NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 3, 1999

3:03 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. I ask everyone present to please rise and repeat with me the pledge of allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

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

(Whereupon a moment of silence was observed.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 2nd. The Senate met pursuant to adjournment. The Journal of Saturday, May 1st was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Wright.

SENATOR WRIGHT: Madam President, on behalf of Senator Saland, please remove the sponsor star from Calendar Number 36.

THE PRESIDENT: So ordered.

SENATOR WRIGHT: Madam President, on behalf of Senator Volker, I move to recommit Senate Print 2867, Calendar Number 741, on order of Second Report to the Committee on Codes with instructions to said committee to strike the enacting clause.

THE PRESIDENT: So ordered.

SENATOR WRIGHT: Thank you.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Hannon on page 45 I wish to offer the following amendments to Calendar Number 667, Senate Print 4376, and I ask that that bill retain its place on the

Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

SENATOR FARLEY: On behalf of Senator Saland, on page 35, I offer the following amendments to Calendar Number 530, Senate Print 3985, and I ask that that bill retain its place.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

SENATOR FARLEY: Thank you. On behalf of Senator DeFrancisco, on page 45, I offer the following amendments to Calendar Number 664, Senate Print 4416, and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there is a privileged resolution at the desk by Senator DeFrancisco.

I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 1205, honoring the Scienta Chapter of the National Honor Society at West Genesee Senior High School, Camillus, New York, for their participation in the 1999 49th Senate District "Good News! Good Kids Youth responsibility program.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DEFRANCISCO: Thank you, Madam President. We do have this group of fine young people with us today, and it is the last of the three groups that we honor each year. This is the senior high school group that is from my district. I mention it each time that I come to the floor that unfortunately in our day and age we only hear the negative things about young people. And this program was designed in order to promote and also recognize the wonderful things that

our students do in our society.

This is a group of the Scienta Club of West Genesee High School, the Honor Society, who actually as part of their projects for this year had a community service project where they not only advertised by getting public service announcements placed on the radio and TV, but also went into other classes in their school, sought contributions from other locations including churches and the like to find warm clothing for those in need.

They were able not only to find that clothing, they found 500 coats that they labeled for size and boxed and distributed to people less fortunate than we are. It is a wonderful program. It is a wonderful group of people doing the right thing and we salute all of you and we thank you for your fine work and we're sure that you are going to be the leaders of the future.

Congratulations.

THE PRESIDENT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is a resolution at the desk that had been previously adopted by Senator Maziarz. Can I ask that it now be read in its entirety and move for its -

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 1174, memorializing the Honorable George E. Pataki to proclaim the week of May 3 through 7, 1999, Elder Abuse Awareness Week in New York State.

Whereas, the millions of elder citizens residing in the State of New York have contributed to the general welfare of the State by helping to preserve the customs, convictions and traditions of the many ethnic backgrounds of the citizens of New York State, and

Whereas, the more than three million residents of New York State considered to be elder citizens are vital and integral members of our society, the wisdom and experience of elder citizens have enriched the lives of young people of our State. Elder abuse in domestic and institutional settings is a widespread problem, effecting hundreds of thousands of elderly people across the country; and

Whereas, it has been estimated that there are over 1.8 million abused elders in the United States in 1996, estimates report that elder abuse effects approximately 30,000 New Yorkers every year.

Because elder abuse is still largely hidden under the shroud of family secrecy, elder abuse is grossly under reported. Elderly people who are being abused find it very difficult to tell anyone. They are usually ashamed and sometimes afraid; and

Whereas, only one out of 14 domestic elder abuse incidences come to the attention of authorities, the 30,000 domestic elder abuse cases reported to New York adult

protective service and aging agencies represent the tip of the iceberg and the number of elder abuse cases is growing every year; any elderly person may become the victim of abuse; males and females of any income level, any cultural or ethnic group, persons in good health or persons incapacitated in some way may be abused by someone close to them; elder abuse is not only happening in poor neighborhoods but also in suburbia and in some of the most upstanding families.

