will  
15 see a reduction in their rates if this bill is  
16 enacted into law, and I would point out that  
17 under existing law this gross receipts tax which  
18 is so abhorrent and, in my estimation, under law  
19 is prohibited from being itemized on our utility  
20 bills, this legislation, one final point, would  
21 remove that prohibition so that the ratepayers  
22 of this state would see exactly as an itemized  
23 -- be able to see as an itemized item on their  
24 bill just what the GRT tax is rather than being  
25 a hidden tax as it -- as it is now under

1 existing law.

2 ACTING PRESIDENT KUHL: Senator  
3 Lachman.

4 SENATOR LACHMAN: Thank you,  
5 Senator Seward, for that explanation. It was  
6 very clear and succinct.

7 Will the Senator yield?

8 SENATOR SEWARD: Sure.

9 ACTING PRESIDENT KUHL: Senator  
10 yields.

11 SENATOR LACHMAN: On the New York  
12 State Senate introducer's memorandum in support  
13 of the bill, it's written that section 5 changes  
14 the formula -- I'm going to skip some words -  
15 in order to maintain required funding levels for  
16 the Mass Transportation Operation Assistance  
17 Fund. By maintaining, you mean a save harmless,  
18 it will be held harmless?

19 SENATOR SEWARD: That's the  
20 intent of the legislation, yes.

21 SENATOR LACHMAN: O.K. Will the  
22 Senator continue to yield?

23 SENATOR SEWARD: Certainly.

24 SENATOR LACHMAN: O.K. The SFY  
25 for '98-99 is a 50 percent reduction which comes

1 out to \$64.8 million or \$9.2 million shortfall.  
2 The SFY for '99-2000 is a hundred percent  
3 reduction from the original 74 million to 45  
4 million. That is a 28 million reduction. How  
5 does the bill fill that shortfall?

6 SENATOR SEWARD: Well, Senator,  
7 the -- some of the concerns you're raising are  
8 -- far beyond this legislation. What this  
9 legislation does in that section 5 that you have  
10 been -- you and I have been discussing, what  
11 that deals with is that portion of that funding  
12 that actually comes from the gross receipts tax  
13 and -- the state gross receipts tax, and so what  
14 that -- the change that we're making in the  
15 formula would -- would actually increase the  
16 percentage of funds raised from the GRT. It  
17 would increase the -- those funds raised by GRT  
18 that go into the metropolitan mass  
19 transportation assistance operating account and  
20 after the year 2000, all of the funds raised by  
21 the state GRT would go toward that.

22 SENATOR LACHMAN: Will the  
23 Senator continue to yield?

24 SENATOR SEWARD: Yes.

25 SENATOR LACHMAN: So what you are

1 saying is it will not be a shortfall only in the  
2 area of telecommunications, that the shortfall  
3 will be made up by other revenues, this 184.

4 SENATOR SEWARD: That's correct,  
5 that's correct.

6 SENATOR LACHMAN: I will support  
7 the legislation.

8 SENATOR SEWARD: Thank you.

9 ACTING PRESIDENT KUHL: Secretary  
10 will read the last section.

11 THE SECRETARY: Section 8. This  
12 act shall take effect immediately.

13 ACTING PRESIDENT KUHL: Call the  
14 roll.

15 (The Secretary called the roll. )

16 ACTING PRESIDENT KUHL: Senator  
17 Paterson, to explain his vote? Senator  
18 Paterson, to explain his vote.

19 SENATOR PATERSON: Mr. President,  
20 I vote aye. Certainly Senator Seward has taken  
21 a leadership position in trying to diminish  
22 the gross receipts tax, and there is a real  
23 cause to do that with utility rates higher and  
24 higher and the gross receipts tax having really  
25 such a broad-based effect on all of us. But

1           this is a measure that is going to perhaps  
2           reduce revenues by as much as \$450 million, and  
3           I think when you have a half billion dollar  
4           revenue reduction on an item that was already  
5           negotiated earlier this year in the budget, it  
6           should be part of a supplementary budget  
7           process. So if we're going to have a  
8           supplementary budget process, I think we should  
9           have one where we are assessing whatever our  
10          excesses and revenues are in toto, and this  
11          would certainly be a good solution, but I just  
12          don't think we should do it in a -- in a  
13          piecemeal fashion. I certainly agree with the  
14          legislation. I think it's time that something  
15          to reduce the GRT is accomplished.

