NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 10, 1999

3:06 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 recite with me the Pledge of Allegiance.

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

THE PRESIDENT: The invocation today will be given by Reverend Peter G. Young from Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Let us pray. Dear God, as we hear of the many difficulties as Littleton, Colorado and Oklahoma and Kosovo, we call upon all of our Senate members to pray for those that are suffering. We pray too for those that are in this great State that they might be able to be supportive to those that are in need and pray that we will be responsive to their positive opportunity of help.

We ask You this now and forever. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 9th, Senate met pursuant to adjournment. The Journal of Saturday, May 8th 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 McGee.

SENATOR McGEE: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate 639-A on behalf of Senator Nozzolio.

THE PRESIDENT: So ordered.

SENATOR McGEE: Madam President,

amendments are offered to the following Third Reading Calendar bills: On behalf of myself, page 38, Calendar Number 312, Senate Print 3016; on behalf of Senator Nozzolio, page 34, Calendar Number 153, Senate Print 1029.

On behalf of Senator Bonacic, page 36, Calendar Number 261, Senate Print 2324-B.

On behalf of Senator Kuhl, page 45, Calendar Number 494, Senate Prints 3086-A.

On behalf of Senator Marcellino, page number 68, Calendar Number 795, Senate Print 1326-A.

THE PRESIDENT: The amendments are received and the bills will retain their place on Third Reading Calendar.

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

THE PRESIDENT: You are welcome. Senator Skelos, we have some substitutions.

SENATOR SKELOS: I believe there are some substitutions, if we could make them at this time, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 57,

Senator Hannon, moves to discharge from the Committee on Racing, Gaming and Wagering, Assembly Bill 7549-A, and substitute it for the identical Third Reading 677.

On page 6, Senator Rath moves to discharge from the Committee on Higher Education, Assembly Bill 4223, and substitute it for the identical First Report 1054

THE PRESIDENT: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up the non-controversial calendar at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 137, by Senator DeFrancisco, Senate Print 1153-A, an act to amend the Parks, Recreation and Historic Preservations Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 514, by Senator Seward, Senate Print 4072, an act to amend the Town Law, in relation to permitting.

THE PRESIDENT: Read the last section.

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

SENATOR DOLLINGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 557, by Senator Stavisky, Senate Print 3299, an act to amend the Penal Law, in relation to penalties.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 576, by Senator Nozzolio, Senate Print 3773, an act to amend the Correction 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 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 577, by Senator Nozzolio, Senate Print 3775 -

SENATOR DUANE: Lay it aside, please

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 580, by Senator Nozzolio, Senate Print 3782,

an act to repeal Subdivision 9 of Section 500-B.

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 46, nays 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 631, by Senator Seward, Senate Print 4051, an act to amend the County 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 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

664, by Senator DeFrancisco, Senate Print 4416-A, an act to amend the Parks Recreation and Historic Preservation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.).

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Finish the roll call.

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed. Senator Velella.

SENATOR VELELLA: Madam President, here will be an immediate meeting of the Finance Committee in the Majority Conference Room.

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

The Secretary will read.

THE SECRETARY: Calendar Number 677, by Member of the Assembly Member Matusow, Assembly Print 6831, an act to amend the Education Law, in relation to the issuance.

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 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 679, by Senator Seward, Senate Print 4304, an act to amend the Education Law, in relation to license requirements.

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 49.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 683, by Senator Saland, Senate Print 3362, an act to amend the Not-for-Profit Cooperation 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 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 712, by Senator Fuschillo, Senate Print 1090, an act to authorize the Amityville Apostolic Overcoming Holy Church of God to file an application.

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 -

THE PRESIDENT: Senator Dollinger to explain your vote.

SENATOR DOLLINGER: Thank you, Madam President.

THE PRESIDENT: You are welcome.

SENATOR DOLLINGER: I just reiterate, I will vote against 712, 714, 716, 718 and 719, all of these bills -- and I believe 725 as well. All these bills obviously worthy entities that would qualify for property tax exemption because of their charitable not-for-profit status. I do believe we need a major solution to this problem from my colleagues from Nassau County and elsewhere in the State, and I would continue to urge the Nassau delegation and others who are concerned about this notion of not-for-profit agencies qualifying for partial tax exemption, lets do a complete bill that will give assessors the ability to do this on a case by case basis.

