NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 14, 1999

2:09 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to find their chairs, staff to find their chairs and ask everybody in the chamber to please rise and join with me in saying the Pledge of Allegiance to the flag.

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

ACTING PRESIDENT KUHL: In the absence of clergy may we bow our heads in a moment of silence.

(Whereupon a moment of silence was observed.)

ACTING PRESIDENT KUHL: Reading of Journal.

THE SECRETARY: In Senate, Sunday, June 13th. The Senate met pursuant to adjournment. The Journal of Saturday, June 12th, was read and approved. On motion Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Chair recognizes Senate Wright.

SENATOR WRIGHT: Mr. President, on behalf of Senator Bruno, I move to commit Senate Print Number 4060-A, Calendar Number 459 Third Reading to the Committee on Rules.

ACTING PRESIDENT KUHL: Calendar 459 is committed.

SENATOR WRIGHT: On behalf of Senator Bruno I wish to call up Calendar Number 539, Assembly Print Number 8237.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 539, by the Assembly Committee on Rules, Assembly Print Number 8237, an act to amend Chapter 942 of the Laws of 1983.

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: I now move to reconsider the vote by which this Assembly bill was substituted for my bill, Senate Print Number 3934, on June 9th.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: I now move that Assembly Bill Number 8237 be recommitted to the Committee on Rules and the Senate bill be recommitted to Rules.

ACTING PRESIDENT KUHL: So ordered.

SENATOR WRIGHT: Mr. President, on behalf of Senator Saland, I wish to call up Print Number 3815-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 644, by Senator Saland, Senate Print 3815-A,

an act to amend the Family Court Act.

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

SENATOR WRIGHT: I now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

SENATOR WRIGHT: Thank you.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

On behalf of Senator Rath, I wish to call up Calendar Number 860, Assembly Print Number 1474-A.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 860, by Member of the Assembly Tokasz, Assembly Print Number 1474-A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Rath's bill, Senate Print Number 118-A on June 10th.

ACTING PRESIDENT KUHL: The Secretary will read call on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Aye 45.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I now move that Assembly Bill Number 1474-A be recommitted to the Committee on Rules and Senator Rath's Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: So ordered.

SENATOR SEWARD: Mr. President, I now officer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: On behalf of Senator Meier, I wish to call up his bill, Print Number 1028, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 62, by Senator Meier, Senate Print 1028, an act to amend the Education Law.

SENATOR SEWARD: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: The

amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: Mr. President, on behalf of Senator Lack, I wish to call up his bill, Print Number 3644, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 700, by Senator Lack, Senate Print 3644, an act to amend the Lien Law.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I now move to reconsider the votes by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Yes, Mr. President, I now offer the following

amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President, on behalf of Senator Saland, I wish to call up his bill, Print Number 3080, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 316, by Senator Saland, Senate Print 3080, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

SENATOR SEWARD: Mr. President, I

now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Hannon, I offer the following amendments to these bills:

Senator Hannon's bill, page 38, Calendar Number 944, Senate Print 3724-A;

Also Senator Nozzolio, on page 41, Calendar 983, Senate Print 645;

On behalf Senator Volker, on page 41, Calendar Number 991, Senate Print 3453;

On behalf of Senator Volker, on page 441, Calendar Number 994, Senate Print 3521;

On behalf Senator Leibell, page 46, Calendar 1110, Senate Print 5328-A; and;

On behalf of Senator Saland, page 52, Calendar Number 645, Senate Print 4138;

I offer the amendments to these bills and I ask that they retain their place.

ACTING PRESIDENT KUHL: The amendments are received and adopted and the

bills will retain their place on the Third Reading Calendar.

Senate Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Crime Victims, Crime and Corrections Committee in the Majority Conference Room.

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

Senator Skelos, we have a couple of substitutions. Can we make those?

SENATOR SKELOS: Make those substitutions, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 17, Senator Marcellino moves to discharge from the Committee on Rules, Assembly Bill Number 1839 and substitute it for the identical Third Reading Calendar 498.

On page 27, Senator Fuschillo,

moves to discharge from the Committee on Rules, Assembly Bill Number 1931-A, and substitute it for the identical Third Reading Calendar 712.

On page 40, Senator Hannon moves to discharge from the Committee on Rules, Assembly Bill Number 680, and substitute it for the identical Third Reading Calendar 979.

On page 44, Senator Santiago moves to discharge from the Committee on Rules, Assembly Bill Number 121 and substitute it for the identical Third Reading Calendar 1039.

On page 50, Senator Leibell, moves to discharge from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 4497, and substitute it for the identical Third Reading Calendar 1309.

On page 51, Senator McGee moves to discharge from the Committee on Rules, Assembly Bill Number 7938, and substitute it for the identical Third Reading Calendar 1315.

On page 51, Senator Goodman, moves to discharge from the Committee on Rules, Assembly Bill Number 8338-A, and substitute it

for the identical Third Reading Calendar 1317.

And on page 51, Senator Johnson, moves to discharge from the Committee on Rules, Assembly Bill Number 8025-A, and substitute it for the identical Third Reading Calendar 1318.

ACTING PRESIDENT KUHL: Sub stitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 1544, by Senator Gentile, have it read in its entirety, and -- it was previously adopted, so if we could just have it read in its entirety.

ACTING PRESIDENT KUHL: The Secretary will read the previously adopted Resolution 1544, by Senator Gentile, in its entirety.

THE SECRETARY: By Senator Gentile, Legislative Resolution 1544, commemorating the 25th Anniversary of BRAVO Volunteer Ambulance Service, Incorporated.

Whereas, it is sense of this Legislative Body to recognize and comment those organizations of true purpose and worthy

cause whose dedication and commitment are willingly given in service to others; and

Whereas, BRAVO Volunteer Ambulance Service, Incorporated, that will be celebrating 25 years of dedicated service to the community during 1999, in the fall of 1973, Hank Vogt, Chairman of Planning Board 10, took his idea of a volunteer ambulance service to serve the community to the members of the board, the planning meetings for the service started in private homes when the board approved the idea; and

Whereas, a name for the service was needed and what better name could there be than BRAVO, taken from a great American John Wayne moved called Rio Bravo, the acronym would stand for the Bay Ridge Ambulance Volunteer Organization; because there was a Bay Ridge Ambulance Service at the time BRAVO voluntarily was made the official name; the founding officers of BRAVO were: Hank Vogt, President; Richard Calder, Executive Vice President; Barbara Marcello, President; Richard Mikarenda, Second Vice President; First Vice Thomas Meagher, Third Vice

President; William Azar, Fourth Vice President; John Assini, Fifth Vice President; Joseph Kesler, Secretary; Maria Cassolaro, Director; Robert Adamski, Director; Thomas McDonald, Director; and Jack Maguire, Treasurer; and

Whereas, on January 24, 1974, the first open meeting was held in St. Anselm's Parish; the founders presented the purpose of BRAVO to interested community members; it would be a 24 hour a day, free ambulance service to anyone who needed it in the Bay Ridge area; the people supported the concept and 103 applications were filed at the meeting; training classed in CPR and First Aid were held at local churches for anyone interested; a dispatch area and crew lounge were set up and BRAVO was scheduled to be in service by July 1, 1974; on July 4, 1974, BRAVO answered its first call for help; the excited crew transported its first patient to Kings County Hospital; by August 18, 1974, BRAVO began its 24 hour, seven day a week service; on September 28, 1974, a dedication ceremony took place; on October 19, 1974 BRAVO

responded to its 500th call, and by 1978, they would be handling 500 calls each month; in 1975, Myles Davis was elected President of the fast growing organization and he would go on to lead BRAVO through 12 years of progress, making the service better and better and more respected as each year went by; and

Whereas, BRAVO also began a youth squad for teen-agers, age 14 to 18, they were taught First Aid and learned to operate equipment and gain experience and learn the skills of dispatching; in 1976, BRAVO played host and provided medical coverage to the thousands of people who came to Bay Ridge to watch Operation Sail along Shore Road; and

Whereas, in 1977, BRAVO members earned their first coveted stork pins, the crew delivered a baby boy; from 1978 to 1982, the members trained for ambulance and first aid competitions, which proved their commitment and skill; and

Whereas, over the years BRAVO received great financial support from community based organizations of Bay Ridge as well as from private citizens living in the

areas which they serve; in 1986 BRAVO has also had the distinct opportunity to pilot the emergency medical technician defibrillation program in New York State and in 1987 saved the first patient using a semi-automatic defibrillator; the program proved successful and has not been incorporated into every basic emergency medical technician training course; and

Whereas, in 1989, BRAVO responded to its 100,000th call for help, this number was outstanding considering the fact that most volunteer ambulance corp in the State handle approximately 500 calls per year, while BRAVO responds to 500 each month; and

Whereas, BRAVO has also proved to be an asset to the rest of New York City by having assisted after plane crashes, train derailments, building explosions, and the World Trade Center bombing, the members have proved that at a moments notice they could put their lives aside and respond to their neighbor's call for help; and

Whereas, recognizing that such organizations of singular distinction as BRAVO

provide a model for enhancing the quality and dignity of life and that such merit the grateful praise of this Legislative Body and the communities of the State of New York, now, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to commemorate the 25th Anniversary of BRAVO Volunteer Ambulance Service, Incorporated; and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to BRAVO.

ACTING PRESIDENT KUHL: Senator Gentile to speak on the resolution which was previously adopted.

SENATOR GENTILE: Thank you, Mr. President.

It is appropriate that we take this time today to honor this all volunteer community ambulance service on their 25th anniversary. They have become the paradigm and the model of volunteer ambulance service in New York City and I dare say in the State of New York. They are known as BRAVO, the Bay

Ridge Ambulance Volunteer Organization, B-R-A-V-O. And for 25 years they have done more than just help the Brooklyn community of Bay Ridge and Dyker Heights. They have saved lives. They have saved lives in providing free ambulance service to anyone who asks in those communities. The lives of their neighbors in Bay Ridge and Dyker Heights, Brooklyn, and the lives of more people on a wider citywide level when they have participated in major rescue operations after plane crashes or bombings or major fires. But the core, Mr. President, of BRAVO's work is in saving lives in the community in good times and in bad times, 24 hours a day, 365 days a year, providing free ambulance service staffed with highly qualified and trained emergency medical technicians, dispatchers and support personnel.

Today BRAVO has over 200 volunteers and it is an all volunteer crew and responds to over 300 calls each and every month of the year along with Nick Nikolopoulos, the President, Mary Boland, the Vice President of Administration, and Betsy McKenna, the Vice

President of Finance, this is a crew and their organization that dearly needs to be recognized by our State.

Indeed, to sum up, the dedication and honor that it is to be part of this BRAVO organization is aptly reflected in the plaque that hangs over their headquarters. When one enters the doorway above the headquarters, the plaque reads, "Through these portals walk the best damn volunteers in the world." And that is truly what BRAVO is about.

It is an understatement, Mr. President, to say that BRAVO is Bay Ridge's most treasured resource. And so to BRAVO, the Bay Ridge Ambulance Volunteer Organization, I say bravo. Bravo to BRAVO on your 25th Anniversary.

Thank you on behalf of the community and may God bless you in your efforts for many years to come.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Markowitz on the resolution.

SENATOR MARKOWITZ: Thank you, very, very much.

Even though I have not made it to the big time in representing the Bay Ridge community, nonetheless, for those that love that community as I do, especially the restaurateurs can attest to that and many others, if you are going to get sick, God forbid, the chances of your surviving are much greater in Bay Ridge than in most of the other communities in New York. And the reason why is that these fine citizens had a vision 25 years ago that although we pay tax dollars and the City has their ambulance program, the response time necessary when that call comes in in those days to get that person to the hospital left a lot to be desired. And so these good people, no pay, no money, out of their pure hearts, because they recognize their responsibility to help their fellow residents, took it upon themselves to create this dream that today most other ambulance programs in the state begin to continue to look at as the model for the rest of this City and State.

So I know of people whose lives have been saved because of your work and I

have a hunch that when you and those that are associated with BRAVO go home in the evening or in the morning or whenever it is that they finish their tour of service there must be a big smile on their face knowing that their lives have meant an awful lot in helping others live. And as Senator Gentile so ably put it, bravo to BRAVO.

Congratulations.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the non-controversial calendar.

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

THE SECRETARY: Calendar Number 92, by Senator Padavan, Senate Print 1060-A, an act to amend the Vehicle and Traffic Law and the Administrative Code of the City of New York.

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

THE SECRETARY: Section 3. This

act shall take effect 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 95, by Senator Marcellino, Senate Print 830-A, an act to amend the Labor Law, in relation to criminal penalties.

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Alesi, Senate Print 96-B, an act to amend the General Business Law, in relation to altering.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 280, by Senator Skelos, Senate Print 1023-A, an act to establish a business trust law constituting Chapter 4-A of the consolidated laws.

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

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 304, by the Assembly Committee on Rules, Assembly Bill Number 8063-A, an act to amend the Agriculture and Markets Law, in relation to creating.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 376, by Senator Skelos.

SENATOR SKELOS: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 408, by the Assembly Committee on Rules, Assembly Print Number 8113, an act to amend

the Environmental Conservation Law and the Criminal Procedure Law, in relation to the authority.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 451, by Senator Larkin, Senate Print 3035-A, an act to amend the General Municipal Law, in relation to operation of games.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays

two. Senators Dollinger and Padavan recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 472, by Senator Goodman, Senate Print 1105-A, an act to amend the Vehicle and Traffic Law, in relation to requiring.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 519, by Senator Padavan, Senate Print 1788.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

676, by Senator LaValle, Senate Print 3885, an act to amend the Education Law, in relation to tuition assistance program awards.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 720, by Senator Meier, Senate Print 4025, an act to amend the General Municipal Law, in relation to authorizing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 740, by Senator Marcellino, Senate Print 2790-C, an act to amend the Penal Law, in relation to surreptitious.

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

THE SECRETARY: Section 3. This act shall take effect November 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 794, by the Assembly Committee on Rules, Assembly Print Number 8339, an act to amend the Education Law, in relation to permitting.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 797, by Member of the Assembly Weprin, Assembly Print Number 2969-A, an act to amend the General Business Law, in relation to child safety devices.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 821, by Member of the Assembly Grannis, Assembly Print Number 7631-A, an act to

amend the Insurance Law, in relation to clarifying.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 832, by Senator Goodman, Senate Print 3305-A, an act to amend the Local Finance Law, in relation to the sale of bonds and notes.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 869, by Senator Meier, Senate Print 3685, an act to amend the Domestic Relations Law, in relation to confidentiality.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 922, by Senator Stafford, Senate Print 5171-A, an act to authorize the Village of Tupper Lake, County of Franklin.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays one. Senator Morahan recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 950, by Senator Hannon, Senate Print 4591, an act to amend the Public Health Law, in relation to authorizing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1005, by Senate Goodman, Senate Print 778-A, an act to amend the Alcoholic Beverage Control

Law, in relation to certain notice.

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

SENATOR DOLLINGER: Is the bill high? Is the bill high?

ACTING PRESIDENT KUHL: It is not high I am informed by the desk. The calendar is appropriately marked.

SENATOR DOLLINGER: Thank you. Lay the bill aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the acting Minority.

THE SECRETARY: Calendar Number 1025, by Senator Goodman, Senate Print 4282-A, an act to amend the Alcoholic Beverage Control Law, in relation to modifying.

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1042, by Senator Farley, Senate Print 3555-A, an act to amend the Banking Law, in relation to certain powers.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1046, by Member of the Assembly Green, Assembly Print Number 154-A, an act to amend the Banking Law, in relation to subjecting.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1048, by Senator Bonacic, Senate Print 3663-A,

an act to amend Chapter 915 of the Laws of 1982.

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

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

ACTING PRESIDENT KUHL: Call the roll.

THE SECRETARY: Ayes 55, nays one. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Member of the Assembly Tokasz, Assembly Print Number 4223, an act to amend the Education Law, in relation to the composition.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1060, by Senator LaValle, Senate Print 3194, an act to amend the Education Law, in relation to prohibiting.

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

THE SECRETARY: Section 2. This act shall take effect 180 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1097, by Senator Montgomery, Senate Print 1982-A, an act to amend the Penal Law, in relation to requiring.

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

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

November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1102, by Senator Meier, Senate Print 2825-A, an act to authorize the Potsdam School District to finance deficits.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1162, by Senator Rath, Senate Print 5258-A, an act to amend the Public Authorities Law, in relation to the powers of the Monroe County

Water Authority.

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

SENATOR PATERSON: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calender Number 1167, by Senator DeFrancisco, Senate Print 5573-A, an act to approve building aid funds.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1189, by Senator Skelos, Senate Print 4642-B, an act to amend the Vehicle and Traffic Law, in relation to penalties.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1197, by Senator Volker, Senate Print -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1247, by Senator Larkin, Senate Print 5661, an act to amend the Real Property Law, in relation to condominiums.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1274, by Senator Trunzo, Senate Print 2551-C, an act to amend the Education Law, in relation to payment.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Leibell, Senate Print 3136, an act to amend the Retirement and Social

Security Law, in relation to performance.

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1286, by Senator Marchi, Senate Print 4475, an act in relation to authorizing the City of New York to discontinue as park land.

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

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1297, by the Assembly Committee on Rules, Assembly Print Number 8133-A, an act to amend the Environmental Conservation Law, in relation to deer and other wildlife management.

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

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Call the roll.

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1303, by Senator McGee, Senate Print 5788, an act to amend Chapter 533 of the Laws of 1993, amending the Vehicle and Traffic Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1304, by Senator Trunzo, Senate Print 5792, an act to amend the Vehicle and Traffic Law, in relation to a notice.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1307, by Senator Lack, Senator Print 1144, an act to amend the Civil Rights Law, in relation to prohibiting.

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator Larkin, Senator Print 1238-B,

an acted creating a temporary State commission.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1309, substituted earlier today by Member of the Assembly Vitaliano, Assembly Print Number 4497, an act to -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1310, by Senator Paterson, Senate Print 3475, an act to amend the Tax Law, in relation to exclusion of certain earnings.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1311, by Senator Nozzolio, Senate Print 4462-A, an act to amend the Social Services Law, in relation to the annual financial statement.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1312, by Senator Marchi, Senate Print 4476-B, an act in relation to authorizing the City of New York to discontinue the use as parks.

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

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1313, by Senator Bonacic, Senate Print 4499, an act to amend the General Business Law, in relation to advertising.

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

THE SECRETARY: Section 2. This act shall take effect 180 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1315, substituted earlier today by the

Assembly Committee on Rules, Assembly Print Number 7938, an act to amend the Mental Hygiene Law, in relation to priority.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator Stafford, Senate Print 4927-A, an act to amend the State Finance Law and others, in relation to systems of internal control.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1317, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8338-A, an act to amend the Agriculture and Markets Law, in relation to aggravated cruelty to animals.

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

SENATOR DUANE: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1318, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8025-A, an act to amend the Lien Law, in relation to securing a lien.

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1319, by Senator Nozzolio, Senate Print 5501, an act to amend the Not-for-Profit Corporation Law and the Workers' Compensation Law, in relation to the fees.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1320, by Senator Larkin, Senate Print 5675-A, an act to authorize the Commissioner of the Department of Environmental Conservation to transfer and convey.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the reading of the first active list.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Labor Committee in the Majority Conference Room.

ACTING PRESIDENT KUHL: Immediate meeting of the Labor Committee, an immediate meeting of the Labor Committee in the Majority Conference Room, Room 332.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could have a non-controversial reading of the Supplemental Calendar 1.

ACTING PRESIDENT KUHL: The

Secretary will read the non-controversial reading of the supplemental calendar, beginning with Calendar Number 294.

THE SECRETARY: Calendar Number 294, by Senator Spano, Senate Print 2027, an act to amend the Retirement and Social Security Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 329, by Member of the Assembly Grannis, Assembly Print Number 1495-A, an act to amend the Insurance Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

332, by Senator Bonacic, Senate Print 3661-A, an act to amend the Private Housing Finance Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 345, by Senator Lack, Senate Print 3392, concurrent resolution of the Senate and Assembly, proposing an amendment to Article 6 of the Constitution.

ACTING PRESIDENT KUHL: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The resolution is adopted.

THE SECRETARY: Calendar Number 350, by Member of the Assembly Stringer, an act to amend the Surrogate Court Procedure Act.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 365, by Senator Rath, Senate Print 2794, an act to amend the General Municipal Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays

one. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 373, by Senator Saland, Senate Print 2977, an act to amend the Social Services Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 383, by Senator Kuhl, Senate Print 1552-A, an act to amend the Alcoholic Beverage Control Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

399, by Senator Alesi, Senate Print 3483, an act to amend the Economic Development Law.