The abusers can be anyone, but they are most commonly family members with whom the abused person is living. Studies have estimated that over half the elderly people reported to have been abused were living with the persons who abused. The physical abuse, mental anguish and financial exploitation too many elderly people are enduring diminishes us as a civilized society; and

Whereas, the Legislators of New York State have been studying and reviewing this outrage through hearings across New York State and are determined to find a solution that will provide increased protection and

services to the elder citizens of New York State; now, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to memorialize The Honorable George E. Pataki to proclaim the week of May 3 through 7, 1999, as Elder Abuse Awareness Week in New York State; and be it further

Resolved, that a copy of this Resolution, suitably engrossed, be transmitted to The Honorable George E. Pataki, Governor of New York State.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you, very much, Madam President.

It is a pleasure to rise today and to support this resolution declaring the second annual Elder Abuse Awareness Week in the State of New York. I am joined by the former chairs of the Senate Aging Committee, Senator Farley and Senator Skelos, and ask and invite everyone to stop sometime tomorrow in the concourse area where the State Office of the Aging, the Medical Society of the State of New York, the Brookdale Center on Aging, Walk

the Walk from Queens, Life Span from Rochester, the District Attorneys Association of the State of New York, Victim Services, the Attorney General's office will all have informational displays and tables set up and with personnel there to talk about the problem of elder abuse across the State of New York and what we can do as residents and citizens, as parents and children and grandchildren to recognize elder abuse and what to do about that abuse.

So, Madam President, I would invite all of my colleagues to sign onto this resolution and thank you, very much.

THE PRESIDENT: This resolution was previously adopted on April 27th.

Senator Bruno.

SENATOR BRUNO: Madam President, can we ask for an immediate meeting of the Water Resources Committee in the Senate Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Water Resources Committee in the Majority Conference Room.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

Can we take up the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 227, by Senator Skelos, Senate Print 904-A, an act to amend the General Municipal Law, in relation to extending the deadline.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 270, by Senator Saland, Senate Print 1828, an act to amend the Social Service Law, in relation to allowing regional state park police.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 271, by Senator Saland, Senate Print 1829, an act to amend the Social Services Law, in relation to disclosure of certain information.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 273, by Senator Saland, Senate Print 2721, an act to amend the Family Court Act, in relation to procedures for the temporary removal of a

child with consent.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Aye 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 335, by Senator Bonacic, Senate Print 3792, an act to amend Chapter 514 of the Laws of 1983, amending the Private Housing Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 391, by Senator Padavan, Senate Print 1502, an

act to amend the Social Services Law and the Education Law, in relation to mental health services.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 418, by Senator Balboni, Senate Print 2267, an act to amend the Penal Law, in relation to establishing a new crime.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Aye 52.

THE PRESIDENT: The bill is

passed. Senator Paterson.

SENATOR PATERSON: Madam President, we have a "No" vote on the last bill.

THE SECRETARY: In relation to Calendar Number 418, ayes 51, nays 1. Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 442, by Senator Libous, Senate Print 3465, an act to amend the Mental Hygiene Law, in relation to mental hygiene medical review board.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 450, by Senator Larkin.

SENATOR WALDON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 471, by Senator Holland, Senate Print 3513, an act relating to the period of probable usefulness.

THE PRESIDENT: There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Aye 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 531, by Senator Saland, Senate Print 3987, an act to amend the Family Court Act and the Criminal Procedure Law, in relation to family offenses.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 542, by Senator Saland, Senate Print 1830, an act to amend the Penal Law, in relation to establishing a presumption relating to custodial interference.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator DeFrancisco, to explain your vote.

SENATOR DEFRANCISCO: I'm going to vote no and I would like to explain the vote.

This basically is important, I would imagine, with respect to custodial interference because in many instances it may

be almost impossible to prove that the individuals received services. But one of the basic tenets of our society is the right to due process. And to suggest that a defendant has to come backward and prove that he was not served I think is a very, very risky proposition.

In other words, under this bill if the service, manner of service is by nail and mail, where you nail it at the location and then mail thereafter, under this bill there would be an irrebuttable presumption that somehow that person had notice of these proceedings. I think that is stretching the law much too far and I think it denies a respondent due process so I'm going to vote no.

THE PRESIDENT: Senator DeFrancisco, you will be so recorded as voting in the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 542 are Senators DeFrancisco, Montgomery, and Smith.