16                        Senator Seward deserves a great  
17          deal of credit for his leadership on this issue,  
18          and I agree with it, but I really, with this  
19          admonition, I vote aye, Mr. President, and that  
20          this is a type of a measure that is something  
21          that I think we should do in concert with any  
22          other changes we want to make after our budget  
23          process that we negotiated earlier this year.

24                        ACTING PRESIDENT KUHL: Senator  
25          Paterson will be recorded in the affirmative.

1           Announce the results.

2                           (The Secretary called the roll.)

3                           THE SECRETARY: Ayes 56.

4                           ACTING PRESIDENT KUHL: The bill  
5           is passed.

6                           Secretary will continue to read  
7           the controversial calendar.

8                           THE SECRETARY: Calendar Number  
9           1271, by Senator Hannon, Senate Print 5346, an  
10          act to amend the Public Health Law and the  
11          Insurance Law, in relation to eliminating.

12                          SENATOR DOLLINGER: Mr.  
13          President, I'm willing to waive a question or an  
14          explanation just to be heard on the bill.

15                          ACTING PRESIDENT KUHL: Senator  
16          Dollinger, on the bill.

17                          SENATOR DOLLINGER: Mr.  
18          President, this is a bill that we have seen  
19          before in this chamber that creates the -- the  
20          inequity of removing the clinical surcharge from  
21          certain clinical labs and continuing to have it  
22          posted against hospital-based labs, an inequity  
23          that tilts the competitive balance that we have  
24          spent a long time in this community -- in this  
25          chamber trying to titrate, I guess is the word

1           that -- the clinical word, trying to balance the  
2           health care system, the need for competition in  
3           the health care system, to drive down cost and  
4           at the same time provide quality services.

5                         This bill upsets that by  
6           alleviating the surcharge for a certain group of  
7           labs while continuing it, in effect, against  
8           hospital-based labs, and the difficulty is that  
9           after several years of trying, and I know the  
10          chairman of the Health Committee has been one of  
11          those who has led the fight to try to introduce  
12          a system that is competitively balanced, this  
13          bill tilts the balance in the opposite direction  
14          by favoring one form of lab and discriminating  
15          against other forms.

16                         So a number of members voted  
17          against this last year, Mr. President. We had a  
18          healthy debate on it. I would hope that this  
19          issue would be either resolved through  
20          conference with the other chamber or that this  
21          idea, this notion of upsetting the competitive  
22          balance will be consigned to the past where I  
23          think it belongs back in those days when we  
24          extensively regulated hospitals when we lived in  
25          a different health care environment. So as the

1 ranking member of the Health Committee, I would  
2 again urge my colleagues to vote against this  
3 bill. It's plain and simple unfair.

4 ACTING PRESIDENT KUHL: Senator  
5 Paterson, why do you rise?

6 SENATOR PATERSON: Mr. President,  
7 I actually had two points and Senator Dollinger  
8 must have read my mind. He covered one of them,  
9 but if Senator Hannon would yield just for this  
10 question.

11 ACTING PRESIDENT KUHL: Senator  
12 Hannon, do you yield for a question from Senator  
13 Paterson?

14 SENATOR HANNON: Yes.

15 SENATOR PATERSON: Senator, it's  
16 my understanding that, if we do pass this  
17 legislation, that the bad debt and charity care  
18 pool could wind up in debt as much as \$25  
19 million, so in light of the fact that we passed  
20 through the NYPHRM era that we continue a bad  
21 debt and charity pool. So my question is what  
22 would happen to the deficit, if you acknowledge  
23 that there is one, through the passage of this  
24 piece of legislation?