I voted against this purely as a matter of protest. I have done it before. I will continue to do it. My colleague, Senator

Cook, used to join me in this but I still think it is the right thing to do to send a message. Lets solve the problem. Take politics out of individual applications. I know it is a great constituent boost. Constituents come to you. They are members of a church. It is a wonderful thing to do. You get lots of praise for doing it. But the thing to do is to solve the problem and I would urge my colleagues, bring forth a bill that provides a systemic solution to this problem in Nassau County and elsewhere in this State.

I will be voting no, Madam President.

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

The Secretary will announce the results.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

714, by Senator Johnson, Senate Print 1134-A, an act to authorize the Bibleway Missionary Baptist Church, Inc., to file an application.

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 50, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 716, by Senator Johnson, Senate Print 2852, an act to authorize Touro College to file an application.

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 50, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 718, by Senator Fuschillo, Senate Print 3807, an act authorizing the assessor of the County of Nassau to accept.

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 50, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 719, by Senator Fuschillo, Senate Print 3879, an act authorizing the assessor of the County of Nassau.

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 50, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 721, by Senator Trunzo, Senate Print 4078, an act to amend the Town Law, in relation to the dissolving and discontinuing.

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 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 722, by Senator McGee, Senate Print 4314, an act to amend the Town Law, in relation to the settlement of claims by certain towns.

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 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 725, by Senator Johnson, Senate Print 4443, an act to authorize the Trinity Lutheran Church to file an application.

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 50, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 728, by Senator Larkin, Senate Print 4625, an act to amend the General Municipal Law, in relation to the establishment.

THE PRESIDENT: There is a home

rule message at the desk. 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 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 738, by Member of the Assembly Weprin, Assembly Print 4575, an act to amend the Civil Practice Law and Rules.

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 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 743, by Senator Wright, Senate Print 3163, an act to amend the Criminal Procedure Law, in

relation to authorizing.

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 PRESIDENT: Senator Duane, to explain your vote.

SENATOR DUANE: Yes, thank you, Madam President.

I am going to cast my vote in the negative on this bill. Originally the teleconferencing for court appearances was a pilot project and we have not seen the results of how the pilot has worked out in the places where it is now permitted. Before we expand the program I think we should see the results of how well this particular program has worked and that's why I am voting in the negative.

THE PRESIDENT: Senator Duane, will be recorded as voting in the negative on this bill.

The Secretary will announce the results.

THE SECRETARY: Ayes 50, nays 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 782, by Senator McGee, Senate Print 3309, an act to amend the Tax Law, in relation to extending.

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 50, nays 2. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 819, by Senator DeFrancisco, Senate Print 2970-A, an act to amend the Insurance Law, in relation to snowmobile liability insurance rates.

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. Senator Dollinger, why do you rise.

SENATOR DOLLINGER: Madam President, I would ask for unanimous consent to be recorded in the negative on Calendar Number 722. I actually think I need to change my vote. I was in discussions with Senator Fuschillo and missed it. I apologize.

THE PRESIDENT: Without objection you will be so recorded as voting in the negative, Senator Dollinger.

SENATOR DOLLINGER: Thank you.

THE PRESIDENT: Senator Velella, that completes the reading of the non-controversial calendar.

SENATOR VELELLA: Madam President, may we now move to the controversial calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 514, by Senator Seward, Senate Print 4072, an act to amend the Town Law, in relation to permitting.

SENATOR DOLLINGER: An explanation, please.

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

SENATOR VELELLA: Madam President, this is Senator Seward's bill, who is not here today and I will do my best to try and explain the bill.

Under the existing law right now, towns are required to disclose the annual accounting prior to January 20th of each year unless they employ an accountant or a town comptroller. This bill would extend to 60 days the benefit of deferring that report to towns that do not employ an accountant or a town comptroller and give them an equal footing. It is an attempt to ease the local municipal administration burden of hiring either an accountant or having a town comptroller put into place and puts them on an

equal footing.