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

THE SECRETARY: Section 29. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside. Did I hear lay it aside? Senator Dollinger, did you wish that laid aside?

SENATOR PATERSON: Yes.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 413, by Senator Volker, Senate Print 2059, an act to amend the Civil Practice Law and Rules.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 428, by Senator Volker, Senate Print 3435, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 453, by Senator Nozzolio, Senate Print 2064, an act to amend the Vehicle and Traffic Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

473, by Senator Spano, Senate Print 1489-A, an act to amend the Vehicle and Traffic Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: There is a home rule message at the desk, but the bill will be laid aside.

THE SECRETARY: Calendar Number 477, by Senator Trunzo, Senate Print 3820, an act to amend the Vehicle and Traffic Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 498, by Member of the Assembly Weisenberg, Assembly Print 1839, an act to amend the Labor Law.

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 500, by Senator Spano, Senate Print 4359, an act to amend the Workers' Compensation Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 551, by Senator Volker, Senate Print 2936, an act to amend the Civil Practice Law and Rules.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 553, by Senator Skelos, Senate Print 3071-A, an act to amend the Civil Practice Law and Rules.

SENATOR SKELOS: Star the bill.

ACTING PRESIDENT KUHL: Star the bill at the request of the sponsor.

THE SECRETARY: Calendar Number 568, by Senator Trunzo, Senate Print 4250-A, an act to amend the Highway Law and the Public Authorities Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 599, by Senator LaValle, Senate Print 4266-A, an act to amend the Education Law and Retirement and Social Security Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 618, by Senator McGee, Senate Print 4329, an act to amend the General City, Town Law and the Village Law.

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

THE SECRETARY: Section 4. This act shall take effect on the first day of the year next succeeding the year in which it becomes a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 628, by Senator LaValle, Senate Print 3252, an act to amend the General Municipal Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 633, by Senator Rath, Senate Print 4436-A, an act to amend the Volunteer Fire Fighters Benefit Law and the Volunteer Ambulance Workers Benefit law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Skelos, Senate Print 13-B, an act to amend the Vehicle and Traffic Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 637, by Senator Trunzo, Senate Print 4199, an act to amend the Transportation Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 638, by Senator Trunzo, Senate Print 4200, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Stafford, Senate Print 4042, an act to amend the Environmental Conservation Law and the County Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 660, by Senator Seward, Senate Print 4381-B,

an act creating the temporary advisory panel on health care billing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 662, by Senator DeFrancisco, Senate Print 3868-B, an act to amend Chapter 912 of the Laws of 1920.

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

THE SECRETARY: Sections 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 663, by Senator DeFrancisco, Senate Print 4385, an act to amend Chapter 912 of the Laws of 1920.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 678, by Senator Wright, Senate Print 4161-A, an act in relation to authorizing the conveyance of certain real property of the State of New York.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 690, by Senator Marcellino, Senate Print 2791, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 712, substituted earlier today by member of the Assembly Sweeney, Assembly Print 1931-A, an act to authorize the Amityville Overcoming Holy Church of God.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 719, by Senator Fuschillo, Senate Print 3879-A, an act authorizing the assessor of the County of Nassau to accept an application for exemption.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Dollinger recorded in the

negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 734, by Senator Velella, Senate Print 1518, an act to amend the Penal Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Padavan, Senate Print 1564, an act to amend the Penal Law.

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 749, by Member of the Assembly Stringer, Assembly Print 1738-A, an act to amend the Penal Law and the Environmental Conservation Law.

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

THE SECRETARY: Section 5. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

THE SECRETARY: Ayes 56, nays 2. Senators Seward and Wright recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 755, by Senator Maltese, Senate Print 795, an act to amend the Executive Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 759, by Member of the Assembly Englebright, Assembly Print 6280, an act to amend the Executive Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 768, by Senator Trunzo, Senate Print 4269, an act to amend the Vehicle and Traffic Law.

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

THE SECRETARY: Section 3. This act shall take effect in 90 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 769, by Senator Johnson, Senate Print 4284, an act to amend the Vehicle and Traffic Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 773, by Senator Trunzo, Senate Print 4413, an act to amend the Public Authorities Law and Chapter 774 of the Laws of 1950.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 795, by Senator Marcellino, Senate Print 1326-C, an act to amend the General Business Law and the Public Health Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 805, by Senator Leibell, Senate Print 2893, an act to amend the Retirement and Social Security Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 809, by Senator Larkin, Senate Print 3731, an act to amend the Retirement and Social Security Law, in relation to interest.

SENATOR PATERSON: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 811, by Senator Leibell, Senate Print 4470, an act to amend the Retirement and Social

Security Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 812, by Senator Meier, Senate Print 4867-A, an act to amend the Retirement and Social Security Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 823, by Senator Hoffmann, Senate Print 4204, an act to amend the Agriculture and Markets Law and the Real Property Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 857, by Senator Farley, Senate Print 4650-A, an act to amend the Education Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 874, by Senator Lack, Senate Print 4686, an act to amend the Family Court Act.

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

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 888, by Senator Johnson, Senate Print 2812, an act to amend the Public Authorities Law.

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: If I could just interrupt for a moment, there will be an immediate meeting of the Higher Education Committee in the Majority Conference Room.

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

The Secretary will continue to read the non-controversial supplemental active list.

THE SECRETARY: Calendar Number 907, by Senator Rath, Senate Print 4206-A, an act to amend the Real Property Tax Law.

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

THE SECRETARY: Section 2. This act shall take effect September 1st, 1999.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 920, by Senator Rath, Senate Print 5114-A, an act to amend the Real Property Tax Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 932, by Senator Saland, Senate Print 4826-A, an act to amend the Social Services Law.

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

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 946, by Senator Hannon, Senate Print 4012, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 971, by Senator Marcellino, Senate Print 4157, an act to amend the Environmental Conservation Law.

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

THE SECRETARY: Section 13. This act shall take effect January 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 993, by Member of the Assembly Seddio, Assembly Print 7158, an act to amend the Civil Practice Law and Rules.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Lack, Senate Print 3592, an act to amend the Civil Rights Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 998, by Senator Hoffmann, Assembly Print 4259-A, an act to amend the Penal Law and the Criminal Procedure Law.

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

THE SECRETARY: Section 5. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1002, by Senator Rath, Senate Print 5260, an act to amend the Labor Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator Goodman, Senate Print 4036, an act to amend the Public Officers Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1016, by Senator Goodman, Senate Print 4037, an act to amend the Alcoholic Beverage Control Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1017, by Senator Goodman, Senate Print 4038, an act to amend the Alcoholic Beverage Control Law.

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1020, by Senator Stafford, Senate Print 4122, an act to amend the Tax Law, in relation to mortgage recording tax in Warren County.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Wright, Senate Print 1478-A, an act to amend the Real Property Tax Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1040, by Senator Farley, Senate Print 3551-A, an act to amend the Banking Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1043, by the Assembly Committee on Rules, Assembly Print 8212, an act to amend the Banking Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1141, by Senator Stafford, Senate Print 733-A, an act to amend Chapter 466 of the Laws of 1995.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I would request unanimous consent to be recorded in the negative on Calendar 690, Senate Print 2791.

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senator DeFrancisco will be recorded in the negative on Calendar 690.

Senator Skelos.

SENATOR SKELOS: If we could now go to the controversial calendar on the active list.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar on the first active list.

THE SECRETARY: Calendar Number 519, by Senator Padavan, Senate Print 1788, an act to amend the State Finance Law, in relation to contracts.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation has been requested by Senator Dollinger.

SENATOR PADAVAN: Senator Dollinger, you asked for an explanation last year and I am going to give you exactly the same one.

Many years ago we passed a bill which was referred to as the Mini Brooks Bill, patterned after a federal statute that allowed

government agencies to negotiate a price and also in the process to determine that the low bidder was the best qualified bidders to insure both a combination of low cost and highest quality. That has worked extremely well for many, many years.

However, not included were public benefit corporations in the State of New York. This bill would include public authorities and public benefit corporations who would be required to follow the same procedure as do State agencies currently.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: If the sponsor would yield to just a couple questions?

ACTING PRESIDENT KUHL: Senator Padavan do you yield to a question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: I did ask for this explanation, Senator Padavan, and I appreciate it. I think it may be word for

word the exact same explanation you gave me last year. One thing that I am concerned about is that the Power Authority this year has entered a memorandum in opposition which raises a question about the fiscal benefits of the change from a public bidding to a qualification based selection process.

I was wondering if you had any reaction to that memorandum?

SENATOR PADAVAN: I am looking in my folder and I don't see a copy of it. We are unaware of it.

Senator, this bill reminds me of an astronaut who was asked, as he was sitting on the top of a rocket ready to be flung out into space and someone said, "How do you feel?" He said, "How would you feel if you were sitting on top of thousands of pounds of hardware, each part of which was provided by the lowest bidder?"

And I think that relates to this bill. However that memo is something I'm not aware of.

SENATOR DOLLINGER: The reason, through you Mr. President, the reason, Senator

Padavan, I raise that question is because while, your comment about the astronauts perhaps apropos in some respects, nonetheless, we have had a pretty good record shooting people up into space and having them come back down based on the lowest possible bidder. They get there, they come back.

SENATOR PATERSON: Ever since that accident of many years ago, they have changed their procedures.

SENATOR DOLLINGER: There was, as you know, a tragic mishap, but my question is, is there any evidence or any report by the comptroller or someone else that suggests that this qualification based approach, which I know is becoming more and more of a popular trend, that it actually produced the kind of cost savings?

SENATOR PATERSON: The proof in the pudding is there. Every State agency for the State of New York has been following this procedure for years ever since I passed that bill a decade or more ago. And it has produced quality as well as a minimal cost, meaning they are not paying more than they

should.

When we travel around the state and drive over a bridge, whether it is on the Thruway or some other place, we want to be assured that, yes, the taxpayers got the most for their money, but also that bridge is going to be there for a long time.

So the fact that the State agencies have used this and worked with this for well over a decade would indicated that it is the right thing to do, and why a public benefit corporation or an authority should not follow that same procedure just does not make sense.

SENATOR DOLLINGER: Thank you, Mr. President. I want to thank Senator Padavan for his explanation.

I voted for this bill in the past and I think I am going to vote for it again. I do however continue to have concerns about the departures from the public bidding process, especially with respect do professional services, and I think one of the dangers, one of the things we have to keep our eye on is not just the issue of cost but the potential for manipulation that the lowest

possible bidder, that whole theory was designed to remove to some extent politics out of the process of government procurement. This bill steps away from that. I know that the other departments of the Executive have done that, but I think we need to keep our eye on it and make sure that there is a strong justification when we depart from the public bidding laws.

ACTING PRESIDENT KUHL: Senator Dollinger, I just would remind you that it's difficult for the stenographer to pick up your conversation when you turn away from the microphone.

SENATOR DOLLINGER: I know, Mr. President. That is why I quite haven't gotten comfortable in this chair. I liked that one over there where my back was to no one.

ACTING PRESIDENT KUHL: If you would like to move over there, Senator, that is perfectly okay with me.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Thank you.

SENATOR DOLLINGER: Thank you. Read the last section.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Mr. President, on the supplemental active list, would you please call up Senator Padavan's bill, Calendar Number 735?

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 735.

THE SECRETARY: Calendar Number 735, by Senator Padavan, Senate Print 1564, an act to amend the Penal Law, in relation to the piercing and branding of the body.

SENATOR DUANE: Explanation.

ACTING PRESIDENT KUHL: Senator

Padavan, an explanation has been requested by Senator Duane.

SENATOR PADAVAN: This bill precludes body piercing on a child under the age of 18 with the exception of ears and would also provide as a part of the law that a person is guilty of unlawful body marking knowing that a person is intoxicated or under the influence of drugs when he tattoos, brands or pierces the body of a person.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Would the sponsor yield to a couple questions?

ACTING PRESIDENT KUHL: Senator Padavan, do you yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Under this legislation, if someone 17 years of age got a tattoo and they were cited for that, would that endanger their license?

SENATOR PADAVAN: I'm sorry, would you repeat that question.

SENATOR DUANE: Under the legislation, if a 17 year old went and got a tattoo, would -

SENATOR PADAVAN: Well, it is currently illegal for a 17 year old to be tattooed.

SENATOR DUANE: I understand that.

SENATOR PADAVAN: Okay.

SENATOR DUANE: But I am wondering if they were convicted of a criminal charge of giving a tattoo to a minor if that would effect their license?

SENATOR PADAVAN: Effect their what?

SENATOR DUANE: License?

SENATOR PADAVAN: Driver's license?

SENATOR DUANE: Tattooing license.

SENATOR PADAVAN: Oh, the tattooing license. The person who did the tattooing, I would assume so. They are hopefully -- they are not regulated the way we want them to be. As a matter of fact there is

another bill on the calendar that Senator Marcellino has introduced that deals with that.

So to the extent that they are regulated they would be in jeopardy I presume, but that regulation is very, very narrow in its scope.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

SENATOR DUANE: It is a my understanding that they are currently licensed.

SENATOR PADAVAN: Only in the City of New York.

SENATOR DUANE: Only in the City of New York?

SENATOR PADAVAN: Senator, there may be some other cities, but it is not a state license.

SENATOR DUANE: I understand. But then how does this bill address what takes place by the licensing agent if they were

convicted of the misdemeanor of tattooing a minor?

SENATOR PADAVAN: Senator, the law already prohibits the tattooing of a minor, and whatever penalties are in the law would apply. This extends that to body piercing.

SENATOR DUANE: Excuse me, body piercing.

Through you Mr. President, I am wondering what action then, what does the licensing agent -- does it call for a hearing? What action would the agency take in terms of an establishment that has been convicted of body piercing?

SENATOR PADAVAN: Using the City of New York as an example, they currently license and someone violated this statute, should it become law, whatever procedure they now have in effect to review that license would be the procedure that they would follow.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: So this legislation makes it no more or no less likely that they would retain their license?

SENATOR PADAVAN: It would be another category for them to have that license in jeopardy in the City of New York.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: In the case of an emancipated 17 year old, what would be -- who doesn't need parental permission, how does this law impact body piercing of an emancipated 17 year old.

SENATOR PATERSON: It doesn't relate to that at all, Senator.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Then an emancipated year old can get a body part pierced?

SENATOR PADAVAN: The law is quite specific, it says anyone -- the bill is quite specific. Any child under the age of 18 is prohibited.

SENATOR DUANE: Then one final question, through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: Can you tell me what the rational is for 18 as opposed to 16?

SENATOR PADAVAN: Senator, currently we have a whole body of law where 18 is the point where one embarks on a different status in terms of the law.

As an example, if anyone under 18 is in a physicians office and surgery or in a hospital, unless it is life threatening and the decision is made to go ahead with it, there must be involvement by the parents.

Dentists would require that even for oral surgery. By the way, dentists have come out in support of this bill. There are a number of reports by dentists, dermatologists and other health providers, talking about the serious problems, particularly in the area of body piercing, medical problems. So, Senator, 18 is a point in the law that many, many statutes relate to minor as versus adult.

SENATOR DUANE: Thank you. Thank you, Mr. President.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 2.

Senators Duane and Schneiderman recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 498 on the supplemental active list by Senator Marcellino.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 498.

THE SECRETARY: Calendar Number 498, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print Number 1839, an act to amend the Labor Law.

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

SENATOR DUANE: I believe there is an amendment at the desk.

ACTING PRESIDENT KUHL: Senator Duane, we are reviewing your amendment and for your enlightenment, it does appear to be germane but this is an amendment to the Senate bill, the Assembly bill is the one that we are debating. And while that is a technicality

which could actually rule you out of order, we are willing to listen to your amendment at this time. So we will waive the reading of it and you are now afforded the opportunity to explain the amendment.

SENATOR DUANE: Mr. President, first, gratitude does not begin to described how I feel.

ACTING PRESIDENT KUHL: I knew you would feel that way, Senator.

SENATOR DUANE: Thank you.

ACTING PRESIDENT KUHL: Maybe not after the vote.

SENATOR DUANE: Thank you, Mr. President.

The amendment would merely make it so the Commissioner of Labor would prepare a notice in English, Spanish, Chinese and Korean and whatever other languages he or she would deem appropriate for posting at the work site of apparel employers which clearly states the rights of the employees and the duties of the employers concerning payment of wages, et cetera. It also would provide for a toll free number where -- and an address where an

employee could lodge a complaint.

There is no such requirement in existing law for apparel factories. And while I certainly applaud and laud Senator Marcellino's law, which is on the calendar today having to do with prevailing wages and I do think that is critically important, that more information for workers makes for a better work site. I also believe that particularly with the problems we have been having with sweat shops with workers fearful that they will be fired from their work place in the apparel industry, that the posting of these notices in the language which many of the workers speak would be very helpful toward insuring not just more equitable work place for the workers, but also for a safer work place for all of the workers. And of course as safe as work places are around New York State makes the economic conditions of the State of New York that much better.

So I would urge my colleagues to add this amendment to the legislation which would make it so the Commissioner of Labor would require the posting of employee laws and

regulations in the appropriate languages in factories where garments and apparel is being made.

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

Hearing none, the question is on the amendment. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed nay.

(Response of "Nay.")

ACTING PRESIDENT KUHL: The amendment is defeated.

Any member wishing to speak on the bill?

(No response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one. Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on supplemental active list, would you please call up Senator Larkin's bill, Calendar Number 809.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 809.

THE SECRETARY: Calendar Number 809, by Senator Larkin, Senate Print 3731, an act to amend the Retirement and Social Security Law, in relation to interest.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Larkin, an explanation has been requested by Senator Paterson.

SENATOR LARKIN: Yes, Mr. President. Senator Paterson, this legislation limits the interest charges against retroactive contributions to the initial date of billing for their payments. As you may

recall, in 1995, we authorized the 20 year half pay for bridge and tunnel workers. Pursuant to that legislation, the New York City retirement system was supposed to set up its collective data. They never got their act together until March of 1998 and what we want to do is preclude the New York City retirement, and they have agreed to it, that they can only assess interest charges back to March of 1998. They had wanted to go all the way back to '95 and charge the interest. Why should it because they made the mistake, not the employees.

So we want to only let them take the interest and go back to March of '98 when they finally resolved their internal administrative problems.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. If the Senator would yield for a question?

ACTING PRESIDENT KUHL: Senator Larkin do you yield?

SENATOR LARKIN: Yes, Mr.

President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, I am just curious as to whether we are setting a precedent here. Do we have any other type of arrangement such as this for any other employees?

SENATOR LARKIN: I know of nothing else, Senator Paterson. We have checked it and we have had the auditors look at it and they said it was a miscalculation by the City of New York. They were given the authority to assess these individuals for the contributions. They just never got their act together and when the employees made constant complaints and the union said, When are you going to start assessing us, and they said, We forgot.

They put their act together and now they say, Well, because we didn't charge you directly back in '95 we want to charge you your basic rate of contribution plus an interest rate. We say the interest rate should only go to the time that they finally

woke up and said this is a problem and we should have had it in effect.

Why should the employees be penalized for the mistakes of the employer.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I agree with you, Senator. Mr. President, if the Senator would yield for another question?

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

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Senator Larkin, now that we are doing this, how much do you think this would actually cost?

SENATOR LARKIN: $75,000.

SENATOR PATERSON: $75,000?

SENATOR LARKIN: Yes.

SENATOR PATERSON: To the retirement system I assume?

SENATOR LARKIN: Yes.

SENATOR PATERSON: Okay, that's good.

Last section, Mr. President.

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

SENATOR DOLLINGER: Mr. President, excuse me.

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

SENATOR DOLLINGER: Would Senator Larkin yield just to one other question?

ACTING PRESIDENT KUHL: Senator Larkin, do you yield to a question from Senator Dollinger?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: I am intrigued by the $75,000. $75,000 is what they are waiving in interest charges?

SENATOR LARKIN: Yes.

SENATOR DOLLINGER: And through you, Mr. President, where will they come up

with that $75,000 to cover these employees for the period of time they are not assessed for?

SENATOR LARKIN: It says $75,000, but when you look at it, they are going to be charged interest for right now, it is 15-18 months. That will pick up probably a third of it. The city.

SENATOR DOLLINGER: Through you, Mr. President.

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

SENATOR LARKIN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: I want to thank Senator Larkin for his candid description of this.

I just go back to something I raised last week. This is another one of those little tiny, whiny, unfunded mandates. This is one of those things, remember we passed a bill last week that was going to outlaw unfunded mandates. No more. We were going to end this process. We were not going to tell people, mandate that they do something

unless we paid for it. Here's a classic example. Senator Larkin, a good beneficial bill. Sounds like it is enormously fair for those employees. What the heck, it wasn't their fault they weren't assessed until March. Very justifiable explanation for doing this. But I would just point out to everyone in this chamber, you don't like unfunded mandates, don't vote for this bill because that is what it is. It is saying there is a $50,000 cost, not the entire cost but a $50,000 cost that is going to be assessed on a local government because we are mandating that they do something that they don't otherwise have to do.