25 SENATOR HANNON: Senator

1 Paterson, I don't believe that through the  
2 passage of this we would have a deficit the way  
3 the pools are funded, and let me just, in order  
4 to come back to that, address the issue of  
5 fairness that Senator Dollinger raised.

6 The point is from one analysis  
7 you could say you need to have fairness among  
8 and throughout the laboratory provider  
9 community, and I couldn't agree, you know, more  
10 that we should always try to have equity.  
11 However, doing that would only exacerbate the  
12 drain on the pool and, therefore, lead you into  
13 a more and more difficult situation, leading me  
14 to have to say that it would put us into a  
15 deficit.

16 The other part of it is, and why  
17 one should vote for the bill is that the  
18 implementation of this assessment which just  
19 goes right back into the health care system has  
20 been done in such a way that has led to mis  
21 understandings of the system, may well cause  
22 people to have a lack of confidence in the  
23 system, may well cause people to think we are  
24 actually doing a tax when we're not, and so that  
25 this bill, standing alone, allows us to respond

1 to those charges and to say we are trying to put  
2 confidence back in, and that's why I think we  
3 should enact the bill.

4 ACTING PRESIDENT KUHL: Any other  
5 Senator wishing to speak on the bill? Hearing  
6 none, the Secretary will read the last section.

7 THE SECRETARY: Section 10. This  
8 act shall take effect immediately.

9 ACTING PRESIDENT KUHL: Call the  
10 roll.

11 (The Secretary called the roll. )

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

14 THE SECRETARY: Those recorded in  
15 the negative on Calendar Number 1271 are  
16 Senators Breslin, Connor, Dollinger, Gold,  
17 Montgomery, Onorato, Paterson, Rosado, Santiago  
18 and Stachowski. Ayes 46, nays 10.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 Senator Present.

22 SENATOR PRESENT: Mr. President,  
23 is there any housekeeping needs to be done?

24 ACTING PRESIDENT KUHL: There  
25 is. We could return to the order of motions and

1 resolutions, Senator, and we will. Chair  
2 recognizes Senator Holland for some motions.

3 SENATOR HOLLAND: Mr. President,  
4 I wish to call up Senator Farley's bill, Print  
5 Number 7352-B, recalled from the Assembly.

6 ACTING PRESIDENT KUHL: The  
7 Secretary will read.

8 THE SECRETARY: Calendar Number  
9 871, by Senator Farley, Senate Print 7352-B, an  
10 act to amend the Banking Law.

11 ACTING PRESIDENT KUHL: Senator  
12 Holland.

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

16 ACTING PRESIDENT KUHL: Secretary  
17 will call the roll on reconsideration.

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

20 THE SECRETARY: Ayes 56.

21 ACTING PRESIDENT KUHL: Bill is  
22 before the house, Senator Holland.

23 SENATOR HOLLAND: That's  
24 complete.

25 ACTING PRESIDENT KUHL: Bill is

1 restored to the calendar.

2 SENATOR HOLLAND: Thank you.

3 Third reading.

4 ACTING PRESIDENT KUHL: Senator  
5 Holland.

6 SENATOR HOLLAND: On page 42, I  
7 offer the following amendments to Calendar  
8 Number 1164, Senate Print 6602-A, for Senator  
9 Volker, and ask that the said bill retain its  
10 place on the Third Reading Calendar.

11 ACTING PRESIDENT KUHL:  
12 Amendments to Calendar Number 1164 are received  
13 and adopted. The bill will retain its place on  
14 the Third Reading Calendar.

15 Senator Holland.

16 SENATOR HOLLAND: Mr. President,  
17 on page number 11, I offer the following  
18 amendments to Calendar Number 395, Senator  
19 Leibell's bill, Senate Print Number 4141, and  
20 ask that the said bill retain its place on the  
21 Third Reading Calendar.

22 ACTING PRESIDENT KUHL:  
23 Amendments to Calendar Number 395 are received  
24 and adopted. The bill will retain its place on  
25 the Third Reading Calendar.

1                   SENATOR HOLLAND: Mr. President,  
2                   on page number 35, I offer the following amend  
3                   ments to Calendar Number 1047, Senator  
4                   Marcellino's bill, Senate Print 7402, and ask  
5                   that the said bill retain its place on the Third  
6                   Reading Calendar.