SENATOR DOLLINGER: The explanation is satisfactory, 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 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 577, by Senator Nozzolio, Senate Print 3775, an act to amend the Executive Law, in relation to personal interviews by the Board of Parole.

SENATOR DUANE: Explanation.

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

SENATOR NOZZOLIO: Thank you, Madam President.

My colleagues, this measure adds the use of video teleconferencing as a method of conducting such parole conference interviews. It brings the Parole Board into

the 21st Century by allowing them to, rather than drive literally thousands of miles a week, in all cases traveling throughout the state and conducting the parole hearings, that should there be a potential or an operative potential for using teleconferencing that that would be available as a tool under the law.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Madam President, would the sponsor yield for a couple questions.

THE PRESIDENT: Senator Nozzolio, would you yield to a couple of questions?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: You may proceed with a couple of questions, Senator Duane.

SENATOR DUANE: Thank you. At the committee we discussed briefly the possibility of allowing an inmate to request a live hearing as opposed to having their hearing through a teleconference because sometimes the which personal interaction and the nuances which can occur when people are actually there in person as opposed to over

teleconferencing system may make a difference, and I was wondering whether or not the ability of an inmate to request such a personal appearance either for -- especially for the first time if not each time had been looked into.

SENATOR NOZZOLIO: Madam President, would Senator Duane be so kind as to put that in the form of a question. I really didn't understand what he was asking.

SENATOR DUANE: The way the legislation is now teleconferencing is not something which could be not done. If a incarcerated person wanted to actually make a personal appearance in front of the Parole Board there would be the no way for that to happen now and I was wondering if the possibility of the inmate having the option to request a personal hearing before the Parole Board, including and especially for their first time before the Parole Board had been looked into.

SENATOR NOZZOLIO: No, Senator Duane, it has not. Further research found that other entities like the United States

Court of Appeals for the Second Circuit and other parole entities in other states have allowed -- in other jurisdictions, have allowed video teleconferencing. This has - we have no provisions in the current law for appealing this process and frankly I think it should be up to the Parole Board, not an inmate.

Think of it this way. If an inmate had this loophole in effect, then every single teleconferencing parole hearing that is denied would absolutely then be subjected to an appeal because of this reason. So I think that it would be negating the very aspects of having this as a viable tool to be used for parole reviews.

SENATOR DUANE: Madam President, would the sponsor yield to a follow-up to his response to my question?

THE PRESIDENT: Senator Nozzolio, do you yield to a follow-up question?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Do you have a question, Senator Duane?

SENATOR DUANE: Yes. I was wondering whether or not the Second Circuit though allows for the inmate to request a personal appearance?

SENATOR NOZZOLIO: I'm not certain, Senator.

SENATOR DUANE: I would be interested to know that if that's the model to see whether or not they do allow the inmate to request a personal hearing.

And Madam President, I would like to also add another concern in speaking on the bill.

THE PRESIDENT: On the bill, Senator Duane.

SENATOR DUANE: I'm going to vote no.

While I think a compromise could be that the inmate could request a personal appearance before the Parole Board for all of the nuances which could occur in such a personnel appearance, I also think that it puts the inmate at a disadvantage that if the Parole Board didn't want to have the hearing in person, that if the inmate requested an in

person appearance it might weigh against them because the Parole Board members might be inconvenienced by it, and I think service on the Parole Board should include actually meeting with the inmate so they can get a feel not just through words but in fact by the interaction as to whether or not that inmate deserves to be granted parole.

And because of that I'm going to vote in the negative on this.

THE PRESIDENT: Senator Waldon.

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

Would the gentlemen yield, Senator Nozzolio?

THE PRESIDENT: Senator, would you yield for a question?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Waldon.

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

Senator, are there occasions where the Parole Board will physically be able to

meet with those coming before them despite this tool, this teleconferencing tool? Meaning that the location of the particular parole hearing will occur in a prison setting where people are actually coming up before them?