And I would just suggest, Mr. President, we have this debate every year, and all I am going to do for the rest of the session is try to find those unfunded mandates, those things that will require governments to do what we are not willing to pay for.

I am convinced by Senator Larkin. I would vote for this unfunded mandate. I think it is fair. But recognize it for what

it is. It is an unfunded mandate.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Larkin, did you wish to speak?

SENATOR LARKIN: Mr. President, I just want to clarify something for Senator Dollinger.

The employees did not make an error, the City of New York personnel human resources made the error and they did not deduct it from their pay. Now they are saying because we did not deduct it we want to charge you interest for the period we didn't deduct.

Why should these employees, who were complying with the law, was sent to the personnel and somebody in personnel goofed up. Should we therefore go to our employees and say, You were allowed to contribute to your retirement, but the City of New York did not deduct it from your pay so we are going to penalize you and make you pay an interest on those deductions going back three years. I think that is totally wrong and I don't consider it a mandate, I consider it a wake up call to those people who are managing the

records of our employees, not a mandate.

Thank you.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Senator Larkin, I understand your theory, but in order to make the system whole, in order to account for the time value of the money, what you would do is you would charge an interest factor. They are going to get the benefit of that money, why shouldn't they pay it and pay interest back into it?

The point I am making is simply, this is $50,000 that will not be covered by employee contributions that will be made up by employer contributions or contributions from some other place in the system. We are telling them they have got to do something and we are not giving then the $50,000, the two-thirds of the $75,000, that we need to make them whole.

I would just suggest that this is how we start down the road to unfunded mandates, a bunch of little tiny steps where we tell people they have to do things, where

we require our municipalities to come up with the other $50,000, or what is worse, we require the pension system to come with it. We in essence take it from everybody else collectively.

Senator Larkin, I think you are right. I think it is unfair. But lets call it what it is. We are telling someone to do something without paying for it.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 1281, by Senator Leibell, and then Calendar Number 1309, by Senator Leibell.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Calendar Number 1281, by Senator Leibell, Senate Print 3136, an act to amend the Retirement and Social Security Law in relation to performance.

SENATOR DUANE: Explanation.

ACTING PRESIDENT KUHL: Senator Leibell, an explanation has been asked for by Senator Duane.

SENATOR LEIBELL: Yes, Mr. President.

This bill would add a new section, 63-B, to the Retirement and Social Security Law to give counties the option of offering a three-quarters disability retirement to sheriffs, undersheriffs, deputy sheriffs and correction officers who are no longer able to perform their duty as the result of an injury sustained on the job.

This bill would also create a presumption that a member covered under this act who has been diagnosed with HIV, tuberculosis or hepatitis contracted the disease while in the line of duty unless the contrary can be proven.

The bill is at a local option, and it takes an important step towards recognizing the importance of the service that our local sheriffs, deputy sheriffs, undersheriffs and correction officers employed by counties provide to our community and state.

This was previously passed by both houses and vetoed on technical grounds by the Governor. Those technical grounds have been corrected by this bill.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Would the sponsor yield to a couple questions?

ACTING PRESIDENT KUHL: Senator Leibell, do you yield to questions?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: I am wondering, through you Mr. President, if the Senator is familiar with the ways in which HIV is transmitted?

SENATOR LEIBELL: Yes, I have read a number of things and heard many ways,

yes.

SENATOR DUANE: And through you Mr. President, then Senator, you are aware that HIV is transmitted through body fluids and not through casual contact?

SENATOR LEIBELL: Correct.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Would it be an assumption that we could share that sheriff's and correctional officers should not be having sex with incarcerated people or sharing needles with them or giving them blood transfusions or breast feeding incarcerated people?

SENATOR LEIBELL: I think that we can agree on that.

SENATOR DUANE: Then if the sponsor would continue to yield?

ACTING PRESIDENT KUHL: Senator

Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: I am wondering why it is that you believe that the presumption should be that a correction officer or a sheriff would have gotten their exposure to HIV as part of their duties since none of those things are part of their duties?

SENATOR LEIBELL: I don't know if you have been in a correctional facility, as a visitor I am certain, but if you go into one of those you realize the unusually close proximity with which these people work and live. Whether it is hepatitis or tuberculosis or HIV, there are numerous ways that it can be communicated. In fact, one way through communicating is through bite. There have been many correction officers for instance in my district who have been subjected to that. It is a great concern, whether it is HIV or hepatitis, and the ways that they can be communicated are particularly possible in that close and difficult setting.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: It is my understanding that in correctional facilities that reports of scuffles or fights between corrections officers and inmates are well documented. Is that correct, Senator?

SENATOR LEIBELL: That they do occur?

SENATOR DUANE: When they do occur that they are documented?

SENATOR LEIBELL: I believe in the vast majority of cases they would be.

SENATOR DUANE: And is it not the case that your legislation does not even call upon seeing documentation of such an incident in order for the assumption to be made that that transmission of HIV happened.

SENATOR LEIBELL: That is correct.

SENATOR DUANE: So would it not be -

ACTING PRESIDENT KUHL: Senator Duane, are you asking Senator Leibell to continue to yield?

SENATOR DUANE: Yes.

ACTING PRESIDENT KUHL: Senator Leibell, do you continue to yield.

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: I am wondering if the Senator sees then a sort of, as we would say in the nineties, a disconnect between no report of an altercation where there biting or transference of body fluids and the automatic provision of disability based upon HIV status?

SENATOR LEIBELL: I should point out to you that under Chapter 722 of the Laws of 1996 this same benefit to corrections officers employed by DOCS, correctional services, and security hospital assistants within OMH was granted, so there is a strong precedent for this.

SENATOR DUANE: Mr. President, I

am afraid I'm going to have to ask him to -- I just didn't get all that. Could you repeat that, please?

SENATOR LEIBELL: We already grant this for state employees who are involved in the same type of work.

SENATOR DUANE: Okay. That's too bad. I am wondering about your legislation.

SENATOR LEIBELL: We would have a basic disagreement because I think that is good that we do it for State employees, and I think it is good that we do this here under our piece of legislation, this piece of legislation.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT KUHL: Are you asking the Senator to continue to yield?

SENATOR DUANE: Yes, please.

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

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DUANE: Even though the

case may be that there is evidence that an altercation has taken place, there is no documentation, you still believe that the sheriff or the correctional employee should be basically automatically provided with the benefits even if there is no proof or even possibility that HIV had been transmitted within the prison setting?

SENATOR LEIBELL: This is, Senator, a rebuttable presumption. It is a presumption. It is something to aid them and make it easier for them in order to establish what has occurred. But if there is evidence to the contrary that can be submitted.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Yes, through you Mr. President, if the sponsor would you continue to yield?

ACTING PRESIDENT KUHL: Senator Leibell, do you yield to another question?

SENATOR LEIBELL: Yes, I will.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Does the Senator

have any concerns that this might aid and abet the misinformation and miseducation that people have about the transmission of HIV by having the assumption made that HIV can be transmitted through the air or without any evidence of there having had been any body fluid transfers happens.

SENATOR LEIBELL: No, I don't have that worry at all and there is nothing in this bill would lead anybody to that conclusion.

SENATOR DUANE: On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Duane on the bill.

SENATOR DUANE: I just, I can't imagine how it is that anybody would think that this is good public policy to make it the assumption that someone who has HIV who is employed in the correctional system, without any evidence of there having been an altercation of any kind that it should be automatically assumed that they got HIV through another person. It is just patently absurd. There is nothing in public health or

medical science that would in any way lead anyone to possibly believe that HIV is transmitted except through very specific circumstances, none of which are required to be shown as part of this legislation.

So not only is it fiscally imprudent, but it is from a public health point of view counterproductive and harmful in terms of the public health education efforts which are on going about the spread of HIV.

Common sense I think would dictate that my colleagues would vote no on this legislation. It is completely and totally and utterly absurd, and there really is no way around it.

Thank you, 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 55, nays two. Senators Duane and Schneiderman recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Volker.

SENATOR VOLKER: Madam President, would you please call up 1309, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1309, substituted earlier today, by Member of the Assembly Vitaliano, Assembly Print Number 4497, an act to amend Chapter 929 of the laws of 1986.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, this is the two year extender on binding arbitration law that expires on July 1st.

If the sponsor, Senator Leibell would yield for a question?

THE PRESIDENT: Senator Leibell, will you yield to a question?

SENATOR LEIBELL: Yes.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Senator, what would be the public interest in extending this

law for another two years.

SENATOR LEIBELL: This has been a method that has -- a piece of legislation that has been extended repeatedly over the course of years I think since 1986. And we have done it every two years. It is a piece of legislation that we feel it necessary for our employee relations and it has been used to resolve labor disputes over the course of these years. It is certainly something that the Legislature in both houses has supported.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: If Senator Leibell would yield for another question, Madam President?

THE PRESIDENT: Senator, do you continue to yield?

SENATOR LEIBELL: Yes.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Is there any approximation of what the cost for the employers would be for the extender?

SENATOR LEIBELL: I'm sorry, Senator, I didn't hear your question?

THE PRESIDENT: Senator, could you speak up, please?

SENATOR PATERSON: I'm sorry. Was there any assessment of what the cost would be through this extender?

SENATOR LEIBELL: There is no additional cost.

SENATOR PATERSON: Okay, very good. If that is the case, Madam President, then if Senator Leibell would yield to one last question?

THE PRESIDENT: Senator will you yield to a question?

SENATOR LEIBELL: Yes.

THE PRESIDENT: One question, Senator Paterson.

SENATOR PATERSON: I can vote on this bill, Madam President. I am just wondering why we are extending it for two years and not making it permanent law, if Senator Leibell would care to comment?

SENATOR LEIBELL: Yes, Madam President, like many other pieces of legislation we take the opportunity to review them every two years. That is certainly quite

common in this house and in the Assembly also. And it gives us the opportunity to look back and to see what we have done and to see what we should be doing in the future.

That's why we go with the two year extender.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Will the sponsor yield to a question?

THE PRESIDENT: Senator Leibell, will you yield.

SENATOR LEIBELL: Yes.

THE PRESIDENT: Go ahead, Senator Dollinger.

SENATOR DOLLINGER: Has the Metropolitan Transit Authority asked us to do this?

SENATOR LEIBELL: Yes.

SENATOR DOLLINGER: Through you, Madam President, the Metropolitan Transit Authority asked us to do it in the first place?

SENATOR LEIBELL: Yes.

SENATOR DOLLINGER: They did?

There was never any opposition? Even way back at the start when they starting binding arbitration for these workers?

SENATOR LEIBELL: Just speaking with counsel, and you are asking me some of the history of this, which I am probably less equipped than maybe some others to respond to, but my understanding is that it was requested by labor and management and has been requested by them over the course of many years that we have been extending it.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Through you, Madam President, thank you to Senator Leibell for the response to the question.

My recollection about the start of binding arbitration for all of these services is that they were opposed by management at the start. I will just go back to familiar refrain. I said it to Senator Larkin and I will say it again every time it comes up. We passed a bill last week, no unfunded mandates. We are not going to tell anybody in this state, any other level of government what to

do that has any cost associated with is unless we pay for that cost. This is a bill that binding arbitration, which I have supported for police and fire, good idea. You are absolutely correct, Senator Leibell. It has created peace in our police and services and our vital services in this state. It was the right thing to do. But again, lets not mistake it. Binding arbitration is an instance of an unfunded mandate. We are clearly telling them what to do. We are clearly telling them how to resolve their labor disputes and we are doing it and forcing them to pay for that cost of doing it and not paying for it ourselves.

This is another one of those mandates. We tell them what to do and we don't necessarily give them the money to pay for it when it is all said and done.

So, Senator Leibell, I have always thought that binding arbitration was a great idea for police and fire. It has brought us labor peace. But once again lets clarify it for what it is. It is an unfunded mandate and, with all due respect to my colleagues on

the other side, we can not have it both ways. You can't be against unfunded mandates one week and then passing them the next. Something seems to be inconsistent about that.

Thank you, 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 57.

THE PRESIDENT: The bill is passed. Senator Volker.

SENATOR VOLKER: Madam President, call up Calendar Number 1317, by Senator Goodman, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1317, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8338-A, an act to amend the Agriculture and Markets Law.

SENATOR DUANE: Explanation,

please.

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

SENATOR GOODMAN: Who requested the explanation, please, Madam President?

THE PRESIDENT: Senator Duane asked for the explanation.

SENATOR GOODMAN: Senator Duane, this bill creates a new kind of aggravated cruelty to animals. Its purpose is to create a situation in which it is plainly understood by anyone who would torture an animal, a dog or a cat in particular or other domesticated animal, with no justifiable purpose, it would involve intentional killing or intentional causing of serious physical injury to a companion animal with aggravated cruelty.

It is named after Buster the cat, who was set on fire by its owner, in a wanton and totally irresponsible manner. And this bill would punish severely anyone who does that and it has in mind particularly the fact that there is an established pattern with innumerable serial killers that they have been cruel to animals prior to being cruel to human

beings and killing them. We are very anxious to try to deter this sort of behavior at the outset of it before it is taken out on human beings and that is the genesis of the bill.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Madam President, would the sponsor yield to a question?

SENATOR GOODMAN: Yes, I would.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: Thank you. Is it safe to say that this legislation creates a new category of crime?

SENATOR GOODMAN: The crime that is involved here would be an E Felony, punishable by a sentence of up to two years.

SENATOR DUANE: That is new, is it not, Senator?

SENATOR GOODMAN: It is new for this particular crime, but it is not new as a category.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Through you, Madam President.

THE PRESIDENT: Go ahead,

Senator.

SENATOR DUANE: Does the legislation speak or, I would like you to confirm that it speaks to motivation and intent in that it says intentionally kills, talks about depraved or sadistic manner?

SENATOR GOODMAN: Correct, Senator.

SENATOR DUANE: Through you, Madam President.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: I am wondering if the Senator would agree with me that cruelty to another human being based on who that human being is, what that human beings characteristics are is as important as protecting animals against crimes directed to them?

SENATOR GOODMAN: Expressly so, Senator, yes.

SENATOR DUANE: Thank you. Through you, Madam President.

THE PRESIDENT: Go ahead, Senator.

SENATOR DUANE: And so you would agree that great importance should be given to both crimes against animals based on depravity and sadism intentionally committed as well as crimes committed against a person based on who they are or who they are perceived to be.

SENATOR GOODMAN: I presume you are not asking these questions with any serious question in your mind as to what my answer is. The answer is obviously yes.

SENATOR DUANE: Thank you. Because I do, through you, on the bill, Madam President.

THE PRESIDENT: Go ahead, Senator Duane, on the bill.

SENATOR DUANE: I do believe that the Senator and I do share that opinion. And I wonder why it is then that -- and I agree with this legislation and the intent of the legislation and I think that cruelly to animals is a terrible, terrible thing. But I wonder why it is that we'll be able to pass this legislation dealing cruelty to animals and yet we are not able to even begin the debate on the floor on a bias related bill to

increase penalties and make it possible to actually have reporting of bias related crimes.

Though I think it is terrible thing to have an animal hurt or killed by a human being, if you could call them that, if that's what they are willing to do to an animal, I also think that it is a terrible, terrible thing to perpetrate bias upon people based on the perception that they might be a Jewish or African-American or gay or lesbian or disabled that we are unable in this body to pass legislation which actually addressed that that is a problem in New York State.

I certainly applaud this legislation, but I think that it is a disgrace of this body that we are not able to pass, or to even debate, to even allow people to vote on legislation which would protect people against bias related attacks that would lead to the sensitizing of law enforcement agencies, police, district attorneys, judges, victims advocates, as to the terrible problem that bias is in our State.

So I'm certainly going to vote for

this legislation because I think cruelty to animals is a terrible, terrible thing. But I also think that this body should recognize that bias related attacks based on who a person is perceived to be is also a terrible, terrible thing. And I challenge my colleagues to make it possible for us to vote on bias related legislation before the end of this legislative season.

Thank you, Madam President.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I rise in support of this legislation and applaud you, Senator Goodman. This is a significant piece of legislation. Buster the cat came from Schenectady and it was a very celebrated if horrible crime that was committed on a little cat in my district where somebody poured kerosene on it and it suffered at great length and then eventually died. There were thousands upon thousands of school children and citizens that petitioned to have this bill become law.

Assemblyman Tedisco, who is my

Assemblyman, and I had legislation along with Senator Goodman who had this bill for years.

This is a particular crime that has very, very odd and strange -- because many of your serial killers are also animal torturers, and some of your most heinous crimes that have been committed in society, they go back to the person torturing animals or doing terrible things on little pets and so forth.

This bill has been modified and excludes farm animals and things like that. It is an excellent piece of legislation. It should have become law last year. Senator Goodman worked very hard to get it out of the Assembly. I suspect that it will become the law and it is about time that we recognize that the Buster Bill becomes part of our law.

Thank you, Madam President.

THE PRESIDENT: Read the last section. Excuse me, Senator Duane, why do you rise?

SENATOR DUANE: For my second round, Madam President, which I think is permitted under the rules.

THE PRESIDENT: Are you on the

bill, Senator Duane?

SENATOR DUANE: Yes, Madam President.

THE PRESIDENT: You may proceed on the bill.

SENATOR DUANE: Thank you. I would like to point out that thousands and thousands of people have written to Senators here, have called Senators here regarding the bias bill. If the number of calls is what it is that drives legislation I will match the bias bill letter for letter, phone call for phone call for this also excellent piece of legislation.

Some of you heard earlier in the session the story of a young man named Tom Duane who went out to the east end of Long Island and was beaten up in a parking lot only because they thought that I was a gay person. And you probably also heard that that case went to trial. Not one person from law enforcement contacted me before it went before the judge. It was pled down to the lowest possible misdemeanor, and the biggest tragedy of all of that is that unlike what happened

with Buster the Cat, what happened with Tom Duane was, there is no place at all anywhere in the State of New York that a record of what happened to me exists because without a bias bill there is no reporting of bias related crimes. There is no statewide reporting.

So once again I call on my colleagues before this Legislative session ends to bring up the bias bill so it can be debated on the floor on the merits and, I believe, to see its passage.

Thank you, Madam President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, I would like to explain my vote.

THE PRESIDENT: Excuse me, Senator, I couldn't hear you.

SENATOR VOLKER: I would like to explain my vote, so I will -

THE PRESIDENT: Alright. Read the last section.

THE SECRETARY: Section 3. This act shall take effect November 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senate Volker to explain your vote.

SENATOR VOLKER: Madam President, let me just say first of all, Senator Duane, I am not going to comment except to say that there is a crime for what happened to you and a fairly serious crime.

All this bill does, this is an entirely different situation. This bill upgrades the penalty, virtually no penalty for what was occurring as far as animals are concerned.

The problem with this bill though is, and I have talked with Senator Goodman about this, unfortunately the Assembly can't stomach doing a really tough bill because for the first time in my memory in the Penal Law the Assembly refused to do a Class E felony that would in effect be a two year state prison sentence.

What this bill does is, it creates a situation where you have two years but in the local jail. That is a little bit of a problem for me as chairman of Codes. The Senate was more than willing to do two years

state time, but unfortunately the Assembly just doesn't feel apparently that this situation was serious enough to warrant state prison time.

I think that is unfortunate, but I'm still going to vote for the bill because -- but I think the problem is that certainly we should not change the whole Penal Law because the people in the Assembly felt that a Class E felony doesn't warrant somebody going to state prison.

So I am going to vote for the bill.

THE PRESIDENT: Senator Volker, you will be recorded as voting in the affirmative on this bill.

Senator Duane, to explain your vote.

SENATOR DUANE: To explain my vote, Madam President.

I am voting in the affirmative on this because as is the case with what this legislation seeks to address, there was virtually no penalty enacted for what happened to me. And the bias bill would simply increase what that virtual no penalty was to

me but hopefully long term, set an example and educate as to the wrongness of bias related attacks as I am sure this legislation will convey the message that attacking and killing innocent animals is also a terrible thing to do.

I vote yes, Madam President.

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

Senator Goodman.

SENATOR GOODMAN: May I explain my vote, Madam President?

THE PRESIDENT: Senator Goodman, to explain your vote.