Ayes 49, nays 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 547, by Senator Velella, Senate Print 2352, an act to amend the Criminal Procedure Law, in relation to the commission of crimes against children.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Aye 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 582, by Senator McGee, Senate Print 4069.

SENATOR BRUNO: Lay the bill aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 585, by Senator Maziarz, Senate Print 2124, an

act to amend the Tax Law, in relation to extending the expiration of the authorization granted.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 623, by Senator Nozzolio, Senate Print 2125-A, an act to amend the County Law, in relation to the duties of the district attorney of Seneca County.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 665, by Senator DeFrancisco, Senate Print 4417, an act to amend the Parks Recreation and Historic Preservation Law, in relation to the penalty for violations of such law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Aye 52.

THE PRESIDENT: The bill is passed.

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

SENATOR MONTGOMERY: Madam President.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you. I would like unanimous consent to be recorded in the negative on Calendar Number 270.

THE PRESIDENT: Calendar number what?

SENATOR MONTGOMERY: 270.

THE PRESIDENT: 270?

SENATOR MONTGOMERY: Yes.

THE PRESIDENT: Without objection

you will be so recorded as voting in the negative on Calendar Number 270.

Senator Skelos.

SENATOR SKELOS: If we could take up the controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 450, by Senator Larkin, Senate Print 2044, an act to amend the business corporation law, in relation to requiring.

SENATOR WALDON: An explanation, please.

THE PRESIDENT: Senator Larkin, an explanation has been requested.

SENATOR LARKIN: Yes, Madam President.

This is a bill that we passed last year in this house, 54 to 6. This bill is designed as a first step, modeling with the Federal government, for New York State to take -- to address the issue of internet gambling. We hear a lot about internet gambling. We hear a lot about the internet.

This legislation basically requires

internet gaming companies who send their signal over the web into New York to file an application with the Secretary of State's office as a foreign company doing business in New York.

The collection of information through this message will allow the State to learn more about internet gaming, web site operation, including information about the location, business address and types of company. We believe this is a first step.

Right now it is estimated that in the year 2000 internet gambling will be worth somewhere between $40 and $50 billion.

THE PRESIDENT: Senator Waldon, on the bill.

SENATOR WALDON: I will defer to the leader, if he wishes to go first, Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: No, Madam President, I will defer to Senator Waldon.

THE PRESIDENT: Read the last section.

Senator Waldon on the bill.

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

Senator Larkin, has anything changed in the basic structure of this proposal from last year?

SENATOR LARKIN: We made some just general language change, trying to model it after what we hope some day will be a Federal legislation by Senator Kyle from Arizona. But this information that is in here is all that you and I talked about at last year's committee meeting and this year's committee. We structured it in a way members said they had some questions. The questions were mainly by Leichter and Gold, one by you and one by Senator Dollinger. And those issues were addressed.

SENATOR WALDON: Thank you, very much, Senator. Madam President, may I continue? Will the gentlemen continue to yield?

THE PRESIDENT: Senator Larkin, do you continue to yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Waldon.

SENATOR WALDON: Thank you, Madam President.

Senator, if you recall, last year my concern was how do we effectively move against this corporation that is functioning out of New York State? How can we actually serve them properly so that we have them under our jurisdiction? That is the question from last year. Has it changed for this year?

SENATOR LARKIN: I think a better example, rather than just gambling was on the news yesterday all day yesterday on the radio, was through an internet a youngster, using his family's internet ran up a bill of a million dollars on buying VanGogh paintings and something else.

I think what we are saying here on the internet gambling is we're trying to get an idea of where this all is taking place. Gambling in the State of New York, through the internet or casino type, is illegal. But what we need to do is get a handle on what we are dealing with. Federal government has promised

us three years ago that they were going to do something about it. We talked to people who are interested in casinos, and their business, they are going to go to the internet. They are off shore doing it and they are taking money out of our state and out of our people and we have no way physically to try to identify them or try to protect our people who may be involved in this gambling.

SENATOR WALDON: Thank you, very much Senator.

Madam President, if I may, on the bill.

THE PRESIDENT: On the bill, Senator.