SENATOR NOZZOLIO: Yes, Madam President, this measures provides teleconferencing as an option to the Parole Board. It does not say that teleconferencing has to be used in every instance. It does not say that teleconferencing any way will be totally supplanting the actual live parole hearings, it just uses it as a tool when, for instance, weather, time constraints, etc, would be an obvious problem.

SENATOR WALDON: Madam President, would the gentleman yield again?

THE PRESIDENT: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Waldon.

SENATOR WALDON: Senator, if I

understand what is proposed here, someone at Coxsackie could be up for parole but the Board at that moment could be meeting at a prison outside of Buffalo but they could teleconference the person that was up for parole review in Coxsackie, which is a great distance away.

Is that possible under what your proposing?

SENATOR NOZZOLIO: Madam President, the measure before us allows the same type of notice provisions to the inmate. It is not something where the inmate is going to be called up and told immediately that teleconferencing will be the operation. The person will have to have the same types of notice as in current statute, a month prior to the date a member of the Board shall have those interviews, a month prior to the parole date so the inmate still has notice that this is going to happen. It is the interview per se that is going to be, the Parole Board will have an option to present teleconferencing to conduct the interview.

SENATOR WALDON: Madam President,

may I ask another question of Senator Nozzolio?

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

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Waldon.

SENATOR WALDON: Senator, I think what you are saying to us, and correct me if I am wrong and along the wrong coarse, is that all of the due process safeguards are inherent in this proposal for those who come up before the Parole Board, that proper notice has to happen, whether or not there is teleconferencing, that all of the available options to the person making application are available, even though it is teleconference; is that correct?

SENATOR NOZZOLIO: Madam President, though the chair, yes, Senator Waldon is correct, that the only issue altered by this statute, by this proposal, is the placement of video teleconferencing as an option to the personal interview. The

interview still must take place. There is still a body of law which regulates and governs the procedure elements of the parole hearing. That is not changed by this proposal. The only thing that is changed or altered by this proposal is the addition of the option, an option to be utilized by the Parole Board when teleconferencing would make appropriate sense for them to use.

SENATOR WALDON: Madam President, would the gentleman yield just a couple more times?

THE PRESIDENT: Senator Nozzolio, do you continue to yield.

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator.

SENATOR WALDON: Thank you, Madam President.

Senator, if I hear what you are saying and from what I have read, this would allow the Parole Board to do a job in a better sense in terms of you can actually bring more people before the Parole Board simply because

teleconferencing capability is there. So instead of having to wait until someone physically arrives at one prison setting to have the parole hearing they can be at a central or at any location and teleconference people in almost like being in the center of a wheel with the spokes going out to the various prisons to conduct the parole hearings.

Is that fairly accurate?

SENATOR NOZZOLIO: Senator Waldon's description of the process is entirely accurate. The parole commissioners in effect ride circuits, going from one prison to the other. It is not the same three member panel that meets together on every hearing at ever prison and in fact it changes on a virtually weekly basis. Assignments are given to parole commissioners and they may have to drive to New York City one day and they may have to go to Attica the next and could end up being in the North Country at one of Senator Stafford's prisons the day after that.

It is an enormously time consuming and expensive proposition when you have commissioners having to move so many places

and so often. So the intent here is to provide this tool to better manage the system and to save dollars certainly would be a good objective as well as time and resources.

SENATOR WALDON: Madam President, if I may, just one or two more questions.

THE PRESIDENT: Senator Nozzolio do you continue to yield?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Waldon.

SENATOR WALDON: Senator, I think what you are telling us with this proposal is that this may prove to be a tremendous, one, cost saving device for parole, and you know, we need to save cost wherever we can. I have not always been on the same page with you in regard to proposals, but I think this is very sound.

Also what you are saying if I hear you right is that there is a safety factor promoted by this proposal, one, we don't have to bring the prisoners from far away places to wherever the parole commission is therefore we

don't create an opportunity for accidents and prisoners perhaps trying to escape, or vice versa forcing the parole commissioners themselves to appear at or repair to a particular prison and if this is during the hard winter season we have saved a lot of wear and tear not only on the commissioners but also on the prisoners.