SENATOR GOODMAN: Madam President, this is one of three bills which I am sponsoring this year with the hope that we can put an end to various types of cruelty to animals and to birds. There is one other bill which I would like to bring to the attention of the house at this moment, which awaits our action and hopefully it will be before us shortly. That is a bill which permits the poisoning of pigeons with the use of a

chemical called Avitrol. Avitrol is a chemical which causes anything that comes in contact with it, including young children, to go into convulsions of a serious variety before losing consciousness and in the case of pigeons in particular for which it is used in the City of New York, it causes these pigeons to become very convulsant and ultimately to die.

Madam President, the use of that poison should be prevented by the action of the City Council in the City of New York and that bill awaits our action.

I would also like to bring the attention of the house to a second bill, really a third bill in this group, which relates to the problem of the ASPCA and the various abuses attributed to it in the City of New York. This third bill would create a separate and different approach to the handling of pet animals which are taken in the City which may have no owners or may have lost their claim to ownership and seeks to see that they are handled in a much more humane fashion.

I think in general anyone who cares about animals or any other pets would be concerned with all three of these measures, and I am very grateful to the house for passing this one and I hope it will be the first of three actions which will round out a program of considerable significance to those who care about the well-being of animals.

Thank you. I vote in the affirmative.

THE PRESIDENT: Senator Goodman, you will be recorded as voting in the affirmative on this bill.

The Secretary will announce the results.

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Madam President, would you please lay aside for the day Calendar Number 1162, by Senator Rath.

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

SENATOR SKELOS: Madam President, I also understand on Calendar Number 294 on

the supplemental active list, the Minority has withdrawn their lay aside. Would you call that up at this time?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 294, by Senator Spano, Senate Print 2027, an act to amend the Retirement and Social Security Law, in relation to withdrawing.

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: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in

the Majority Conference Room.

SENATOR SKELOS: Madam President, would you please called up on the supplemental active list Calendar Number 399, by Senator Alesi.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 399, by Senator Alesi, Senate Print 3483, an act to amend the Economic Development Law and others, in relation to program reporting.

THE PRESIDENT: Read the last section.

SENATOR BRESLIN: Explanation.

THE PRESIDENT: Excuse me, Senator Breslin.

SENATOR BRESLIN: Explanation, please.

THE PRESIDENT: Senator Alesi, an explanation has been requested by Senator Breslin.

SENATOR ALESI: Thank you, Madam President.

This bill simply requires that various number of state agencies and programs

that submit numerous individual reports at different times during the fiscal year make those reports directly to the Commissioner of Economic Development and that they be collated into one singular report no later than six months after the end of the fiscal year.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Through you, Madam President, would the sponsor yield to a couple of questions?

THE PRESIDENT: Senator, will you yield?

SENATOR ALESI: Yes, I will.

THE PRESIDENT: Go ahead, Senator Breslin.

SENATOR BRESLIN: Senator Alesi, would there not be some efficacy to having reports given for different programs? I guess there are about 20 plus different programs that are covered under this legislation, have the reports done throughout the year so there is some consistency of work product.

SENATOR ALESI: Through you, Madam President, actually there is a lack of consistency if you look at it from the attempt

of the legislation because of the different times during the year that all of these various agencies would be reporting they can not be collated effectively. And more importantly, there is a requirement that they have a biannual report as well, meaning that every two years agencies involved in economic development would have to report on programs that are still in effect and the result of which can not be measured easily within two years.

As a result of that the bill aims to extent that period to five years. So again, in response to your question, the attempt is to simplify all of the information that is forth coming from those various entities and save staff time and make the efforts of these reports more effective for the use of the Commissioner.

SENATOR BRESLIN: Again, through you, Madam President, will the sponsor yield to an additional question?

THE PRESIDENT: Senator, do you yield?

SENATOR ALESI: Yes.

THE PRESIDENT: Go ahead, Senator Breslin.

SENATOR BRESLIN: In those 20 some odd programs, just reviewing the programs, it appears some deal with inner city problems and others deal with development of business in rural areas and they have some target specific requirements that we have passed here in the Legislature for reporting purposes so we, as a Legislature, can analyze them.

Doesn't this bill, in the spirit of getting an expedited report with the degree of consistency give up some of what we would consider important information that we can analyze?

SENATOR ALESI: Through you, Madam President, I don't think that that would be the case in view of the fact that every one of these agencies, and there are nearly two dozen as you correctly pointed out, operate within the framework of the state budget and whatever money is allotted over one year or multi-year programs. And so the time that the prescribed reports are due currently in my

estimation would be improved upon if they were all to report within a six month period. It does not say they have to all report on the same day, but it says that they have to report within six months and after that six month period then those reports would then be collated into one report for the overall use of the Commissioner of Economic Development.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: On the bill, Madam President.

THE PRESIDENT: On the bill, go ahead.

SENATOR BRESLIN: Thank you, Madam President, and thank you, very much, Senator Alesi.

I voted for this bill last year. I do have some problems with it, but I think Senator Alesi has given us a great deal of information and I hope that everything you have said comes to fruition, that it expedites the reporting process and that we are able to assimilate information that is easier to analyze.

And as I indicated, I will vote for

the bill.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 29. 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 Fuschillo.

SENATOR FUSCHILLO: Madam President, on the supplemental active list, please call up Calendar Number 473, please.

THE PRESIDENT: The Secretary will read.

Senator Breslin, why do you rise?

SENATOR BRESLIN: On the bill.

THE PRESIDENT: We have to follow procedure first, Senator. Thank you.

THE SECRETARY: Calendar Number 473, by Senator Spano, Senate Print 1489-A, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: An explanation, please.

THE PRESIDENT: Senator Spano, Senator Breslin is requesting an explanation.

SENATOR SPANO: Madam President, this is a bill that would allow for residential parking for residents in the Village of Tarrytown in Westchester County.

SENATOR BRESLIN: On the bill, Madam President.

THE PRESIDENT: Senator Breslin, on the bill.

SENATOR BRESLIN: I applaud your bill. I think it is a fine piece of legislation, Senator Spano. There have been a number of others through the last several years that have been very good bills for the particular legislative community that have been accompanied with home rule messages and I would just like to reinforce that there is an Albany parking bill that has languished here in our house for the last couple of years that is very important to the Albany community, very important to the Albany community. And I would ask that members of my conference as well as members from the other side allow that bill to come out of committee, to be debated

and pass to protect the citizens of Albany County.

I intent to vote yes on Senator Spano's bill.

Thank you, very much, Madam President.

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 57.

THE PRESIDENT: The bill is passed. Senator Fuschillo.

SENATOR FUSCHILLO: On the supplemental active list, please call up Calendar Number 373, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 373, by Senator Saland, Senate Print 2977, an act to amend the Social Services Law, in relation to child abuse.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, if we could return to motions and resolutions, please.

THE PRESIDENT: We will return to motions and resolutions. The Secretary will read.

Senator Balboni.

SENATOR BALBONI: Thank you, Madam President.

I wish to call up my bill, Print Number 5446-A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number

815, by Senator Leibell, Senate Print 5446-A, an act to amend the Retirement and Social Security Law.

SENATOR BALBONI: Madam President, I now request that -- I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: The Secretary call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Madam President, I now offer the following amendments.

THE PRESIDENT: The amendment is received.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, I believe there is a privileged resolution at the desk by Senator Leibell. I ask that the title be read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator

Leibell, Legislative Resolution Number 2006, honoring and paying tribute to the distinguished and remarkable life of Zachary Fisher, an American patriot.

THE PRESIDENT: On the resolution, Senator Leibell.

SENATOR LEIBELL: Yes, Madam President.

Briefly, we recently lost Zach Fisher, who was well known throughout New York City, New York State and the United States not only as a successful businessman, someone who was heavily involved in the real estate industry, but as someone who was a great humanitarian, as someone who was intimately connected with medical research in a wide variety of areas. And also someone who was much loved by every person who wears the uniform of this county.

Zach Fisher had, over the course of many, many years devoted his time, his efforts, his assets to furthering the cause and the needs of our military personnel.

For those of you who have had the opportunity and the treat, I might add, of

going to the Intrepid Museum, that air craft carrier was literally a rusting hulk before Zach was there with his money, with his energy, with his wisdom to turn it into the great maritime museum that it is today.

So I introduced this resolution commemorating a good life, a life that was devoted to making this a better state, a better nation, and ask all of you to join with me in recognizing Zach Fisher for the tremendous accomplishments he had over the course of many, many generations.

THE PRESIDENT: On the resolution, Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President.

I am very pleased to have this resolution before us and thank you Senator for bringing the resolution before us.

Zach Fisher was for many, many years a close personal friend of my family. I could think of no more extraordinary individual or an American for that matter, and without going through the abundance of accomplishments and contributions that he made

in many, many facets of life, including his invaluable contribution to all of the military services, the point that must be made here is that he did it in a fashion that you don't often see in society these days. He had in the most low key, humble fashion, not seeking aggrandizement, not seeking attention and not seeking a pat on the back or a pat on the shoulder for anything that he did. And without revealing some of the things that I know that he did, suffice it to say that he eased the suffering of the families of individuals who had undergone tragic circumstances immeasurably and he did things like this, deeds like this, on countless occasions, left an imprint on the military, left an imprint in New York City and left an imprint indelible by all those who knew him.

I am so pleased that this resolution is here today. It is perhaps the most fitting way for this institution to recognize the wonderful life and wonderful contributions of Mr. Zachary Fisher.

THE PRESIDENT: 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 Fuschillo.

SENATOR FUSCHILLO: Madam President, I ask that this resolution be opened to sponsorship of all the members. Anybody wishing not to go on, if they could raise their hand and state their objection.

THE PRESIDENT: All those members who do not wish to be sponsors of the resolution please notify the desk.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, can we stand at ease for a few minutes, please?

THE PRESIDENT: The Senate stands at ease.

(The Senate stood at ease from 4:15 p.m. until 4:25 p.m.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President,

if we could return to reports the standing committees, I believe there is a report from the Rules Committee at the desk. I ask that it be read.

THE PRESIDENT: The report is at the desk. We will return to reports of standing committees.

The Secretary will read.

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

Senate Bill Number 34-B, by Senator Velella, an act to amend the Insurance Law;

2000-B, by Senator Johnson, an act to amend the Transportation Law and the State Finance Law;

2264, by Senator Stachowski, an act directing the commissioner;

2425-B, by Senate Wright, an act to amend the Economic Development Law;

2928, by Senator Oppenheimer, an act to amend the Public Housing Law;

3019-A, by Senator Saland, an act authorizing the reopening of the 20 year retirement plan;

3183-a, by Senator LaValle, an act to amend the Public Authorities Law;

3490-A, by Senator Seward, an act to amend the Insurance Law;

3870-A, by Senator Hannon, an act to amend the General Business Law;

4166, by Senator Nozzolio, an act to permit the reopening of the optional 20 year retirement plan;

4238-B, by Senator Trunzo, an act authorizing the County of Suffolk;

4388-B, by Senator Marcellino, an act in relation to authorizing;

4405-A, by Senator Larkin, an act to amend the General Municipal Law;

4459, by Senator Marchi, an act to amend the Not-for-Profit Corporation Law;

4467-A, by Senator Spano, an act to amend the Labor Law;

4745-A, by Senator Fuschillo, an act directing the transfer of certain parcels;

4771, by Senator Skelos, an act authorizing the transfer of John Roll into the optional 20 year retirement plan;

4925, by Senator Hannon, an act to

amend Chapter 884 of the Laws of 1990;

5134-A, by Senator Padavan, an act to authorize the commissioner;

5225, by Senator LaValle, an act to amend the Town Law;

5318, by Senator Kuhl, an act to amend the Education Law;

5484-B, by Senator Leibell, an act to amend the Public Authorities Law;

5701, by Senator Padavan, an act to amend the General City Law;

5712, by Senator Hannon, an act to amend the New York State Medical Care Facilities Finance Agency Act;

5734, by Senator Larkin, an act to amend the Insurance Law;

5736-A, by Senator Saland, an act to establish a public library district;

5746, by Senator Marchi, an act to amend the Navigation Law;

5748, by Senator Larkin, an act to provide for the enrollment;

5753, by Senator Rath, an act to Chapter 118 of the Laws of 1893;

5776, by Senator Meier, an act to

amend the Tax Law;

5777-A, by Senator Skelos, an act to amend Chapter 582 of the Law of 1998;

5807, by Senator Nozzolio, an act in relation to authorizing;

5819, by Senator Morahan, an act authorizing the reopening of the 20 year retirement plan;

5824, by Senator Nozzolio, an act authorizing the State University of New York;

5830, by Senator Fuschillo, an act to amend the Education Law;

5878, by Senator Marcellino, an act to amend Chapter 548 of the Laws of 1995;

5903, by Senator Bruno, an act to allow Joanne Reimann to receive retirement service credit;

5911, by Senator Nozzolio, an act to amend Chapter 886 of the Laws of 1972; and

5790, by Senator Lack, an act to amend the Public Authorities Law.

All bills directly for third reading.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move to accept

the report of the Rules Committee.

THE PRESIDENT: We will return to the report of the Rules Committee.

The motion is to accept the report of the Rules Committee. All those in favor say aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The motion is passed and the report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe the Minority has withdrawn their lay aside on Calendar Number 1286 and 1312, by Senator Marchi, if we could call up those bills now.

THE PRESIDENT: The Secretary will read 1286.

THE SECRETARY: Calendar Number 1286, by Senator Marchi, Senate Print 4475, an act in relation to authorizing the City of New York.

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

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Call up Calendar 1312, please.

THE PRESIDENT: The Secretary will read Calendar 1312.

THE SECRETARY: Calendar Number 1312, by Senator Marchi, Senate Print 4476-B, an act in relation to authorizing the City of New York.

THE PRESIDENT: There is a home rule message at the desk. 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 59.

THE PRESIDENT: The bill is

passed. Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 413, by Senator Volker. That is on the supplemental active list.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 413, by Senator Volker, Senate Print 2059, an act to amend the Civil Practice Law and Rules.

THE PRESIDENT: Senator Duane, are you requesting an explanation?

SENATOR DUANE: Yes, Madam President, explanation.

THE PRESIDENT: Senator Volker, an explanation has been requested Senator Duane.

SENATOR VOLKER: Madam President, this is a bill that has passed this house on a number of occasions, and in fact I hesitate and regret to say was agreed to with the Governor here some years ago, and then by some confusion was vetoed by the Governor after I had come to an agreement with the previous counsel to the Governor.

We had watered down a piece of legislation sponsored by Harvey Weisenberg and myself that would deal with confidential communications between union officials, part of the bargaining unit and police officers.

The bill, you know, merely allows the privilege where police officers have communicated with elected union officials in an attempt to get some advice and to avoid a situation where people could be compelled to in effect testify against people in disciplinary proceedings because of the fact that they communicated with a law enforcement officer.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President. Would the sponsor yield to a couple of questions?

SENATOR VOLKER: Yes.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: Thank you. I believe that police officers are well versed in how it is that they should or should not disclose information and they are well trained

in what it is that they are supposed to tell defendants what they can and can not say, that they can be represented by counsel. And I am wondering in light of the expertise that law enforcement officers have on the law, why it is that you believe that they can not just wait to speak with their attorney rather than being able to have this kind of confidentiality with the union rep.

SENATOR VOLKER: First of all, Senator Duane, what you believe I don't believe is correct. I was a former police officer and I can tell you that most police officers are not that tuned to many of the rules and the law and things of that nature. Besides, what your talking about here, your probably right, they probably should consult with an attorney in many cases, but in most cases where there are disciplinary proceedings and things of that nature they consult with the union official where they would not consult with an attorney because there wouldn't be any particular necessity to consult with a lawyer or at least they don't believe there is. They probably might be

better off to consult with an attorney and that presents a whole different issue because then they don't talk to anybody.

But I think most law enforcement officers feel more comfortable, many as I assume you are aware may not even like lawyers. I know a lot of police officer friends of mine who don't like lawyers, and that is one reason why they consult with some of the union officials.

The whole idea is to set up some sort of ability, limited ability to provide some privilege where law enforcement officials do consult with union officials, short by the way of compelling them in effect to go and to seek legal assistance.

SENATOR DUANE: If the sponsor would yield to another question, Madam President.

THE PRESIDENT: Senator Volker, would you yield to a question?

SENATOR VOLKER: Sure.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: I am frankly

conflicted because I don't -- while I suppose I should share the sponsor's concern that police officers don't know the laws which govern their interaction with those who they have detained, I do believe that even if the case is that they don't, that they should know the laws regulating what it is and is not that they can be speaking with a defendant about. And of course one of the most important tenets is that a defendant or someone who has been arrested has the right to talk to their attorney.

I think maybe I heard it but I was wondering if the sponsor could reiterate for me again why it is that a police officer needs an additional layer of confidentiality beyond those afforded to everybody else which is their attorney or their clergy person, or in most cases their psychiatrist.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Senator, I think you are thinking of defendants. This is not necessarily that kind of a situation at all. This is, if you read the bill, we're talking about -- most of the issues that are involved,

if this is a criminal case or whatever, if someone is charging a police officer with a crime, he is going to get an attorney.

We're talking primarily about issues relating to working conditions and wages and hours. In other words, where he is dealing with situations involving communication maybe with the city or whatever, primarily disciplinary.

And if you know -- you probably don't realize that what happens, and I'm not -- I didn't come from a major police department, a big police department, but it was a good size police department, but I can tell you that commanding officers sometimes bring charges against law enforcement people because they don't like what they did. That does not necessarily mean it is a crime or if it is even necessarily improper procedure. But at times there are grievances brought against or brought by a police officer and vice versa because the commanding officer may just feel that he did not like the way somebody did something. And the fact that a police officer -- you say they have somebody

else has. I have news for you. Police officers don't have as many rights in some ways as a lot of other people do because they can be brought up on charges where the average individuals can not be brought up on charges in ways which can effect their work life and can effect the shifts that they work, can effect wages, can effect all sorts of things; pension benefits.

So what we are just saying here, and this is a fairly straight forward bill by the way. Initially this bill admittedly was a more inclusive bill but it was whittled down to deal strictly with advice to elected union officials and probably, frankly, will not apply to very many situations because you are absolutely right, any police officer worth his salt is probably in any serious situations going to look for a lawyer, and once he looks for a lawyer he is not up going to talk to anybody.

But a lot of police officers I think in certain cases, and this is a bigger problem for some of the elected union officials. There is only a handfull of

elected union officials, as you know. They just want to be in a situation where if they give some advice to somebody, for instance, give advice to them on attorneys or things of that nature, that they won't be called on the carpet or called into question for what they have said.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Through you, Madam President, if the sponsor would yield to another question.

THE PRESIDENT: Senator Volker, will you yield to an additional question?

SENATOR VOLKER: Sure.

THE PRESIDENT: Senator Duane, you may proceed with one question.

SENATOR DUANE: But there is nothing now that precludes, that forces police officers to speak with someone before they are able to speak with their attorney, is that correct?

SENATOR VOLKER: Forces someone to speak with somebody? No, there is nothing that forces them to speak with somebody. There is nobody that forces somebody, anybody,

to speak to somebody.

This is where a person consults with a union official with the idea of getting some advice, whether it is on a disciplinary matter or whatever it is. It is not a situation where he is forced to do it, no, but the idea is that whatever communication occurs can not be used in a proceeding, and primarily this would be a disciplinary proceeding against a police officer.

SENATOR DUANE: Thank you, Madam President, on the bill.

THE PRESIDENT: Senator Duane on the bill.

SENATOR DUANE: Thank you. Just to begin with because I didn't know how to work it into a question, so I didn't, but I may or may not like attorneys although actually they are okay with me, I even have some in my family and everything, but just because I don't particularly care for them doesn't mean that I should not have to speak with them any way when a case should arise. Maybe I would prefer, instead of speaking to attorney that I would want to talk to the

Minority Leader or something that is allegedly in charge of me, although that is probably not the case there very often either, but I think that what this does is created a special carve out for law enforcement officers which is not necessary.

In my experience there are attorneys that work for organizations that represent law enforcement officers that generally if something achieves the level where you would be concerned about confidentiality then in fact an attorney is the person you should speak with and have your conversation protected that way. I don't think that we should carve out another category beyond attorneys and clergy people et cetera. for police officers. And I also put that in the context of some particularly perhaps prior to and including these times when there have been concerns about what has been happening, particularly with the New York City police department, that it would be best if we did keep the same playing field for everyone and that confidential communications be kept exempt provided they are with

attorneys. So I am intending on voting no on this legislation, Madam President.

Thank you.

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, nays two. Senators Duane and Schneiderman recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up on the first supplemental active list -- no, the second supplemental active list, Calendar Number 1017, by Senator Goodman.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 1017, by Senator Goodman, Senate Print 4038, an act to amend the Alcoholic Beverage Control Law, in relation to the issuance of temporary

permits.