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

Senator, I don't see any change from your explanation from last year in terms of how we will be able to effectively move against this corporation and so I can't change my position. We discussed this bill in committee, and as you know I am a very strong supporter of gambling on behalf of our State, our getting our fair share of the gambling

revenue and all of the things which will put New York State in a better position. I don't see this doing that, so most respectfully again will disagree with you. I will vote no and I encourage my colleagues to do the same.

Thank you, very much, Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Larkin would yield for a question.

THE PRESIDENT: Senator Larkin, do you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator.

SENATOR PATERSON: Senator, putting aside gambling for a second, how does New York State compel a foreign corporation to register in New York State, just as a law, for anything? How can we force a foreign corporation to register in New York State?

SENATOR LARKIN: We can't force them. We can ask them. As I said, we have

been trying to establish a position for ourselves and our State against this where they are coming into our State. Senator Waldon said that he is a proponent of gambling. I believe in the casinos too, but we had a chance and we failed here, but here's a chance for us to at least identify where the source of the problem is coming from and maybe we can address something and we are asking them to register with the state. The Secretary of State will take these and will be able to have a data base of where it is going on and to what extent it is going on and what part of our State is being effected most directly.

SENATOR PATERSON: Thank you, Senator Larkin.

Madam President, if the Senator will continue to yield.

THE PRESIDENT: Senator, do you continue to yield, Senator Larkin?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Madam President, under the commerce clause of the United States Constitution we can not actually mandate, so what Senator Larkin is saying is that we can ask them. But Senator Larkin, knowing the issue as well as you do, it is clear that the people who are providing this gambling service on the internet are not doing it perhaps always in good faith -- I wasn't going to say good faith -- we would certainly say that they are not going to pin themselves down. They are putting this on the internet from places like the Cayman Islands. And they are not going to provide the information that we would want, so even -

THE PRESIDENT: Senator Stachowski, why do you rise?

SENATOR STACHOWSKI: I wanted to ask Senator Paterson a question in the middle of his question, if he would allow me to.

SENATOR PATERSON: I yield, Madam President. I yield with trepidation.

THE PRESIDENT: Pardon me, Senator Paterson, I did not hear you.

SENATOR STACHOWSKI: He said he

would.

THE PRESIDENT: Alright, go ahead.

SENATOR STACHOWSKI: He said it a little longer though.

THE PRESIDENT: Go ahead.

SENATOR STACHOWSKI: Senator Paterson, you wouldn't mind that even though it is against the rules if I mention that for the first time ever I notice Assemblyman Tokasz's mother and father up in the gallery so I wanted to point that out so that they would know that we saw them here and just wanted to say it was nice of them to stop.

Thank you.

THE PRESIDENT: Senator Paterson.

SENATOR LARKIN: If you want me to answer that part, I would glad to because I've been bouncing up and down here.

I think that one of the things we should recognize in here, this state has been asking the Federal government and our legislators from New York to take some specific action. Three years ago Representative Kyle and then two years ago

Congressman Kyle, Senator Kyle, put in legislation to establish it so that the Federal government would be responsible.

We believe by our effort we are encouraging the Federal government to take an issue on something that is spreading throughout the United States and it is causing havoc, as my colleague Frank Padavan would say, to get that compulsive gambler going more and more to another venue. And I think what we are trying to do here is to push and get the Federal government to take action then we at the State won't have to be in this business.

SENATOR PATERSON: Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: I appreciate that answer. I think I would like to say that I agree with Senator Larkin, this is something that does require this redress, but just from the point of view of the issue of legislating and whether or not it is actually possible to do this, if the Senator would yield for one last question.

THE PRESIDENT: Senator Larkin, do you yield for one last question?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: Senator Paterson, one last question.

SENATOR PATERSON: Senator, I would feel a lot more comfortable, quite frankly, if you would offer a resolution memorializing the United States Congress to pass Senator Kyle's legislation as a matter of protection for all American citizens of which New York State residents would be inclusive.

My question is, would you see this as an option that does not get us into the constitutional questions that this bill offers?