Last question, if I may. Is there any information in regard to the projected cost savings that would inure to the benefit of everyone, Department of Correctional Services and the Parole Board, parole commission, as a result of this proposal?

SENATOR NOZZOLIO: Madam President, I do not have the operative cost saving potential here for Senator Waldon simply because it is an option and we just don't know at this point how often the option will be utilized.

I had the idea to present this legislation when I visited Riker's Island a few years ago and saw on Riker's that they were doing actual arraignment hearings and other disciplinary or other types of hearing

via the teleconferencing exposure. It made a lot of sense and dollars from a management stand point. I thought that this would make sense.

There will be some initial start up cost of course with the purchasing of the teleconferencing equipment, which today is a lot less expensive than it was yesterday, and the costs continually go down. But once those initial investments are made then the utilization will far exceed the cost savings or the expense of going through it.

SENATOR WALDON: Madam President, I have made a mistake. I needed to ask one more question.

THE PRESIDENT: Senator Nozzolio, do you yield for one more question?

SENATOR NOZZOLIO: Madam President, everyone is entitled to one mistake and I'm sure this is the first one Senator Waldon has ever made so I will certainly be glad to yield to the Senator for this one last question.

THE PRESIDENT: Senator Waldon, one final question.

SENATOR WALDON: That's it, Madam President.

THE PRESIDENT: Go ahead.

SENATOR WALDON: Thank you. What you are proposing, Senator Nozzolio, does it in any way inveigle or interfere with the rights of those who come before the parole commission? Does it do anything which dramatically in a negative sense or at all in a negative sense impacts one rights before the parole commission?

SENATOR NOZZOLIO: In my opinion, Madam President, this does not in any way. It simply allows a tool of modern technology to be brought into this process and utilized in order to save and engage in the cost savings and other savings that we have discussed.

SENATOR WALDON: Madam President, if I may, on the bill.

THE PRESIDENT: Senator Waldon, on the bill.

SENATOR WALDON: Thank you. I think this is a good proposal that Senator Nozzolio has made. I think that the rights of those coming before the parole commission are

protected. I think it is a cost saving device for the State of New York.

I would encourage my colleagues to support it.

Thank you.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, I want to echo. I listened to the debate and the discussion between Senator Waldon and Senator Nozzolio. I also agree this is an idea worth trying. I would only suggest one other minor change if this bill goes to conference with our colleagues across the way, and that is that the one of the critical issues that the Parole Board is often times asked to determine is the sincerity of the potential parolee. And I would suggest that is sometimes a very difficult thing to capture in a video conferencing, and what I would suggest is that if we do this, which I think we should do, I would put a two year study in and ask the Parole Board to come back to us and just tell us whether the video conferencing has effected the ability of

people to be released on parole, because at least through my experience and discussions with people at the Parole Board is that that ingredient, the sincerity of the applicant, the sincerity of trying to measure their commitment to rehabilitation might be an appropriate thing for the Parole Board to evaluate and get back to us on and then we should make this permanent if it does not effect the release rate, so I'll be voting in favor, Madam President.

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 53, nays 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Senate Velella, that completes the reading of the controversial calendar.

SENATOR VELELLA: Madam

President, may we please return to reports of standing committees. I believe there is a report of the Finance Committee at the desk.

THE PRESIDENT: Reports of standing committees, the Secretary will read.

THE SECRETARY: Senator Stafford from the Committee on Finance offers up the following nominations.

As a banking member of the State Banking Board, Thomas Siciliano of Commack.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Thomas Siciliano, Esquire, as a banking member, ranking member, of the State Banking Board. All in favor, signify by saying aye.

(Response of "Aye.").

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: Thomas Siciliano is hereby confirmed as a ranking member of the State Banking Board.

The Secretary will read.

THE SECRETARY: As a public member of the State Banking Board, Michael D. Grosso of Coxsackie.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Michael D. Grosso as a public member of the State Banking Board.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Michael D. Grosso is hereby confirmed as a public member of the State Banking Board.

The Secretary will read.