SENATOR DUANE: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Goodman, an explanation has been requested by Senator Duane.

SENATOR GOODMAN: Senator Duane, this bill extends the time that the SLA may allow a licensee to operate its business while an application for the transfer of the license is pending before the SLA.

Currently the SLA may issue temporary permits to applicants for up to 90 days with one 30 day renewal period. Such an extension will allow tranferees to avoid the threat of having to shut down their businesses awaiting SLA approval of their transfer applications.

ACTING PRESIDENT MARCELLINO: Senator Duane.

SENATOR DUANE: If the sponsor would yield.

ACTING PRESIDENT MARCELLINO: Senator Goodman, would you yield to Senator Duane?

SENATOR GOODMAN: Yes, I will.

ACTING PRESIDENT MARCELLINO: He yields, Senator.

SENATOR DUANE: As I read this, Senator, I just want to understand to make sure that I am understanding this, under the present law a temporary license can be renewed, can be given, issued for 90 days and that's it, is that correct?

SENATOR GOODMAN: It is not, Senator, no. As I said, it is up to 90 days with one 30 day renewal period.

SENATOR DUANE: Up to 90 days and a day -

SENATOR GOODMAN: With one 30 day renewal.

SENATOR DUANE: After the 90 days.

SENATOR GOODMAN: So it is 120 days altogether.

SENATOR DUANE: And this would add another, through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Goodman, do you continue to yield?

I assume he continues to yield.

SENATOR DUANE: Another 60 days?

SENATOR GOODMAN: Yes, yes.

SENATOR DUANE: And with that, if the Senator could tell me what the rational is for this? Why is it that this additional 60 days is needed?

SENATOR GOODMAN: This gives a reassurance that there will be ample deliberation by the SLA for an application and that it will not be turned down because of an overload of work by the SLA and a shortage of time for consideration.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Are you asking him to continue to yield?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR GOODMAN: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR DUANE: I am wondering if the rational for this is that the SLA is over burdened and it needs relief?

SENATOR GOODMAN: This relates to a transfer of a license. I trust you are clear it is not a new license. It would give an extra amount of time for consideration where time may become a factor.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR GOODMAN: (Nods head.)

THE PRESIDENT: He continues to yield.

SENATOR DUANE: Why is it now that the SLA is unable to perform its function within 120 days?

SENATOR GOODMAN: There are times when this type of a temporary permit can become very complex and requires adequate inspectorial review by the SLA.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield.

SENATOR GOODMAN: (Nods head.)

ACTING PRESIDENT MARCELLINO: He

does.

SENATOR DUANE: Is the time needed because it is so complicated they need more time to think about it or it is so complicated they need to give more resources to it.

SENATOR GOODMAN: I'm sorry, I couldn't hear the question, Senator. Would you repeat it?

SENATOR DUANE: Is the reason that you believe they need more time because the agency is -- because the employees of the agency needs more time to think about the temporary license or whether it should become permanent or not, or is it because they are over burdened at the SLA with too many temporary applications?

SENATOR GOODMAN: This is a departmental bill. I do not have the familiarity with their inner workings to be able to respond explicitly to the question, but it is their believe that they need it and I see no reason to assume that they do not.

The present SLA is being well run and it is my belief that therefore they are

entitled to have this consideration in regard to these specialized matters.

SENATOR DUANE: On the bill, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Duane on the bill.

SENATOR DUANE: I am going to vote against this legislation.

My experience in my district, which incidentally is I think similar although maybe even more so than Senator Goodman's district of some of the other Senators, particularly Manhattan, on almost every block we have liquor licensed establishments co-existing with residents. And though the vast majority of businesses in my district are blended in well with the community, they are not bad neighbors, they are not -- they don't become problem establishments, sadly probably anywhere from maybe three to five percent of liquor license established are problematic. And often the times when you find out that an establishment is going to be problematic is exactly during that time when the establishment changes hands and the new

ownership is not as good a neighbor as the previous one was.

In nine times out of ten cases where we have a problem establishment you can see that from the very beginning of the change in ownership and I think that it is very problematic to allow these places the opportunity to stay in business for an even longer period of time.

I'm not compelled that the staff and the commissioners of the SLA need more time. I believe that they are probably pretty good at their jobs and actually know what the issues are in most of these cases.

If it is a matter of their being over burdened then the way to solve that problem is to fund the agency appropriately so they can handle the work load as opposed to transferring the burden on to neighborhood residents who may, in fact, be victimized by the new establishment whose licensee, the person that the license is being transferred to, doesn't care about the rest of the neighborhood.

So I just think it's creating bad

public policy at that time when, sadly, 95 percent of the complaints that I get in my office from establishments come from those three to five percent of establishments which caused problems in my district, and as I previously mentioned, you can usually find that out about them from the get go.

I would urge my colleagues to vote no on this.

Thank you, Madam President.

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: Ayes 58, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed. The Secretary will read.

THE SECRETARY: Calendar Number 1005, by Senator Goodman, Senate Print 778-A, an act to amend the Alcoholic Beverage Control Law.

THE PRESIDENT: Read the last

section.

SENATOR DUANE: Explanation.

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

SENATOR GOODMAN: May I ask who requested it, Madam President, please?

SENATOR DUANE: Me again.

THE PRESIDENT: Senator Duane requested an explanation.

SENATOR GOODMAN: Senator, this bill would require a 15 day notice to community boards before the SLA schedules a hearing to issue a retail license for an on premises consumption for a premises within 500 feet of three or more existing premises.

Current law requires such notice but does not contain any time requirement. It also creates a new special category known as a cabaret license for premises which feature musical entertainment, singing, dancing, or other forms of entertaining which have a capacity of 600 or more persons.

This new class of license will allow the SLA to tailor its oversite and procedures with larger entertaining

establishments, scrutinize them more closely because of their scale and the potential for noise and neighborhood disturbance. They are an appropriately classifiable group that should be given special examination in applying for a license.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

Could you just, Senator, through you, Madam President, if the sponsor would just give me an idea of what -

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

SENATOR GOODMAN: (Nods head.)

THE PRESIDENT: Go ahead, Senator Duane, with a question.

SENATOR DUANE: Thank you, Madam President.

I know I am rushing ahead of myself. If the sponsor would just tell me what the impetus for this legislation has been?

SENATOR GOODMAN: This was based upon the desire of the community boards to be

given an adequate opportunity for consideration.

SENATOR DUANE: Through you, one last question, Madam President?

THE PRESIDENT: Senator Goodman do you continue to yield?

SENATOR GOODMAN: I am always at your disposal for any question whatsoever of any size, shape or dimension, Senator.

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

SENATOR DUANE: I think that was a yes.

SENATOR GOODMAN: That was what I was trying to say.

SENATOR DUANE: I more meant the new category. What was the impetus for the creation of the new category of license?

SENATOR GOODMAN: I think if you would let your imagination wander down the highways and byways of your district and mine, you will know that when cabarets are created they have the potential to be very disturbing indeed and that closer scrutiny of there applications is eminently wise.

SENATOR DUANE: Thank you, Madam President. Because we even share some highways and byways, and I think quite well, we could -

THE PRESIDENT: Senator, are you on the bill or do you have a question?

SENATOR DUANE: Just on the bill.

THE PRESIDENT: Go ahead, Senator Duane, on the bill.

SENATOR DUANE: In the spirit of sharing of highways and byways, I am encouraging a yes vote.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1025, by Senator Goodman, Senate Print 4282-A, an act to amend the Alcoholic Beverage Control Law.

SENATOR HEVESI: Explanation.

THE PRESIDENT: Senator Goodman, an explanation has been requested by Senator Hevesi.

SENATOR GOODMAN: Senator Hevesi, this bill amends the Alcohol and Beverage Control Law and relates to applicants to the SLA for substantial alterations to licensed premises in the following manner.

First; it eliminates the requirement that an application be filed for the following types of alterations. First; exterior alterations involving the creation or relocation of a window or door, an interior alteration that materially effects the physical structure.

Current law requires that the SLA approve these types of alterations, which have nothing to do with the sale of alcoholic beverages. These are business decisions and should be left to the discretion of the business owner without the interference of the State.

Second, it expands the definition of substantial alteration to include both

indoor and outdoor alterations. This is a thing that was added to the bill at the request of Senator Padavan, who legitimately expressed concern with concern to the possibility of outdoor cafes being added without adequate review by the SLA.

Third, it revises the types of alterations to dining or kitchen facilities that require SLA improvement for any enlargement or for contraction for any material changes.

THE PRESIDENT: Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President. Would the sponsor yield to a few questions?

SENATOR GOODMAN: Yes, I will, Senator.

THE PRESIDENT: Go ahead, Senator Hevesi, with a question.

SENATOR HEVESI: Senator Goodman, I know this is a departmental bill. My question for you is, the change which would exempt from applying to the State Liquor Authority any establishment that made a change involving the relocation of a door or a

window. Is it not possible that such a change might have some type of consequence on a surrounding community if a bar or whoever had the liquor license was situated in close proximity to private residences?

SENATOR GOODMAN: I don't believe so, Senator, if you stop to visualize what is going on here. If you have an establishment that serves liquor and it changes the location of a door or a window, I don't believe that would materially effect the situation in the surrounding neighborhoods.

Let me just say as a matter of interest to you that in my district there are a number of noisy bars and I have seen to it that the police department has been distributed a series of noise meters which are used to determine whether they exceed the permissible decibel level under the administrative code of the City of New York. We actually paid for those so that the cops could determine whether the noise restrictions are being violated. And in fact enabled them to close several establishments with repeated records for bad noise which were a disturbance

to the neighborhood, but I don't think, from our quite extensive experience with this problem, that that would relate to the window or a door alteration in the establishment.

SENATOR HEVESI: Thank you, Madam President, on the bill.

THE PRESIDENT: Senator Hevesi, go ahead on the bill.

SENATOR HEVESI: Madam President, I appreciate Senator Goodman's comments and I am familiar with the noise statutes in the New York City administrative code where if you exceed 45 decibels at a range of 100 feet as measured at a private residence you are in violation.

I have a number of concerns with the legislation that is before us, but before I discuss those particular concerns I want to commend Senator Goodman for the bill that he sponsored last week which went in the opposite direction and in fact required that when an application was made for an establishment to sell beer or wine that that application be forwarded to the local community board which would then review the application, make a

determination and a recommendation and forward it on to the SLA for a final determination. A terrific piece of legislation. I supported it. I voted for it.

This legislation, I'm afraid, moves us in the opposite direction and in my district we have some serious problems with bars that are located right next to residential homes where if you move a door and now put a door that was having patrons exit onto a major thoroughfare and you move it onto a side street now you have individuals who very likely may have spent the last few hours drinking exiting onto private residential streets and causing littering and much consternation to the local residents.

In addition, another thing that this legislation would do would exempt -- make another exemption in the case that the structure of the establishment was changed, and again I will only reference to you the experiences that I have had in my district where we have bars that have made an expansion and that has encroached upon the residential neighborhood.

I am particularly concerned about this not just on its face, but because of my experiences lately with the State Liquor Authority, and let me be specific about what I am talking about which will demonstration why I am going to vote no on this legislation and why even the legislation that we passed last week which requires that the community board have added input I am afraid will not be effective.

Here's why. The State Liquor Authority has been asked by myself and by two other members of this institution on the other side of the isle to be more responsive to community concerns about the problems that are associated with the sale of alcohol beverages in our district. In fact, we questioned the SLA chair upon his nomination at the Senate Finance Committee hearing and I voted in favor of the chair based on his answers and I voted for him on the Senate floor based on his answer at that meeting.

Subsequent to that, Madam President, I had a situation in my district in which unique to the City of New York or

anywhere else I believe for that matter, a 15,000 open air stadium is situated directly in the middle of a residential property, and in fact it is on a parcel that is zoned R-3, residential in the City of New York.

We have had a repeated history of problems associated with all day long concerts taking place at this venue where beer sales were permitted for eight straight hours. And without detailing the history, suffice it to say that our repeated attempts to compel the promoters of these concerts and the proprietors of the West Side Tennis Club, the establishment that has the contract with the promoters to cut down on these beer sales or eliminate them entirely so that you don't have drunken and intoxicated concert goers marauding through streets urinating and littering as has been the case.

So I requested that the State Liquor Authority deny a liquor license for any event that took place at that stadium this year, and they did. They denied it when it was applied for several weeks ago. And then, as is administratively permissible, the concert

promoters appealed and when they had this appeal I left the Senate, so important was it for me to appear personally in New York City at this SLA hearing to tell the SLA Commissioners why they must deny this liquor license. I left here early and went down and told them that in addition to myself that four other elected officials who represent the area all were adamantly opposed to the granting of a liquor license, including New York City Councilwoman Karen Koslowitz, New York State Assemblyman Michael Cohen, Queensborough President Claire Schulman, and United States Congressman Anthony Weiner, all adamantly opposed. I submitted statements in opposition along, Madam President, with a petition signed by 125 local residents urgently requesting that the SLA deny the liquor license to the concert promoters.

Suffice it to say that after a lengthy hearing, which was acrimonious and venomous with allegations and charges spewed against me personally and I caught one of the stadium representatives in a direct lie during the hearing and presented evidence to the

commissioners that they had lied. Despite all of this, despite the petition, despite the vehement opposition of 125 local residents and five elected officials, the SLA granted them a liquor license for eight hours of beer sales on that day. Absolutely disgraceful. Disgraceful.

Confirming my suspicions about the problems with the State Liquor Authority as many of my colleagues here are familiar with and again leading me to believe that we must be extremely leery of all of these authorities and these quasi independent boards that truly lack accountability.

So, as I stand here and speak about this piece of legislation, which the State Liquor Authority has requested and said don't make us pass judgment based on the following criteria, some of which I believe absolutely will impact the community as the liquor sales in these establishments might have adverse impacts if a door is located, if a window is situated in a different place and the noise goes into the community or you have patrons existing a particular way, or for unseen ways.

Why would we want, having last week passed a bill that would require greater community responsibility and responsiveness in the process, why would we want to move in the opposite direction?

THE PRESIDENT: Senator Goodman, why do you rise?

SENATOR GOODMAN: Will you yield for just a moment, please?

SENATOR HEVESI: Certainly, Madam President.

SENATOR GOODMAN: Senator, I think I can help you with this problem which you have justly discussed in some fashion.

The bill is worded in such a way that it says if there is any way material change. And I would submit to you that anything that would change the exit pattern, the egress of people out of the bar I will call the, show me the way to go home pattern, would be something that we would certainly expect the SLA to be cognizant of and not to -- to use the provision of this bill, or to use the material change provision of the bill to be permitted to intervene.

So I am quite confident that your concern in that regard is not one that you should be worried about because a material change would be anything that, even if a window, that would result in substantial additional noise and potential complaints this would permit the SLA not to give that automatic approval.

I believe that the spirit in which the bill was drafted and I think it is legitimate, we can certainly inform them of it and indicate to them that we would expect that our oversight, which is continuing of their operation would enforce that. So I merely want you to be aware of that.

SENATOR HEVESI: Madam President, would the sponsor yield to a question?

THE PRESIDENT: Senator Goodman, will you yield to a question?

SENATOR GOODMAN: May I say that by having made those comments, which are being recorded by the Secretary, by the stenographer, that that becomes a part of the legislative intent of the bill. By virtue of my having stated this on the floor to you,

this is considered a part of the permanent record of the bill's adoption and that becomes a statement of legislative intent on which the SLA must rely.

SENATOR HEVESI: Thank you. Madam President, if the sponsor would yield?

THE PRESIDENT: I assume that was a yes, Senator Goodman?

SENATOR GOODMAN: That was a yes.

THE PRESIDENT: Senator Hevesi, you may proceed with a question.

SENATOR HEVESI: Senator Goodman, I appreciate your comments but now you have me confused.

If the addition of an egress or an entrance to a facility would have to be reviewed and the placement of a window would have to be reviewed by the SLA, why is it included in this bill specifically?

SENATOR GOODMAN: Senator, as I tried to explain there is a qualitative aspect to this. Not any door or window would have to be reviewed, but any door or window which would change the conditions in the immediate neighborhood with regard to the exit flow of

the crowd of people that are going to leave at 3:00 a.m. in the morning with boisterous behavior such as you have describing, anointing the local flowers in the neighborhood and that sort of thing, that would be something that would be taken into serious consideration. Certainly if windows were of such nature that they would permit abatement regulations to be breached, that too would be a material consideration.

SENATOR HEVESI: Madam President, if the sponsor would yield.

THE PRESIDENT: Senator Goodman will you continue to yield?

SENATOR GOODMAN: Yes, I will, Madam President.

THE PRESIDENT: Thank you, Senator. Go ahead Senator, Senator Hevesi.

SENATOR HEVESI: Senator Goodman, if under this legislation establishments that make a change to a door or window are not required to file an application how would the State Liquor Authority know that there was a change and act accordingly in the community's best interest?

SENATOR GOODMAN: The answer to that question rests in the matter of the plans which are filed with the city buildings department, which would enable anybody in the neighborhood or thereabouts to file a complaint. This is not done in the dead of night. It is done in a public fashion so that the plans that are being filed are -- there is public access to them.

I presume in your neighborhood if you thought there was some problem the community board is undoubtedly as alert as mine and they would complain about it.

SENATOR HEVESI: Thank you. Madam President, may I continue on the bill.

THE PRESIDENT: Senator Hevesi on the bill.

SENATOR HEVESI: Thank you. Madam President, I'm not aware of any requirement that when the owner of a bar or a local establishment puts a window or a door in that they are required to make a change of plans or notify the community board. And unfortunately if this legislation passes they will now be exempt from the current

requirement of having to notify the State Liquor Authority and the State Liquor Authority currently would at least in theory, but I doubt this I in practice based on my experiences, would have to review and determine whether such a change was in the best interest of the community because such a change under current law could potentially have an adverse impact on the community, and I don't know why it would be that with the express language in this bill as stated there would be an additional exemption from the exemption which would solve this problem.

So, Madam President, again on this bill, I believe we are moving in the wrong direction on this legislation. I am going to vote no on it. And I would just like to again call attention to the very serious problem we have currently with the State Liquor Authority and their complete lack of accountability to the requests of the community. And may I suggest that the State Liquor Authority exists for one purpose. And while it is to regulate the industry that serve and distributes alcoholic beverages, that is not their number

one priority. Their number one priority is to make sure that the sale and distribution of alcoholic beverages is done in a safe fashion that doesn't adversely impact anyone. And they have failed in my eyes this year and maybe on other occasions in that mission and I am afraid that this legislation would make it easier for them to fail and send them the wrong message at the exact same time that we should be sending them the most unequivocally clear message that they must, must, take into consideration and into account the concerns of the community when undertaking the very serious responsibility of granting someone the permission, the right, to sell alcoholic beverages in our community.

I vote against this bill, 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 PRESIDENT: The Secretary

will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1025 are Senators Duane, Fuschillo, Hevesi, Marcellino, McGee, Onorato, Padavan, Paterson, Schneiderman, Spano and Velella. Also, Senator Smith. Also Senator LaValle. Also Senator Dollinger.

Aye 45, nays 14.

THE PRESIDENT: The bill is passed. Senator Skelos, that completes the reading of the controversial calendar as well as the reading of the supplemental calendar.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Gentlemen, if you could take your conversations outside, please.

Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions, I believe there are a couple motions to be made.

THE PRESIDENT: Senator Seward.

SENATOR SEWARD: Yes, Madam President, on page 31, on behalf of Senator Spano I offer the following amendments to Calendar Number 817, Senate Print Number

1492-A, and ask that the said bill retain its place on the Third Reading Calendar.

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

SENATOR SEWARD: Also, Madam President, on behalf of Senator Saland, please remove the sponsor star from Calendar Number 935.

THE PRESIDENT: So ordered, Senator Seward.

Senator Skelos.

SENATOR SKELOS: Are there any substitutions to be made?

THE PRESIDENT: Yes, there are, Senator Skelos, there is one substitution.

SENATOR SKELOS: Would you please make the substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 18, Senator Bonacic, moves to discharge from the Committee on Rules, Assembly Bill 6404-A, and substituted it for the identical Third Reading

512.

THE PRESIDENT: Substitution is ordered.

Senator Paterson, why do you rise?

SENATOR PATERSON: Madam President, with unanimous consent I would like to be recorded in the negative on Calendar Number 413.

THE PRESIDENT: You will be so recorded, Senator Paterson, as voting in the negative on Calendar Number 413.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If we could go to supplemental two of the active list at this time.

THE PRESIDENT: The Secretary will read.

Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 1059.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1059, by Senator Johnson, Senate Print 3121-A,

an act to enact the student bill of rights.

SENATOR DUANE: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR SKELOS: Lay it aside for the day.