SENATOR LARKIN: Well, what you are saying has some merit. But I can tell you that the National Conference of Insurance Legislators which has a triple nickel, which is a gaming stakes, on behalf of the United States, all 50, a resolution was sent to the speaker and a resolution was sent to the majority leader requesting action on Kyle's

bill, and Senator Kyle had addressed the National Conference of Insurance Legislators back last November.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President and thank you, Senator Larkin. On the bill, Madam President, this is an idea that I think is one that might be considered on the Federal level. I think another thing that we might consider is the way in which consumers might be forewarned that they enter into these gambling contracts at their own risk and I think that perhaps the resolution that I suggested would be the best way.

I agree with really everything that Senator Larkin says on the point, but just on the issue of the viability of legislation, the Secretary of the State of New York can not enforce this legislation. There is no way to compel anyone to adhere to it. And just in terms of building a data base I think it would be pretty much ineffective because the lack of the data is coming from those who, quite frankly, are in business and are not interested in providing data. They are not

worried about the individuals who could incur huge personal and family losses engaging in this kind of activity.

So I want to vote against this bill, but with the caveat that this is an issue that I hope Senator Larkin would consider bringing back as a resolution. At that time I would be happy to support it.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those reported in the negative on Calendar 450, Senators Connor, Onorato, Paterson, Rosado, Schneiderman and Waldon.

Ayes 50, nays 6.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 585, by Senator Maziarz, Senate Print 2124, an act to amend the Tax Law, in relation to extending.

THE PRESIDENT: Read the last section.

Senator Breslin.

SENATOR BRESLIN: Through you, Madam President, I only have one question if the sponsor in the will yield.

SENATOR MAZIARZ: Certainly, Madam President.

THE PRESIDENT: Senator Maziarz, will you yield to Senator Breslin?

SENATOR MAZIARZ: Certainly, Madam President.

THE PRESIDENT: Go ahead, Senator Breslin.

SENATOR BRESLIN: I believe that Senator Maziarz can answer the question without me asking it.

SENATOR MAZIARZ: Pardon me?

SENATOR BRESLIN: Is there a home rule message, Senator Maziarz?

SENATOR MAZIARZ: Senator Breslin, the representatives from Orleans County actually were going to drive up here personally and deliver the home rule message, but they know how tough parking is in downtown

Albany, so they mailed it. But the home rule message is here, Senator.

SENATOR BRESLIN: One more question.

THE PRESIDENT: Senator Maziarz, do you yield to one more question?

SENATOR MAZIARZ: Absolutely.

THE PRESIDENT: Go ahead, Senator Breslin.

SENATOR BRESLIN: Be assured, Senator Maziarz, if there's any need for parking we would be more than happy to use mine which I lend to Albany citizens currently.

SENATOR MAZIARZ: Thank you, Senator.

SENATOR BRESLIN: Thank you, very much, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 1.

Senator Gentile recorded in the negative.

THE PRESIDENT: The bill is passed.

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

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

THE PRESIDENT: Yes, there is. Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President.

On page 24 I offer the following amendments to Calendar Number 315, Senate Print Number 2963, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

Senator Skelos, we have some substitutions.

SENATOR SKELOS: Please make the substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 10,

Senator LaValle moves to discharge from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 6280 and substitute it for the identical Second Report Calendar 759.

THE PRESIDENT: The substitution is ordered.

Senator Seward.

SENATOR SEWARD: On behalf of Senator Libous, I wish to call up his bill, Senate Print Number 3465, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 442, by Senator Libous, Senate Print 3465, an act to amend the Mental Hygiene Law.

SENATOR SEWARD: Madam President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored at the Order of Third Reading.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed. Senator Seward.

SENATOR SEWARD: Madam President, I now move to discharge from the Committee on Mental Health and Developmental Disability, Assembly Print Number 7959, and substitute it for that identical bill.

THE PRESIDENT: The substitution ordered.

SENATOR SEWARD: I see my motion continues.

The Senate bill -- I now move that the substitute Assembly bill have its third reading at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 442, by the Assembly Committee on Rules, Assembly Print Number 7959, an act to amend the Mental Hygiene Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Tuesday, May 4th at 3:00 p.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, May 4th, 3:00 p.m.

(Whereupon, at 3:36 p.m., the Senate adjourned.)