7                   ACTING PRESIDENT KUHL:  
8                   Amendments to Calendar 1047 are received and  
9                   adopted, and the bill will retain its place on  
10                  the Third Reading Calendar.

11                  Senator Holland.

12                  SENATOR HOLLAND: Mr. President,  
13                  on page 45, I offer the following amendments to  
14                  Calendar Number 1246, Senator Skelos' bill,  
15                  Senate Print 6416, and ask that the said bill  
16                  retain its place on the Third Reading Calendar.

17                  ACTING PRESIDENT KUHL:  
18                  Amendments to Calendar Number 1246 are received  
19                  and adopted, and the bill will retain its place  
20                  on the Third Reading Calendar.

21                  Senator Holland.

22                  SENATOR HOLLAND: And Mr.  
23                  President, on behalf of you, please place a  
24                  sponsor's star on Calendar Number 495.

25                  ACTING PRESIDENT KUHL: Calendar

1 Number 495 is starred at the request of the  
2 sponsor.

3 Senator Present, that completes  
4 the housekeeping which was at the desk.

5 SENATOR MONTGOMERY: I have  
6 a -

7 SENATOR PRESENT: I move that we  
8 stand at ease.

9 ACTING PRESIDENT KUHL: Senator  
10 Montgomery, why do you rise?

11 SENATOR MONTGOMERY: Mr.  
12 President, I would like unanimous consent to be  
13 recorded in the negative on Calendar Number  
14 929.

15 ACTING PRESIDENT KUHL: Without  
16 objection, hearing no objection, Senator  
17 Montgomery will be recorded in the negative on  
18 Calendar Number 929.

19 Senator Stavisky, why do you  
20 rise?

21 SENATOR STAVISKY: Mr. President,  
22 I wish also to be recorded in the negative on  
23 Calendar Number 929.

24 ACTING PRESIDENT KUHL: Without  
25 objection, hearing no objection, Senator

1 Stavisky will be recorded in the negative on  
2 Calendar Number 929.

3 Senator Present.

4 SENATOR PRESENT: Mr. President,  
5 I will move that we stand at ease and await the  
6 report of the standing Committee on Rules.

7 ACTING PRESIDENT KUHL: The  
8 Senate will stand at ease awaiting the report of  
9 the Rules Committee.

10 (The Senate stood at ease from  
11 1:32 to 1:46 p.m.)

12 ACTING PRESIDENT KUHL: The  
13 Senate will come to order. Ask the members to  
14 take their chairs.

15 Senator Marchi.

16 SENATOR MARCHI: May we please  
17 return to reports of standing committees, and I  
18 believe that there is a report of the Rules  
19 Committee at the desk.

20 ACTING PRESIDENT KUHL: There  
21 is. We will return to the order of reports of  
22 standing committees, ask the Secretary to read  
23 the report of the Rules Committee which is at  
24 the desk.

25 THE SECRETARY: Senator Bruno,

1 from the Committee on Rules, reports the  
2 following bills:

3 Senate Print 210, by Senator  
4 Kuhl, an act to amend the Education Law;

5 1273, by Senator Stachowski, an  
6 act to amend the General Municipal Law;

7 1276-B, by Senator Farley, an act  
8 to amend the Education Law;

9 2393-A, by Senator Rath, an act  
10 to amend the Executive Law and the State Admin  
11 istrative Procedure Act;

12 2464-B, by Senator LaValle, an  
13 act to amend the General Obligations Law;

14 3549-B, by Senator Saland, an act  
15 to amend the Retirement and Social Security Law;

16 3811, by Senator Wright, an act  
17 to amend the Tax Law;

18 4290, by Senator Santiago, an act  
19 directing the Commissioner of Social Services;

20 4492-A, by Senator Maziarz, an  
21 act to amend the General Municipal Law;

22 5029-A, by Senator Farley, an act  
23 to amend the Banking Law;