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

Senator Skelos.

SENATOR SKELOS: Could you please call up 1295, Calendar Number 1295, by Senator Marchi.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1295, by Senator Marchi, Senate Print 5589, an act to amend the Education Law.

SENATOR DUANE: Lay it aside.

SENATOR SKELOS: Lay it aside for the day, please.

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

SENATOR SKELOS: Madam President, would you please call up Calendar Number 1346, by Senator Saland.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1346, by Senator Saland, Senate Print 5736-A, an act to establish a public library district.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Paterson to explain your vote.

SENATOR PATERSON: Just one second Madam President. Can way lay this aside, Madam President?

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: I think Senator Paterson inadvertently laid that aside.

SENATOR PATERSON: Madam President.

THE PRESIDENT: Senator Paterson, go ahead.

SENATOR PATERSON: I don't mind being a puppet, I just resent when they let

the strings show.

THE PRESIDENT: Is there a request for this bill to be laid aside, gentlemen?

SENATOR DOLLINGER: No.

SENATOR PATERSON: No, Madam President.

THE PRESIDENT: There is not. Alright. The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed. Senator Nanula.

SENATOR NANULA: Thank you, Madam President. I would like to request unanimous consent to be recorded in the negative on Calendar Number 1025.

THE PRESIDENT: You would be so recorded, Senator Nanula, as voting in the negative.

SENATOR NANULA: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: It is presently on the desk but does not appear on the calendar. Would you please call up Calendar

Number 1333, by Senator Larkin.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1333, by Senator Larkin, Senate Print 4405-A, an act to amend the General Municipal Law, Chapter 444 of the Laws of 1997.

SENATOR DUANE: Lay it aside.

THE PRESIDENT: The bill is laid aside, Senator Duane.

SENATOR SKELOS: Madam President, can we please take that bill up now at this time.

THE PRESIDENT: The Secretary will read.

Senator Duane, why do you rise.

SENATOR DUANE: Madam President, I don't believe we have 1333 on our desks, do we?

THE PRESIDENT: Senator Duane, why do you rise?

SENATOR DUANE: Because Senator Nanula was kind enough to lend me his copy from his desk. I would like an explanation, Madam President.

THE PRESIDENT: Senator, we have a request for an explanation.

Senator Larkin an explanation has been requested.

SENATOR LARKIN: Yes, Madam President.

This bill is an addition to a bill that we passed in 1997 which expires on 30 June, 1999. The basic premise of this bill is that we are going to increase the cap from 15,000,000 to 25,000,000 and increase the period of operation from two to five years.

Earlier this year we had a public hearing, and at that public hearing on April 28th, everyone that testified was very loud and clear that the existing laws concerning IDAs were not satisfactory enough to enable industrial development agencies to clearly carry out their responsibility. The time available to them from start -- concept of a project to completion, two years was not adequate.

It was requested by the IDAs, developments and others, that the bill be made permanent with the 25 years. However, in

trying to negotiate with the other house, we set a target of five years and 25,000,000.

But I think what we need to understand here is that projects include under the IDA dormitories for educational institutions, facilities as defined in Article 28 of the Public Health Law and housing facilities primarily designed to be occupied by individuals 60 years of age or over.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Senator Stachowski, why do you rise.

SENATOR STACHOWSKI: Would Senator Larkin yield for a couple questions?

THE PRESIDENT: Senator, do you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Stachowski, with questions.

SENATOR STACHOWSKI: Madam President, through you, I know Senator, that

this bill just deals with extending the time frame to work on a project and the amount of money they have to work on a project, but can we expect to see some legislation that will kind of contain some of the IDAs?

Out my way we have -- it seems like everybody's got an IDA, and it seems like their main business is currently to take office companies from downtown Buffalo and move them out to the suburbs, or take a company that's tax abatement has run out in their one town and move them over to another town by saying they were going to move out of state otherwise. And all they are doing is moving from town to town and not paying anybody taxes idea and we are using these things to create office buildings in the industrial parks and have people locating their offices at no expense and no gain really to the tax payers of that community, just a gain to that company because now they are in a tax free building for the next ten years.

I know that this particular legislation doesn't do anything to effect that because under the current law that is what

they are doing, but I am just wondering if we are going to be giving them an increase in the amount of money and an increase in the amount of time to do projects, are we planning on doing anything to curtail them from these other operations that they are currently doing?

SENATOR LARKIN: Well, there are provisions in certain legislation to eliminate that kind of activity I think. But I can say that people at the hearing, that question was asked and every one of them said they would not participate in that.

I have not heard of anybody except in Western New York were that was an issue. I questioned many people in IDAs on Long Island, the Southern Tier, in the Hudson Valley and even in the Capital Region, and they all indicated that that was not part of their game. That is why they were trying to go to the 25,000,000 in order to be insure that projects were being maintained as a project for project, rather than to rob Peter to pay Paul.

THE PRESIDENT: Senator

Stachowski.

SENATOR STACHOWSKI: Madam President, through you again, the last question.

SENATOR LARKIN: Yes, Madam President.

SENATOR STACHOWSKI: I would understand if you would not have it every where else because we have so many in such a small area. And granted some of them work better than others, but the net result is we are not getting our maximum bang out of these. We're actually hurting fellow municipalities by taking their currently located businesses and putting them into tax free locations. And I know that we have anti-pirating provision now and they can go to court over that, but in other words we are just planning on doing this increase and doing a further extension and that's all we are doing, and I'm not questioning that is not going to work well in other places, but since the place I represent is western New York and since the places that are hurt are places like the City of Buffalo, I have got a real problem with this.

And so do you anticipate seeing anything that deals with this?

SENATOR LARKIN: I would hope after we resolve this issue here we have anticipated meetings between Brian McMann from the business council and certain places such as yours and I am sure Senator Mary Lou Rath will agree with it or attest to it, that we want to, first of all, I think in some of these counties there are too many IDAs. I know in my own county that they have cut the IDAs by 75 percent and I have noticed a better blend of action on this. I think that maybe that might be the case.

SENATOR STACHOWSKI: Thank you. Madam President, on the bill.

THE PRESIDENT: On the bill, Senator Stachowski.

SENATOR STACHOWSKI: I don't really have any problem with the concept of IDAs that work properly getting a larger amount of money to deal with in a longer time frame to deal I with it, but I do have a problem with the way that IDAs function in western New York. And I do have a problem

with the way one town steals from another or all of the towns steal from the city and we end up with all these companies taking full advantage of tax breaks, and we want to give them tax breaks and we want to help companies, but we don't want to have companies moving every ten years when their tax break runs out to another community to go for another ten years in a new building for a tax break. And we don't want to have office buildings, and particularly we don't want to have office buildings going from prime locations and hurting that municipality by giving them empty office space to go to a tax free building located in an industrial park.

That is a problem I have. That is not what IDAs were for, but that is what they are being used for.

THE PRESIDENT: Senator Rath, why do you rise?

SENATOR RATH: When Senator Stachowski is finished.

THE PRESIDENT: Senator Volker, why do you rise?

SENATOR STACHOWSKI: They both

want to speak after me because I like to hit nerves every so often. I knew that Mary Lou would get up because her IDA in particular is the best at pirating without getting caught.

THE PRESIDENT: That is on the bill, Senator.

SENATOR STACHOWSKI: And the guy does a great job at it, and if I were Mary Lou I would get up and defend that guy too, because he does do it well. But they are not the only IDA that takes office space from down-town Buffalo, and we have the same situation in Cheektowaga where we have industrial developmental on both sides of the airport that they don't pay any taxes to the school district or to the town because the land is owned technically by the NFTA and all of these insurance companies and other companies are then considered travel related, which beats me, but they are and so they don't pay taxes either.

And we end up with a lot of prime property being used by companies and not even paying in kind fees, and that is a big problem for some of these places, and the result is

that the poor resident that lives there ends up paying the tax load for all these businesses that are using all these loop holes to take advantage of tax breaks, and only because of that I probably am going to vote against this bill.

I am not suggesting that people from other areas that don't have this situation prevalent vote against it, I am just saying that in my area in my situation I have a hard time giving IDAs more authority because I don't especially like some of the jobs they are doing today.

THE PRESIDENT: Senator Rath.

SENATOR RATH: Thank you, Madam President.

I would like to thank you, Senator Stachowski, for the kudos thrown to the director of Amherst IDA. I will certainly pass those long, and being that it is coming from you it will be even more wonderful. But I rose for only one point, not to extend debate when we have a lot on the agenda except to say, Senator Stachowski, you raised an extraordinarily important point that we in

western New York debated long and hard for the better part of ten years, and I believe much of that is behind us, but what you point out about the moving and the pirating, and even as you said that I thought to myself and commented to my colleague on my right, Bill Stachowski just brought up another point of smart growth, and I believe Senator Larkin responded to that something on your question as to talking with Brian McMann, and I think there is a nub of something else here that is caught up in future developments and I would say in relation to Senator Larkin's hearing, I sat there with him for the whole day and there was not one person who was opposed to this particular bill.

But I don't think our work is finished and I appreciated your comments and as we move forward with it we'll look for your input because you are right, Bill, we have a lot more work to do.

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, nays two. Senators Nanula and Stachowski recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Maltese.

SENATOR MALTESE: Madam President, may I ask unanimous consent to be recorded in the negative on Calendar Number 1025?

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

Senator Skelos.

SENATOR SKELOS: I believe there are some substitutions at the desk.

THE PRESIDENT: The Secretary will read the substitutions.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Rules, Assembly Bill Number 7965, and substitute for the identical Third Reading 1338.

Senator Kuhl moves to discharge

from the Committee on Rules, Assembly Print 7371, and substitute for the identical Third Reading 1341.

Senator Fuschillo moves to discharge from the Committee on Rules, Assembly Bill 6909-A, and substitute it for the identical Third Reading 1356.

THE PRESIDENT: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, on the regular calendar, would you please call up Calendar Number 655, by Senator Maziarz.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 655, by Member of the Assembly Robach, Assembly Print 2045, an act to amend the Environmental Conservation law.

SENATOR DUANE: Explanation.

SENATOR HEVESI: Explanation.

SENATOR SCHNEIDERMAN: Explanation.

THE PRESIDENT: Senator Maziarz, an explanation has been requested by Senators Hevesi and Schneiderman and Duane.

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

Madam President, the bill before us today promotes the implementation of a fire arm accident prevention program for children in elementary school.

This safety program is designed to instruct children that when or if they should find a fire arm they should stop, don't touch it, leave the area and inform an adult.

The decision on whether to implement a fire arm accident prevention program will rest entirely upon each individual school district, as will the type of safety program taught by each school. This bill directs the Department of Environmental Conservation to develop such a program in consultation with the Education Department, utilizing information from several successful firearm safety programs currently in use.

Thank you, Madam President.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Will the sponsor yield to a few questions?

THE PRESIDENT: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Surely, Madam President.

THE PRESIDENT: Go ahead, Senator Schneiderman, with a few questions.

SENATOR SCHNEIDERMAN: Thank you, very much.

Senator, the bill that you are proposing makes specific reference to the Eddie Eagle Program several times; does it not?

SENATOR MAZIARZ: Yes, it does, Senator.

SENATOR SCHNEIDERMAN: And who produces the Eddie Eagle Program?

SENATOR MAZIARZ: The Eddie Eagle program is a recognized firearm safety prevention program sponsored by the National Rifle Association. However, the bill is not exclusive to that program, Senator.

SENATOR SCHNEIDERMAN: If the sponsor will continue to yield, Madam President.

SENATOR MAZIARZ: Yes, Madam

President.

SENATOR SCHNEIDERMAN: Well, in the purpose of the title it does state, does it not, Senator, that the purpose is to promote firearm accident prevention for children in prekindergarten through sixth grade by a program of firearm safety instruction, utilizing a simple safety message, stop, don't touch, leave the area, tell an adult. That is the first sentence of the bill.

In fact, isn't that exact phrasing, stop, don't touch, leave the area, tell an adult, which is in quotes in the bill, that is the Eddie Eagle message; is it not, Senator?

SENATOR MAZIARZ: That is good advice, I think to give to children should they come upon a handgun or a weapon of some sort.

SENATOR SCHNEIDERMAN: Well, I gather you are thinking of voting for this bill, but is that not the explicit message? It is in quotes in your bill, that is in all of the Eddie Eagle materials?

SENATOR MAZIARZ: That is in the

bill, and yes, it is contained in the Eddie Eagle material. And I think it is good advise to tell that to a child, to stop, don't touch the weapon, leave the area and inform an adult.

SENATOR SCHNEIDERMAN: Well, you said that -- if the sponsor would continue to yield?

SENATOR MAZIARZ: Yes, Madam President.

SENATOR SCHNEIDERMAN: The thing that I think is of concern is if the purpose of the bill is to teach a very specific that is printed in quotes, and if there is only one program in the United States that teaches, and I have the material, stop, don't touch, leave the area, tell an adult, it is a little disingenuous to say that this is not something that if not requiring, directs the state in the direction of putting the Eddie Eagle material out and available to our school systems.

SENATOR MAZIARZ: No.

SENATOR SCHNEIDERMAN: Is there any other program that includes the mantra,

stop, don't touch, leave the area, tell an adult that you are aware of, Senator?

SENATOR MAZIARZ: No, none that I am aware of, Senator, but I want to make it very plain and very clear, Senator, that the bill does not require the Eddie Eagle program.

SENATOR SCHNEIDERMAN: Let me ask you a question, does this -- if the sponsor would continue to yield?

THE PRESIDENT: Senator, do you continue to yield?

SENATOR MAZIARZ: Surely, Madam President.

THE PRESIDENT: Go ahead, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Is it not correct, Senator, that this program would authorize the Department of Environmental Conservation to distribute materials on fire arm safety to any school district that requests them?

SENATOR MAZIARZ: Yes.

SENATOR SCHNEIDERMAN: And is it also not true that would authorize the Department to utilize materials, again I am

quoting from the bill, utilize materials from appropriate nongovernmental organizations. Is that not correct?

SENATOR MAZIARZ: Yes. It does not limit the nongovernmental organizations.

SENATOR SCHNEIDERMAN: I understand. Thank you.

But then isn't it the case that this bill would authorize the Department of Environmental Conservation, as it sets about trying to find materials that teach the lesson, stop, don't touch, leave the area, tell an adult, to purchase material from the National Rifle Association and in fact make National Rifle Association materials the only materials that are available to school districts that request the Department, is that not possible?

SENATOR MAZIARZ: No, no. Is it possible, or is it contained in the bill?

SENATOR SCHNEIDERMAN: Let me rephrase the question if I am not speaking clearly enough.

THE PRESIDENT: I am going to ask, Senator Maziarz, are you continuing to

yield to questions?

SENATOR MAZIARZ: Yes, I am, Madam President.

THE PRESIDENT: All right, go ahead Senator Schneiderman, if you have a question.

SENATOR SCHNEIDERMAN: Thank you. I appreciate the Senator's courtesy.

This bill, as I read it, and I may be wrong, would authorize the Department of Environmental Conservation to purchase the National Riffle Association Eddie Eagle materials, which are as far as I am aware the only gun materials that teach this little mantra, stop, don't touch, leave the area, tell an adult, and make available the Eddie Eagle materials to any school district in the state that requests gun safety curricula.

Is it not true that this would authorize, if not require, the Department of Environmental Conservation, to do that?

SENATOR MAZIARZ: That is absolutely not correct, Senator.

SENATOR SCHNEIDERMAN: Then I am at a loss, Senator. Could you explain to me

where it says they have to make alternative curricula available or that they are to make multiple curricula available, or they can't use Eddie Eagle?

SENATOR MAZIARZ: You just -- I didn't say they could not use Eddie Eagle. They could use Eddie Eagle, they could use material from Handgun Control, Inc. They could use materials from Hands Without Guns, they could use material from the living Classroom Foundation, they could use material from Straight Talk About Risk, they could use any material that they wanted to use. They are not restricted by this legislation, Senator.

SENATOR SCHNEIDERMAN: They meaning the Department of Environmental Conservation?

SENATOR MAZIARZ: Yes, with the consultation of the Department of Education.

SENATOR SCHNEIDERMAN: But my question very simply was isn't it possible, that as a result of this, the only materials that will be the made available to school districts by the Department of Environmental

Conservation, could be Eddie Eagle, as this doesn't direct alternative curricula to be made available or developed?

SENATOR MAZIARZ: Senator, I will answer that by saying it is also possible that the only material the Department of Environmental Conservation may use is information about the Star Program from Handgun Control, Inc.

SENATOR SCHNEIDERMAN: I am afraid that as I am reading this, if I am in the Department of Environmental Conservation, and the purpose, the first sentence of the bill says, "The purpose is to teach the simple safety message, stop, don't touch, leave the area, tell an adult." And I know that the only program in the country that does that is Eddie Eagle, why would I go to another program, Senator? Maybe you can help me out?

SENATOR MAZIARZ: Because the bill -- I'm sorry, Madam President, through you. Because the bill allows you to go through any program which you feel is a good program to teach a message, a message that if a young child should come across a weapon,

that they should not touch it, that they should inform an adult.

THE PRESIDENT: Senator, do you continue to yield?

SENATOR MAZIARZ: Yes, I do.

THE PRESIDENT: Go ahead, Senator.

SENATOR SCHNEIDERMAN: Though you, Madam President, in fact, Senator, if -

SENATOR MAZIARZ: Also, I'm sorry, Senator, could I just finish my answer to the last question. I'm sorry, Madam President.

Also the school district may chose a program that it feels is better. It is not required to take this particular program developed by the DEC. It may choose the Star Program, if you will. Star meaning, not the Star, more popular Star.

SENATOR SCHNEIDERMAN: There are two very popular Star Programs where I come from, Senator.

Madam President, if the sponsor would continue to yield?

THE PRESIDENT: Senator, do you

continue to yield?

SENATOR MAZIARZ: Yes, I do, Madam President.

THE PRESIDENT: Go ahead, Senator.

SENATOR SCHNEIDERMAN: My understanding is that the memorandum of supports states that there will be no fiscal impact for this program; is that correct?

SENATOR MAZIARZ: Yes.

SENATOR SCHNEIDERMAN: Is it not the case though that Section 11, 2503, which authorizes the Department to obtain -- to utilize materials from appropriate non governmental organizations could result in the purchase of materials from a nongovernmental organization such as the National Rifle Association?

SENATOR MAZIARZ: Would the Department purchase the materials? I don't know. I think it would be up to them. I do not know. The nongovernmental agency may supply them with materials.

SENATOR SCHNEIDERMAN: I'm sorry.

SENATOR MAZIARZ: I said, you

know, that they could -- they may purchase them, you know, a non -- one of the agencies may supply them with the materials.

SENATOR SCHNEIDERMAN: Well, if this does require an expenditure of funds for gun safety curricula, wouldn't that have a fiscal impact, Senator?

SENATOR MAZIARZ: The local school districts may choose to do that on their own. It is at their option. If a local school district doesn't opt in to the program, Senator, then there would be no fiscal impact.

SENATOR SCHNEIDERMAN: Senator, if the sponsor would continue to yield, Madam President?

SENATOR MAZIARZ: Yes, Madam President.

THE PRESIDENT: Senator, you continue to yield?

SENATOR MAZIARZ: Yes.

THE PRESIDENT: Go ahead, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Senator, are you aware of the fact that Eddie Eagle is actually the product of and owned by not the

National Rife Association, but the National Rifle Association Foundation that produces Eddie Eagle, were you aware of that?

SENATOR MAZIARZ: No, I was not aware that, Senator.

I am, however, aware, Senator, that the Eddie the Eagle Program, and I don't think we are here to debate the merits of the Eddie the Eagle Program or not, but the United States Department of Justice under the Attorney General, Janet Reno, has put out a publication which I will supply you a copy of, called, "Promising Strategies to Reduce Gun Violence." And there is a particular sections on education initiatives and alternative prevention strategies which they recommend or they list such programs as Child Development Community Police in New Haven, Connecticut, Calling the Shots, St. Paul, Minnesota, Hands Without Guns, in Washington, D.C., the Straight Talk about Risk, which is the Star Program, and Eddie the Eagle Elementary Gun Safety Education Program.

SENATOR SCHNEIDERMAN: Thank you, Senator. That is interesting to note that it

is on the list.

If the sponsor would continue to yield, are you aware Senator, of why the Eddie Eagle Program was developed and the history of the development of the Eddie Eagle Program by the National Rifle Association?

SENATOR MAZIARZ: No, I'm not, Senator, because my bill is not about the Eddie the Eagle Program.

SENATOR SCHNEIDERMAN: Well, I'm sorry, I thought we had agreed sometime ago that this bill, since its makes reference twice to -- lets clarify this, Senator.