THE SECRETARY: As a member of the Small Business Advisory Board, Robert M. Frederico, of Mahopac, and Margery Keskin, of Jamesville.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is

on the nomination of Robert M. Federico and Margery Keskin as members of the Small Business Advisory Board.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Allegany State Park, Recreation and Historic Preservation Commissioner, Laureen J. Peterson, of Salamanca.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Laureen J. Peterson as a member of the Allegany State Park, Recreation and Historic Preservation Commission.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, Kevin Seamus Malley, of the Bronx.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Kevin Seamus Malley as a member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission.

All in favor signify by saying aye.

(Response of "Aye.").

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the Higher Education

Services Corporation, Joseph Poerio, of Port Jefferson.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the conformation of Joseph Poerio as a member of the Board of Trustees of the Higher Education Services Corporation.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Advisory Council on Agriculture, Francis M. Moore, of Malone.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Francis M. Moore, of Malone as a member of the Advisory Council on

Agriculture.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As members of the Advisory Council to the Commission of the Quality of Care for the Mentally Disabled, Judy Eisman, of Great Neck, and David Mandel, of Lawrence.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Judy Eisman and David Mandel as members of the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled.

All those in favor, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As members of the Mental Health Services Council, Ruth V. Gaines, of Central Islip; Gregg Modell, of Monticello, and Louis B. Tehan, Jr., of Utica.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Ruth V. Gaines, Gregg Modell and Louis B. Tehan as members of the Mental Health Services Council.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member, Long Island Developmental Disabilities Services Office, Lita Cohen of Belmore.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Lita Cohen as a member of the Board of Visitors of the Long Island Developmental Disabilities Services Office.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member, Pilgrim Psychiatric Center, Barbara G. Roth, of Old Bethpage.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Mover the confirmation.

THE PRESIDENT: The question is on the confirmation of Barbara Roth as a member of the Board of Visitors of the Pilgrim Psychiatric Center.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member, New York State Home for Veterans and Their Dependents at St. Albans, Joseph C. Thomassen, of Douglaston.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Joseph C. Thomassen as a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at St. Albans.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of Sagamore Children's Psychiatric Center, Ninfa S. States, of Great Neck.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Ninfa S. States, as a member of the Board of Visitors of the Sagamore Children's Psychiatric Center.

All those in favor, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member, Sunmount Developmental Disabilities Services Office, Jane DuMoulin, of Tupper Lake.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is

on the confirmation of Jane DuMoulin as a member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: Also Senator Stafford reports the following two bills. Senate Bill 5607, by the Committee on Rules, an act to amend Chapter 15 of the Laws of 1999, and Senate 5608, by the Committee on Rules, an act making appropriations for the support of government. Both bills directly for third reading.

THE PRESIDENT: Without objection, both bills are hereby ordered directly to third reading.

Senator Velella.

SENATOR VELELLA: Madam

President, may we please take up Calendar 1078, 5607.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1078, by the Committee on Rules, Senate Print 5607, an act to amend Chapter 15 of the Laws of 1999, making appropriations for the support of government.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Madam President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, Senator Velella, there is.

SENATOR VELELLA: I move to accept the message of appropriation.

THE PRESIDENT: All in favor of accepting the message of appropriation, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Velella.

SENATOR VELELLA: Madam President, may we please take up Calendar 1079, Senate 5608.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1079, by the Committee on Rules, Senate Print 5608, an act making appropriations for the support of government.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Madam President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, Senator Velella, there is.

SENATOR VELELLA: I move we accept the message of appropriation.

THE PRESIDENT: All in favor of accepting the message of appropriation signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 51, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Velella.

SENATOR VELELLA: Madam President, is there any housekeeping?

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Thank you, Madam President. On page number 66 I offer the following amendments to Calendar Number 780, Senate Print 3265, on behalf of Senator Nozzolio, and ask that said bill retain its

place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received and the bills will retain their place on the Third Reading Calendar.

Senator Velella.

SENATOR VELELLA: Madam President, there being no further business I move we adjourn until Tuesday, May 11th at 3:00 p.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, May 11th, at 3:00 p.m.

(Whereupon, at 3:50 p.m., the Senate adjourned.)