24 5358-B, an act by Senator Wright,  
25 an act to amend the County Law;

1                   5446, by Senator Montgomery, an  
2 act to amend the Emergency Tenant Protection  
3 Act;

4                   6184, by Senator Kuhl, an act to  
5 amend the Private Housing Finance Law and  
6 Chapter 596 of the Laws of 1995;

7                   6509, by Senator Rath, an act to  
8 amend the Real Property Tax Law;

9                   6552-A, by Senator Skelos, an act  
10 to amend the State Finance Law;

11                   6636, by Senator Meier, an act in  
12 relation to the creation;

13                   6659-A, by Senator Seward, an act  
14 to authorize Robert M. Foster;

15                   6675, by Senator Alesi, an act to  
16 amend the General Business Law;

17                   6735, by Senator Balboni, an act  
18 to amend the Insurance Law;

19                   6754, by Senator Saland, an act  
20 to amend the Retirement and Social Security Law;

21                   6812, by Senator Volker, an act  
22 to amend the Civil Practice Law and Rules;

23                   6993, by Senator Maltese, an act  
24 to amend the Real Property Law;

25                   7052, by Senator Volker, an act

1 in relation to allowing;

2 7097, by Senator DeFrancisco, an  
3 act to amend the General Municipal Law;

4 7165-A, by Senator Farley, an act  
5 to authorize the city of Schenectady;

6 7187, by Senator Holland, an act  
7 to amend the General Municipal Law;

8 7310, by Senator Saland, an act  
9 to permit the re-opening;

10 7420, by Senator Seward, an act  
11 in relation to granting;

12 7456, by Senator Wright, an act  
13 to amend the Real Property Tax Law;

14 7468-A, by Senator Lack, an act  
15 to amend the Judiciary Law and the State Finance  
16 Law;

17 7472, by Senator Skelos, an act  
18 authorizing the assessor;

19 7491, by Senator Stafford, an act  
20 to amend the Tax Law;

21 7514, by Senator Goodman, an act  
22 to amend the Tax Law and the Administrative Code  
23 of the city of New York;

24 7538, by Senator Velella, an act  
25 to amend the Administrative Code of the city of

1 New York;

2 7549, by Senator Stafford, an act  
3 legalizing and ratifying;

4 7566, by Senator Skelos, an act  
5 to amend the Penal Law;

6 7586-A, by Senator Marcellino, an  
7 act to amend the Town Law;

8 7589, by Senator Balboni, an act  
9 to amend the Domestic Relations Law;

10 7594, by the Senate Committee on  
11 Rules, an act to amend the New York State  
12 Printing and Public Documents Law;

13 7606, by Senator Balboni, an act  
14 to amend Chapter 602 of the Laws of 1993;

15 7612, by Senator Johnson, an act  
16 to amend the Public Authorities Law;

17 7616, by Senator Velella, an act  
18 to amend the Insurance Law.

19 All bills ordered direct for  
20 third reading.

21 ACTING PRESIDENT KUHL: Senator  
22 Marchi.

23 SENATOR MARCHI: Mr. President, I  
24 move to accept the report.

25 ACTING PRESIDENT KUHL: Motion is

1 to accept the report of the Rules Committee.

2 All those in favor signify by saying aye.

3 (Response of "Aye.")

4 Opposed nay.

5 (There was no response. )

6 The Rules report is accepted.

7 Bills ordered directly to third reading.

8 Senator Marchi.

9 SENATOR MARCHI: Is there any  
10 housekeeping?

11 ACTING PRESIDENT KUHL: The desk  
12 is clean, Senator Marchi.

13 SENATOR MARCHI: Wonderful.  
14 There being no further business, I move we  
15 adjourn until Thursday, June 11th, at (ten  
16 hundred) 1000 a.m.

17 ACTING PRESIDENT KUHL: Without  
18 objection, the Senate stands adjourned until  
19 tomorrow, Thursday, June 11th, at 10:00 a.m.  
20 Note the time change, 10:00 a.m.

21 (Whereupon at 1:51 p.m., the  
22 Senate adjourned.)

23

24

25