Would the sponsor continue to yield?

THE PRESIDENT: Senator, do you continue to yield?

SENATOR MAZIARZ: Yes, I do.

THE PRESIDENT: And do you have a question, Senator Schneiderman?

SENATOR SCHNEIDERMAN: Yes, I do.

THE PRESIDENT: Thank you.

SENATOR SCHNEIDERMAN: This bill refers at least twice to the Eddie Eagle Program and twice to the Eddie Eagle lesson,

stop, don't touch, leave the area, tell an adult. And refers no where to any other safety program curriculum; is that not true, Senator?

SENATOR MAZIARZ: That is true, Senator, but it also says, it also says that such firearms safety instruction program may utilize materials and assistance from appropriate nongovernmental organizations to the extent deemed reasonable and necessary and so forth. So it is not limited to the Eddie the Eagle Program.

SENATOR SCHNEIDERMAN: Well, but just to make sure that we're clear on this, you are saying it is not limited to, but if I read this correctly, it is at the discretion of the Department of Environmental Conservation in consultation with the Department of Education under your bill whether they distribute materials from one program such as Eddie Eagle, or five programs or they develop their own; is that not true?

SENATOR MAZIARZ: That is true.

SENATOR SCHNEIDERMAN: So, it is possible that the Department of Environmental Conservation, since Eddie Eagle is the only

program referred to, might just choose to distribute the Eddie Eagle Program as a result of this bill; is that not true, Senator?

SENATOR MAZIARZ: Yes, it is.

SENATOR SCHNEIDERMAN: So, if the Department of Environmental Conservation obtains from NRA and distributes Eddie Eagle material to any school districts requesting gun safety curricula, that would meet the Environmental Conservation Department's obligation under the bill; is that not true?

SENATOR MAZIARZ: Well, Senator, what if they don't? What if they choose the Handgun Inc. program of the Star Program, and used those materials that they may deem appropriate?

SENATOR SCHNEIDERMAN: My question though, Senator, I look forward to the day when perhaps in a different administration the Department of Environmental Conservation may choose to development curricula developed by other organizations, but my question is, very simple.

We are setting up a situation in which, is it not true, in which it would meet

the requirements of this bill for the Department of Environmental Conservation to simply purchase from the NRA or obtain from the NRA and distribute to school districts that request them Eddie Eagle materials?

SENATOR MAZIARZ: And my answer to you, Senator, is also very simple. And that is that the Department, under this piece of legislation, may purchase materials from Handgun Control Inc. and use that in developing the requirements under this legislation.

SENATOR SCHNEIDERMAN: If the sponsor continues to yield?

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

SENATOR MAZIARZ: Yes.

THE PRESIDENT: Senator Schneiderman, you may proceed with another question.

SENATOR SCHNEIDERMAN: Senator Maziarz, coming back to my question, since it is possible that pursuant to your legislation Eddie Eagle materials may be distributed by the Department of Environmental Conservation,

I return to my question, are you familiar with the genesis of the Eddie Eagle Program, Senator Maziarz?

SENATOR MAZIARZ: In a general way I am, Senator, yes.

SENATOR SCHNEIDERMAN: Senator, are you aware of the fact that the Eddie Eagle Program was developed in Florida in 1988 as a part of campaign by the NRA to kill child access prevention legislation that would have made it -- made adults responsible if they failed to store firearms in a manner reasonable designed to prevent access by children? Were you aware of the fact that that is when it was developed, Senator?

SENATOR MAZIARZ: Again, Senator, I remind you that this bill is not about the Eddie the Eagle Program.

What I am aware of Senator is that this bill attempts to sent the message to elementary school children that should they come across a weapon that they should stop, that they should not touch it, that they should leave the area and that they should inform an adult.

SENATOR SCHNEIDERMAN: Madam President, if the sponsor would continue to yield?

SENATOR MAZIARZ: Yes, Madam President.

THE PRESIDENT: Senator Maziarz, you continue to yield?

SENATOR MAZIARZ: Yes.

THE PRESIDENT: Go ahead, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Senator, may I ask, why is it necessary in this bill, if you are saying it is not about Eddie Eagle, to repeatedly refer to Eddie Eagle and not refer to any other programs? Is there some reason that you felt that was necessary?

SENATOR MAZIARZ: Madam President, through you, it was one program that quite frankly I was familiar with. I did read the very positive information about it contained in this U.S. Department of Justice, Janet Reno report, and I thought it may be a good starting point but not the only point that the DEC and the Department of Education should take into consideration when developing

this very important accident prevention program.

SENATOR SCHNEIDERMAN: Madam President, if the sponsor would continue to yield?

SENATOR MAZIARZ: Yes.

THE PRESIDENT: Go ahead, Senator Schneiderman.

SENATOR SCHNEIDERMAN: So then you really have -- your position is that what, Eddie Eagle was the program that you knew, but you have no objection to the result of the bill being for the Department to distribute materials from some other programs if that's what it deems approximate? Is that correct?

SENATOR MAZIARZ: I'm sorry, Senator, I think I have answered that question.

SENATOR SCHNEIDERMAN: Well, it is.

SENATOR MAZIARZ: Probably four times already.

SENATOR SCHNEIDERMAN: It may sound similar, but what I am saying is that you just stated something interesting, that

you mention Eddie Eagle you said because that was the program you were familiar with, but would it satisfy you if the Department of Environmental Conservation, as a result of this bill, makes available materials other than Eddie Eagle and does not make available Eddie Eagle?

SENATOR MAZIARZ: The Department -- that is really what this bill is all about, the Department is directed to come up with a program utilizing appropriate materials to prevent accidents with guns by small children.

SENATOR SCHNEIDERMAN: So, I'm sorry, we may not -- the day is late, we may not be communicating as well as we usually do.

SENATOR MAZIARZ: No, I think, Senator, you may not be hearing the answers you want.

SENATOR SCHNEIDERMAN: I may not be hearing the answers to the question I am asking. But Madam President if the sponsor would continue to yield?

THE PRESIDENT: Senator Maziarz, are you continuing to yield?

SENATOR MAZIARZ: Absolutely,

Madam President.

THE PRESIDENT: Senator Schneiderman, you may proceed.

SENATOR SCHNEIDERMAN: Thank you, very much, Madam President. My question is, very straight forward. If the Department of -

SENATOR MAZIARZ: So was my answer.

SENATOR SCHNEIDERMAN: The Department of Environmental Conservation chose, after his bill was passed and it sought to implement it in good faith, to distribute materials other than Eddie Eagle, not to distribute Eddie Eagle materials, would that be okay with you? Does that meet the intent of your bill as long as they were gun safety materials?

SENATOR MAZIARZ: Senator, I think that the bill provides the mechanism for the Department of Environmental Conservation in consultation with the State Education Department to utilize whatever appropriate materials that they deem necessary to prevent accidents, to prevent young children from

having access and hurting themselves with weapons.

SENATOR SCHNEIDERMAN: Madam President, through you, what I'm not clear about, and maybe I am just asking the questions in an inarticulate way, is whether or not the sponsor would be satisfied if as a result of this bill the Department doesn't distribute Eddie Eagle materials at all, but just distributes other gun safety materials? Eddie Eagle is in this twice for -- I can't believe it is for no reason and I am wondering if it would be okay with you if the Department distributes other material other than the Eddie Eagle in response to this bill, and I am unable to get a yes or no answer.

SENATOR MAZIARZ: Well, I'm not going to give you a yes or not answer, Senator, because it is very clearly spelled out in the bill. You read it earlier and I will read it again. Such firearm safety instruction program may utilize materials and assistance from appropriate nongovernmental organizations to the extent deemed reasonable and necessary.

SENATOR SCHNEIDERMAN: Through you, Madam President, is the sponsor aware of any studies or reports relating to the effectiveness of the Eddie Eagle Program?

SENATOR MAZIARZ: Madam President, yes, I am.

I am aware of the one that I pointed out to you earlier from the United States Department of Justice. I'm not going to repeat myself.

SENATOR SCHNEIDERMAN: Not to repeat yourself, although I certainly am happy to indulge if that happens through mishap.

Is the sponsor aware of the 20/20 report that filmed children being taught the Eddie Eagle Program and then had hidden cameras to film the activities with guns after being instructed in the Eddie Eagle Program?

SENATOR MAZIARZ: Yes, the sponsor is aware of that. The sponsor is also aware of another ABC news report from April 9th of 1998 at which the exact opposite was shown, where a segment by Peter Jennings showed children who had gone threw a safety program, a weapons safety program who, when

they were secretly video taped did exactly what they were taught to do. When they were playing with these toys and they came across a gun that had been disarmed and they ran and told their teacher or an adult.

So it showed, on this show with Peter Jennings, which was ABC, the exact opposite of what that 20/20 program showed.

SENATOR SCHNEIDERMAN: Senator, did the -- is the sponsor continuing -

THE PRESIDENT: Senator, are you continuing to yield?

SENATOR MAZIARZ: Yes, I am, Madam President.

THE PRESIDENT: Go ahead, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

Have you seen the 20/20 program, Senator?

SENATOR MAZIARZ: Yes, I have Senator. And I also saw that Peter Jennings show that I just mentioned.

SENATOR SCHNEIDERMAN: And have you seen any of the work or writings of the

psychology professor whose child was one of the participants in the 20/20 program?

SENATOR MAZIARZ: What was that person's name?

SENATOR SCHNEIDERMAN: She has written -

SENATOR MAZIARZ: I am sure there are a lot of psychologists shown on 20/20, Senator.

SENATOR SCHNEIDERMAN: Well, I have the materials. Her name is Margery Hardy. Most recent on this subject was an op-ed column in the New York Times about two weeks ago. Are you familiar with that?

SENATOR MAZIARZ: No, I'm not familiar with her, Senator.

SENATOR SCHNEIDERMAN: To put it mildly, Senator, the 20/20 program, Ms. Hardy's writings, have at least cast some doubt on the effectiveness of the Eddie Eagle program, and I ask you, as a parent of a small child, I have a thought as to why that may be, do any of the Eddie Eagle materials ever tell children why they should not touch a gun? Are you familiar with any Eddie Eagle comic book,

video, fun pack, action materials or otherwise that inform children as to what the possible consequences of touching a gun are?

SENATOR MAZIARZ: Senator, I think, through you Madam President, I think, Senator, the message, stop, don't touch, leave the area, tell an adult. I think that is a fairly clear message, Senator.

SENATOR SCHNEIDERMAN: Madam President, through you again, my question is, I assume you are familiar with the Eddie Eagle material, Senator, since it is in your bill twice?

SENATOR MAZIARZ: Yes.

SENATOR SCHNEIDERMAN: Are you aware of any statement in any Eddie Eagle material of any kind, and I have attempted to read every bit I could get my hands on, and watched their videos, that tells children, as a part of the instruction, why you shouldn't touch a gun? What is the possible harm of touching a gun? Are you aware of any statement in Eddie Eagle materials to that effect?

SENATOR MAZIARZ: Senator, I am

aware that the Eddie Eagle material tells children that they should stop, leave the area, don't touch the gun and tell an adult and I think that is a pretty clear message.

SENATOR SCHNEIDERMAN: So is the answer to my question no, that you are not aware of any statements of the consequences?

SENATOR MAZIARZ: The answer to your question is exactly what I said.

SENATOR SCHNEIDERMAN: Okay. Well I take you at your word, Senator, that this is not a bill about Eddie Eagle, and in that spirit, I have prepared an amendment, and I believe, Madam President, there is an amendment at the desk?

THE PRESIDENT: That's correct, Senator Schneiderman.

SENATOR SCHNEIDERMAN: I would waive reading and request that we be allowed to proceed.

THE PRESIDENT: We have reviewed it, Senator Schneiderman, and it is germane to the bill.

SENATOR SCHNEIDERMAN: If I may provide an explanation?

THE PRESIDENT: The reading will be waived and you may explain it, Senator Schneiderman.

SENATOR SCHNEIDERMAN: This amendment is exactly the same as Senator Maziarz's bill with the exception of the fact that it deletes the specific references to Eddie Eagle and to the Eddie Eagle lesson.

It authorizes the Department of Environmental Conservation and Department of Education -- in consultation with the Department of Education, to develop and implement a firearms safety instruction program. It says that you can provide the resources in the same way as Senate Maziarz bill and that every elementary school district may instruct children and obtain materials from the Department, the same as in Senator Maziarz bill.

The only thing different is that this takes out the reference to the National Rifle Association curriculum, Eddie Eagle and the Eddie Eagle mantra, stop, don't touch, leave the area, tell an adult.

I would strongly urge my colleagues

that this amendment would enable Senator Maziarz dream of a bill that is open to Eddie Eagle, but also open to other programs to come to fruition without any possibility of misinterpretation by bureaucrats in the Department of Environmental Conservation who might say, well, gee, what program should I give out, I don't know, it refers twice to Eddie Eagle, it refers twice to the Eddie Eagle lesson, I guess I should give out Eddie Eagle, and I know that is not the way Senator Maziarz is intending, and I urge all of you that this amendment accomplishes the precisely the same result. This is what you want to do if you want to authorize the Department to openly and honestly evaluate which is the best gun safety program and make that available in our elementary schools, so I strongly urge that all who support an open approach to gun safety curriculum and not an approach that attempts to steer or push the State of New York into the arms of the National Rifle Association to support this friendly amendment to Senator Maziarz bill and I would urge all to vote in favor of this amendment so that we

can move forward, get a gun safety curriculum into our elementary schools and enable the good Senator's vision to come to fruition.

THE PRESIDENT: Is there any other member who wishes to speak on this amendment?

SENATOR GOODMAN: I wish to speak.

THE PRESIDENT: On the amendment, Senator?

SENATOR GOODMAN: No, not on the amendment, but I do wish to speak on the bill, Madam President.

THE PRESIDENT: The question is on the amendment.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, I just rise to toss out one fact in favor of the amendment. In the entire time that I have been in this chamber where we have debated bills about patriotism and the flag and curriculums for education in this State, we have never to my knowledge, never told the Department of Education what particular curriculum to use.

We have allowed the professionals that we have hired, that are hired and paid for by the taxpayers of this State to figure out what the best curriculum approach that is. The theory being that if what we want to do is get a message across that embodies patriotism or the holocaust or the Irish potato famine, anyone one of the things that are referenced in this portion of the Education Law, what we should do is we should allow the educational experts to figure out what the right message is.

I appreciate the fact that Senator Maziarz, as I read the bill includes two references. Correct, it does not mandate Eddie Eagle, but it does included two references, and it may mislead the Department into thinking that that is the appropriate standard.

I think we could develop a different standard. I would hope they develop the right standard for New York, but just realize that this specific reference to a specific program is inconsistent with every other time we have mandated a curriculum

improvement in education in New York State. We have, never to my knowledge, said teach X,Y, Z version of the holocaust, or teach Professor Jones' version of the Irish potato famine. We have stayed away from endorsing any product or making any reference to a product, I would just encourage affirmative votes in favor of the amendment because I believe that the way to do it is to leave it to our professionals. If they agree with Senator Maziarz that Eddie Eagle is a proper standard and it works and that there is evidence in support that it works and it is certainly going to be used in other states, then it has got credibility as an educational tool, but in the absence of that, I think it is inappropriate for us, never having directed people to a specific curriculum, to do it in this instance.

I vote in favor of the amendment, Madam President.

THE PRESIDENT: Senator Lachman, on the amendment.

SENATOR LACHMAN: On the amendment, first I want to thank Senator

Maziarz and Senator Schneiderman for bringing my attention to Eddie Eagle. It was a name that I wasn't familiar with before.

It is a friendly amendment, Senator Maziarz. There is an anomaly in the bill that has only 22 sentences and has two reference and two quotes from Eddie Eagle. A bill that calls itself a firearm accident prevention program act, in my opinion should have other references and other quotes by which we can prevent these accidents from occurring. And for that reason I will favor the friendly amendment.

THE PRESIDENT: Senate Hevesi on the amendment.

SENATOR HEVESI: Thank you, Madam President.

On the amendment I would just like to point out that Senator Schneiderman's amendment does one thing and one thing only, and I would like to make this clear for everyone who is now about to vote on the amendment. The only think that Senator Schneiderman's amendment does is strike the references to the Eddie Eagle program from

Senator Maziarz bill.

So by default, if your voting against this amendment, it means that your positions must be that you want that reference to the Eddie Eagle Program to remain in the bill. And the only reason you would want that reference to Eddie Eagle to be contained in this bill is because you had some belief that this was the program that should be implemented. And that being the case, we need to make the clear distinction here, and I am going to speak when I speak on this bill about the Eddie Eagle Program specifically, but anybody who casts a vote against the amendment is voting to contain in this legislation the reference to Eddie Eagle for a purpose that I believe is clearly obvious.

I support the amendment.

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

SENATOR PATERSON: Party vote in the affirmative, with exception.

SENATOR FUSCHILLO: Party vote in the negative.

THE PRESIDENT: The Secretary will call the roll. The exceptions, please identify yourself.

(The Secretary called the roll.)

THE SECRETARY: Ayes 22, nays 37. Party vote with exception.

THE PRESIDENT: The amendment is defeated.

Senator Paterson, why do you rise?

SENATOR PATERSON: Madam President, is Senator Schneiderman on the bill, or do I have the floor.

THE PRESIDENT: Senator Goodman has the floor, Senator Paterson.

Go ahead Senator Goodman.

SENATOR GOODMAN: Madam President, this is -- first let me say I am sure that it is only with the best of intentions that my colleague, Senator Maziarz has introduced this bill and I regret to say that I am afraid it is flying under false plumage. This is hardly an -- this is really a vulture in eagle's clothing. This bill is a legislative ruse in my humble and respected opinion, which seeks to create the impression

that the NRA is placing the highest priority on the protection of youngsters. The fact of the matter is, if you analyze closely what the bill itself says, it is almost ludicrous on its face. A child is supposed to follow instructions that say, Stop, don't touch, leave the area, tell an adult. In a small apartment, how is a child supposed to leave the area? I'm not clear what the area is. Is it his father's closet? Is it his father's bureau drawer? It happens that a child can uncover a pistol in almost any part of the house, or a shotgun, and I'm not quite sure what it means to leave the area. That is completely confusing and obfuscated instruction.

Furthermore, Madam President, I very much am troubled by the statement which says, on lines 17 through 20 of the bill, "Such firearms safety instructions program may include . . ." -- let me go back, excuse me. On line 14 of the bill it says, "The teaching of firearm safety such as the Eddie Eagle Program is critical to reducing the number of firearms incidents among children . . ." And

I underline this, ". . . during a time in which the media often displays unsafe and irresponsible firearms handling. Such fire arm safety instruction program may include animated video, and fun filled activity books for use in classrooms, youth programs, summer day camps, et cetera."

Fun filled activity books. Madam President, a gun is a lethal weapon which, time and time again, has taken the lives of people, and I think it is preposterous to assume that a coloring book or some sort of a palative of this sort is going to cope with this program. This is like taking a baby aspirin to treat a case of severe viral pneumonia. The virus consists of the fact that what we really need is something to combat the very extreme dangers posed by weapons, and the repeated indications that these weapons can take children's lives.

I would remind you that those in favor of this attempt to control guns have had a display each year in which there are hundreds and hundreds of children's shoes brought in from around the nation. These were

children killed by firearms which were carelessly left to their disposal around their homes.

Madam President, clearly the time has come to stop pulling the wool over our own eyes to get plumage on a bill which is not deceptive and to make it clear that that is a Tommy trigger bill or a Danny death bill, but certainly not an Eddie Eagle bill.

I strongly oppose it and I think that the vote on this prior to handling a gun lock piece of legislation would be a cruel hoax and one which we should not participate in.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. Thank you, Madam President.

I was somewhat concerned, listening to the exchange between my friend Senator Maziarz and Senator Schneiderman. It was one point in which Senator Schneiderman asked directly if the Department were to go ahead and just use any other programs that teach gun prevention and left the Eddie Eagle Program out and that was just a decision they made,

would that be satisfactory. I would have thought that had the legislation been designed to create gun prevention rather than -- or teaching prevention rather than just promoting a program that a particular organization is in favor of that Senator Maziarz would have answered the question, Yes, why not, the agency can direct, this is not legislative intent, we just listed what we considered to be an effective program in the legislation but the agency can choose whatever form in which it chooses to bring gun prevention into the schools.

That answer disturbs me because it starts to make me believe that things are not always as they seem. On its face this would be a very effective program. Stop, don't touch, leave the area and go and find an adult. That would seem to be very good advise to give to any young people should they happen to find a gun. But if you watch the Eddie Eagle video, as Senator Schneiderman said, the whole idea, the whole concept seems to be colored in mirth, which really reinforces what Senator Goodman said, that this is really a

vulture in eagle's clothing.

Yes, it is simple enough to say, Stop, don't touch, leave the area, go get an adult. But that could have applied also to broken dishes. Children should stop, they should not touch them, they should get away and go get an adult. What that video fails to really inform the youngster is how serious and dangerous the consequences are of touching a gun.

And so in many respects the promotion comes from the publication. If there is no particular reason to get away from the gun other than that someone said so, like many other things to young people, there is not really knowledge of what the consequences of touching the weapon is. And that is what the 20/20 video showed. That the young people were warned but they were so moved by the fascination with guns there is so much interest in guns there is a natural inclination to become interested and involved. My brother and I, all we played were gun games until he shot me many years ago. But I won't go into that again.

The reality is that there is an unfortunate notion of coalesced dreams. It is the desire of young people to be interested in guns and the desire of the NRA to sell them. The fact remains that if we were able to prove right here that these programs such as the Eddie Eagle program have no effectiveness, that would not stop the National Rifle Association's desire to promote the program because it would be their intent to say, We are giving good advice. But in giving good advice they are doing something that has been shown time and time again in different physiological profiles to be a problem with children. That just by telling children not to do it is raising the subject of what it is. And in this case it is the involvements guns.

The fact is that that video showed that 20 students of which only one actually did what the video instructed him to do. And that had the guns been loaded and not disabled as they had been in that particular video, that there was a possibility that 17 children could have been shot based on the way the guns were pointed through the video.

So I think that this opens up a serious question as to how we should present gun safety programs to kids. If anything, we need to show the children unfortunately what the dangerous consequences of the use of guns may be.

Tragically there was a shooting this weekend in the building in which I live. And there was blood on the floor of the lobby to my building. My son, who is five years old, seeing that, asked why the person who was shot didn't put band-aids on him. My son is age five. To him that was a logical answer as to how to stop bleeding. Clearly he did not know what the result of gun fire into a human being can actually produce. And the person who was shot in this particular case lived, but a tremendous amount of blood was lost.

The fact is that young people, if what they say is right, that seven is truly the age of understanding, the children under seven don't always understand, and a good example of it is that in a recent survey only 21 percent of six year olds new what the word area means. But right here in the legislation

it says leave the area.

So, that is not really informing the young person of very much as to what it is or where it is from which they are supposed to leave.

In my opinion it is very cursory to use this kind of approach when -

THE PRESIDENT: Senator Hoffmann, why do you rise?

SENATOR HOFFMANN: I was wondering if Senator Paterson would be willing to yield for a question, Madam President.

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

SENATOR PATERSON: Yes.

THE PRESIDENT: Go ahead, Senator Hoffmann.

SENATOR HOFFMANN: I wonder if Senator Paterson, as concerned as he is about guns and about a preoccupation by young people on guns has thought about introducing legislation that might direct the filmmakers in Hollywood and the television broadcast outlets to consider changing the way they

depict guns?

SENATOR PATERSON: It might not be a bad idea, Senator Hoffmann.

SENATOR HOFFMANN: I wonder, Senator Paterson, if you think that might be a more appropriate way to influence young people of the age of your son, since the information that these young people get is clearly formulated by the media, it is certainly not the NRA that is representing that guns are harmless, it is the media that implies that the use of guns without regard to their consequence is somehow an acceptable thing to do.

I wonder if that is something that you and some of your other colleagues who are so opposed to Eddie Eagle have considered doing since it would clearly not be a much better way of reaching the hearts and minds of young children at a highly impressionable age, before the damage has taken place and it is necessary to have a training program like Eddie Eagle to help them understand the consequences that they are clearly not given by watching media unchallenged and unguided by

their parents.

Is that something that Senator Paterson has considered doing or contemplated legislatively or considered as a likely amendment to this bill?

SENATOR PATERSON: Absolutely.

SENATOR HOFFMANN: Thank you, Senator Paterson.

Thank you, Madam President.

SENATOR PATERSON: Madam President, again, on the bill.

THE PRESIDENT: On the bill, Senator Paterson.

SENATOR PATERSON: There are a variety of ways, some of them just pointed out by Senator Hoffmann, that could influence what would be false images in terms of the use of guns or the maneuverability of guns to young people.

The one that we are considering in this piece of legislation is actually involved in a media approach, the making of a video, exactly what Senator Hoffmann was turning our attention to. Using a video to caution young people about the dangers of guns, but a video

that strangely never says that guns are dangerous.

And so for exactly that reason I am suggesting that this is not a correct approach, and is many ways similar to the type of media campaign and also the representation in movies and films of what guns actually do.

So I think that the real issue here is if we are going to teach gun safety to children we are going to have to understand that children need to in many ways be informed almost in the same way adults would be. They would have to know what the consequences of playing with a weapon would actually be and to distinguish the difference between a toy and a weapon. And one of the pieces of legislation that I am working on is to penalize the toy industry for creating facsimile guns that could be, such as was in the case last summer in New York City, confused with an actual weapon which was the reason that a police officer shot a 16 year old boy in Brooklyn, New York, who was holding the toy gun that the police officer thought was a real gun.

So when we look at the issue that

is raised in this piece of legislation, I think it is as injurious as it could even be helpful to be presenting information as if we are actually trying to limit or to actually limit access of guns to children and at the same time not pointing out how highly dangerous the weapons actually are.

So I don't think that this particular program does that in any way. If anything what it does is to promote the concept of guns without really allowing for the distinguishing of how serious the consequences of their use are. And for that reason, Madam President, I can not support the legislation.

THE PRESIDENT: Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President, on the bill.

THE PRESIDENT: On the bill.

SENATOR HEVESI: Madam President, I voted for this bill in committee and I want to thank Senator Maziarz for his very well intended bill. This is a noble pursuit and a righteous endeavor to try and protect our youngsters from the hazards of firearms.

The problem is, although I voted for this bill in committee, the part of the sponsorship or potential sponsorship by the NRA, I didn't realize at the time how troubling that was, and my thought process at the time was, you know what, if the NRA has a program which will protect children and voting no means that we will not have any program then I would rather have a program sponsor by the NRA, even though I was skeptical of the National Rifle Association.

Madam President, I will never make that mistake again. Because subsequent to my yes vote in committee I saw the Eddie Eagle material that is in question here and I can appreciate Senator Maziarz comments repeatedly in his dialogue with Senator Schneiderman in which he states that the DEC is free to adopt any program that they choose, except it is a glaring piece of information that the Eddie Eagle Program is mentioned twice in the legislation, that the entire majority of this institution voted down an amendment to strike the Eddie Eagle reference from the legislation, and that the specific reference

to the instructions to the children is only, by Senator Maziarz acknowledgement is only contained in the Eddie Eagle Program.

I think it is abundantly clear that the intention here was that the State should adopt the Eddie Eagle Program as its method of child safety as it pertains to firearms. It may be debated here, but I think that that is pretty clear.

So what is the problem with that, Madam President? The problem is, whereas my intention was a safety program is better than no safety program, that is simply not the case. I was wrong. I found out I was wrong when I read the materials, the cartoons that are here on the Eddie Eagle Program. And I will just point out for you in the context of a demonstration that not only does the NRA attempt in this brochure, in this cartoon, to instill amongst our youngsters legitimate safety instructions, it also glorifies weapons. And I will give you a demonstration. This is one of the final pages of the legislation after one of the children in the cartoons has found a shotgun, what appears to

be a shotgun on a table. A grandmother, and I will show you this in a second, a grandmother picks up the weapon and returns it to the other, I don't know, three or four shotguns or rifles that are situated in her rifle case. That's what this shows. So instead of seeing a rifle or a shotgun sitting on a table and instilling the message to our children that, oh my God, what is a weapon such as this doing in this environment at all, what this does, it has the grandmother take the rifle or shot gun, I'm not sure which it is, and return that rifle or shotgun to her arsenal in front of the children. That is what this does. That's the message we are sending to our children. And that is the danger of the Eddie Eagle Program. On the one hand it does attempt in some way to provide our kids with some protection to give them instruction. And we desperately need that protection. But on the other hand, and I should have realized this because the raison detre of the NRA is to insure that we never have any restrictions on weaponry of any sort and to promote weapons, even though the NRA will tell you that they

intend to promote them in a safe fashion.

But it is clear here from this literature, and Senator Schneiderman articulated for us earlier the genesis of Eddie Eagle. It was a mechanism to block gun restrictions as that movement was germinating in Florida. That is the purpose here. This is very, very potentially harmful to our children. I was shocked when I saw this and I regretted very much that I had cast a vote in committee without having seen all of the evidence. And, Madam President, now that I see it I would implore everyone to vote no on this bill and I am very skeptical that that will happen because when we had the amendment before us that would have stricken the Eddie Eagle provisions, when that happened, everyone on the other side of the aisle voted no, which to me says they want that provision in there, that this is the program that the DEC should adopt for our kids. Very troubling, Madam President. This is not the way to go about it. So I mean this. I have the highest respect for Senator Maziarz. I believe what he is trying to do here is well intentioned,

although it is troubling that when asked the question by Senator Schneiderman would it be acceptable to him if the DEC subsequent to his piece of legislation being passed chose to adopt a program other than the Eddie Eagle Program we didn't hear an answer in the affirmative.

I think that says it all, Madam President. I am very concerned about what would happen should this legislation become the law of the land, and as a result I vote in the negative and urge my colleagues to do the same.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President, on the bill.

I appreciate Senator Maziarz extended courtesy in allowing me to ask some questions on this. This is something I feel very strongly about. I had never heard of Eddie Eagle when this came up in the Environmental Conservation Committee, and since I had never seen the materials I didn't vote yes, but I voted without recommendation.

I, like Senator Hevesi, have had an opportunity to not just to review the materials, but to learn a little bit about the history of Eddie Eagle and I think that this is a bill that really must be defeated, and I have a six year old and she goes over to play dates at her friends houses and I do not know if her friends parents have guns there or not, but what I have learned about in the last month on the subject of children with guns and specifically on the subject of the NRA's efforts regarding children with guns, I urge all of you that this is something we have to address and that voting yes on this bill will not only be ineffective, it is not just an aspirin for a serious disease as Senator Goodman suggested. I think it is more akin to taking lye if you have a serious disease. It causes affirmative harm.

First of all, I think that as demonstrated by the 20/20 video, which was being shown today in the Legislative Office Building, there is a real question as to whether this program stops kids from touching guns. As a parent of a six year old I can

look at the materials and tell you why that is true. What happens in all of the Eddie Eagle material is that kids find, they are looking around, they are playing, they find a gun. It is clearly the coolest object in the home. Then as soon as you find a gun this amazing bird flies down and talks to you. He never says guns kill people, guns hurt people, guns injure people. There is no indication of the massive injury caused in a country where ten children are killed or injured every day by a gun. That is not mentioned here.

And then as Senator Hevesi pointed out at the end, the grown-up shows that the guns are, in fact, treasured possessions of the adults. They are to be -- they are cherished possessions of adults.

I think that the program doesn't work. The program doesn't work for a very simple reason. The NRA, because of its mission, can not teach kids about the dangers of guns because the NRA can not talk about gun danger and gun violence and the horrible tragedies that occur because of the availability of guns in our society.

The second problem I have with this is not just that it is a program that does not work well, it is a program that is used for bad purposes. It is not -- Eddie Eagle is not a program about teaching kids for gun safety. As I pointed out earlier, the Eddie Eagle Program was developed in Florida in 1988 when there was a big push on to have child access prevention laws enacted. The Eddie Eagle Program has been repeatedly used in states around the country and in Congress to block trigger guards and child access prevention laws. It is a campaign that has its origin in an effort to make guns available and it is used to this day in an effort to make guns available.

And I read a quote from some -- the Safe Kids Coalition, the founding member of the Safe Kids Coalition in Indiana where Eddie Eagle was used to defeat a CAP bill, a child access prevention bill. Quote, The Eddie Eagle amendment was used as a political tool to prevent debate of the CAP bill from occurring. The original CAP bill would have replaced the responsibility for safe storage

of handguns on the adult owner. The NRA backed amendment relieved the owner of the obligation to store the handguns by instead mandating Eddie Eagle classes for Indiana school children.

So lets not pretend that the Eddie Eagle Program is just something developed by a bunch of well meaning educations. Its purpose is to prevent gun control laws. Its purpose is to continue the unbelievable situation in our country, where as I pointed out, more than ten kids are injured or killed every day, where 30 percent of families with children, according to a 1992 study, probably more now, keep loaded guns in the home, where according to a Johns Hopkins study when they questioned parents who keep guns, 59 percent of them admitted they don't keep them locked away from the children, and I suspect that there are some who didn't admit it. And as you can see again from the 20/20 video, which I have a copy of and I commend to you and Senator Maziarz and I perhaps will have a screening of it for people later, the interviews with the parents are very revealing in that video.

We have a problem of handguns in unsafe places. Children using handguns, children being injured. The NRA curriculum does not help solve that problem. The NRA curriculum is designed to prevent gun control laws.

The second purpose, and to me even a more offensive purpose for the Eddie Eagle Program is revealed by NRA posters and advertisements for gun shows, which say to children, get your parents to bring you, come to the gun show and meet Eddie Eagle. This is not just a situation in which the National Rifle Association is content with the current generation of gun owners. They are trying to recruit the next generation of gun owners and Eddie Eagle is used as a promotional device so that once kids -- we are now in a situation where in your elementary school in New York State you may introduce Eddie Eagle to children who are then encouraged to come and get involved in owning guns by the same cartoon character, owned, copyrighted and owned by the National Rifle Association Foundation and that is something that the

State of New York should in no way be a part of.

I read to you from an article about the industry -- the NRA endowments. This was published in Fishing and Hunting News in February of 1997. "You always have to bring young people into anything. New blood really helps." This is a quote. "The NRA is plowing new ground for this industry." And the article was called, "Industries NRA Endowments Equals Foundation for the Future."

NRA endowments are what finance the Eddie Eagle Program. So we are talking about a progress that doesn't work. We are talking about a program that can't work because the NRA will never teach about gun danger. We are talking about a program that is used, we know from its history, to block gun control laws. And we are talking a program that is also used to encourage the next generation of gun users. They use the same cartoon character. We are authorizing the State of New York to put into our classrooms to lure kids into gun ownership.

And for all those reasons I would

suggest that a vote in favor of this bill is not a vote in favor of gun safety, it is a vote in favor of the NRA. It does not talk about the danger of guns, their violent nature. The program is to keep guns remaining unlocked and unprotected from our children.

I, you know, appreciate the opportunity for an education, which this bill has provided me. I also want to point out that there are other gun safety curricula that are in use in schools in this State and Senator Maziarz mentioned the Star Program, which is used in dozens of schools I know just in New York City. There are better programs. There are better ways to address the problem. This bill, we have heard references to various more offensive birds than that eagles, whether you called it vulture or whatever, it is absolutely clear that this bill is not accomplishing the stated goals and I urge everyone who is serious about preventing children from being harmed by guns to vote no. Lets work on a serious gun safety package that protects children from guns and doesn't result in what I am afraid will be serious, serious

unintended harm should Eddie Eagle take flight in the schools of New York State.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I listened with interest to the characterizations of firearms by my colleague, Senator Hevesi, as weapons. And I listened to the characterization of a gun being placed in a gun cabinet. Those are typically locked gun cabinets. That is the appropriate place to keep a firearm.

Those of us who are familiar with firearms general refer to them as firearms and recognize they have many, many applications, including sporting usage. Sometimes they are collected for their historical or artistic quality, belive it or not. They have a great appeal as objects of beauty because they are an example of American craftsmanship, and those of us in upstate districts even represent some wonderful firearm manufacturers in this State and we are very proud of them and the reputation they have created for themselves.

The sports that are associated with firearms are something of which many of us can be proud. The Department of Environmental Conservation runs a number of hunter safety courses, and I would just take a moment to note that we were the first state, we can be very proud of this fact, to implement and require a hunter safety course as a requirement to hunting in New York State. That was back in the 1940. Today it is the model for the national hunter education activities.

So it is not surprising that we also are on the cutting edge when it comes to a program like Eddie Eagle.

The Eddie Eagle program follows a time honored tradition of reaching young people with images with which they find a certain sense of familiarity. For a small child it is much more comfortable to see a cartoon character or a large friendly animal to convey a message than it is an adult figure or something totally foreign. This is used in common educational activities going pack to Smoky the Bear, only you can prevent forest

fires. Children respond to that. And they know to stay away from lit matches and they understand the importance of protecting the forest.

There is a safety program that is operated to teach children what to in the event of a fire. There is a large dog that goes out on display. We have it at the State Fairgrounds every year in a big arson prevention project, and the message again to small children is through a large cuddly creature with somewhat cartoon characteristics. This dog teaches these children, stop, drop and roll if you should ever become caught on fire.

So the Eddie Eagle Program, contrary to what some of the detractors have stated, is a logical, well thought out use of a pre-determined educational component in their lives already to give them a sense of trust. This Eddie Eagle character tells them something important and the word danger is clearly stated and reinforced. There is no need to go into further details. It is designed for an age group that needs to focus

on danger first and foremost. The fine points of who should or should not have a gun in a civilized society is really not an appropriate message to be giving a five or six year old child. That is something that can be debated by adults in this chamber but lets really focus on the issue at hand here. Do we care about educating young people about the dangers of firearms left unattended? Yes, of course we do. Is this an effective way of doing it? It most certainly is. And what are the statistics that everybody is talking about here?

I find it very interesting. I'm not sure where the statistics all came from. Most of them were not cited, but if there were a number of injuries caused by firearms even on a daily basis in this country, they pale in comparison to the injuries caused by many, many other factors in this country of ours. Every year we have motor vehicle accidents. In 1996, I will just quote, motor vehicle accidents, 43,649; falls, 14,986; poisonings, 9,510; fires, 3741; drownings, 3488; choking, 3206; medical mistakes, 2,919. Compared to

firearms accidents, 1,134. Which by the way was an all time low in 1996, in part due to the fact that Eddie Eagle has now been introduced and is in place in many states with great effectiveness.

I don't hear my colleagues talking about outlawing motor vehicles, stairs, any kind of material which could lead one to be poisoned, anything that might be an implement that could cause a fire, all bodies of water which lead to drowning, anything that could be ingested which might lead to choking, or doctors who clearly are responsible for some of the medical mistakes.

All of these are bigger safety risks to children, but the NRA has become a convenient target for anybody who wants to make some noise and talk about child safety in this country. It polarizes people. It allows people to speak with little or no knowledge of the subject at hand, as clearly demonstrated by people who repeatedly speak about firearms only as weapons.

The clear image that they would like us to have here is that anybody who wants

to have a firearms is probably going to go out and rob a bank as their next move or hold up a crack dealer and run wanton through a super market or a post office.

Many of my constituents find that characterization offensive and they are troubled when they pick up a newspaper as they will tomorrow and read that certain members of this chamber from New York City said that they do not know what they are doing when they talk about firearms with their young children, or that they are not to be trusted with firearms in their own homes because they have young children.

I believe that the Eddie Eagle Program is a perfectly appropriate one. I think that we should be putting our attention into other areas. I think that the people of this state have heard enough of the rhetoric about who should and should not have a fire arm or have the right to have a firearm. Let us allow the DEC to make the kind of educated decision that it has in the past about safety programs that has put this Department of Environmental Conservation squarely in the

forefront as one of the most enlightened in the United States.

ACTING PRESIDENT McGEE: Senator Johnson.

SENATOR JOHNSON: Madam President, it does seem like mostly the talk has been against the NRA, against the Eddie Eagle Program, perhaps without a lot of knowledge of what the program is about. I didn't hear much about how to educate these children to avoid guns and avoid these problems. Mostly it seemed to be an attack on the NRA, and probably an attempt to stigmatize everyone on this side of the room who might support an NRA program. Totally inappropriate I would say for conduct in this chamber. The NRA doesn't need me to defend it, but it has been the leading proponent of marksmanship training in this country for a hundred years and certainly that has been very valuable to this nation in war and in peace.

They have defended the second amendment, which some people don't think is important and everyone thinks the first amendment is very important because the media

can write anything they want, true or false, or draw any improper characterization and you have to put up with it because the media is free to do that. On the other hand, if we didn't have the second amendment I'm afraid a lot of our other rights in the Bill of Rights wouldn't exist today.

So I don't think we should attack the NRA for the stand they have taken to defend traditional American values for many, many years. It is kind of interesting to hear that Eddie Eagle is such a bad program when I have three sheets of paper which I happened to acquire just recently commemorating the Eddie Eagle Program from 30 different states, including, and you might be surprised because we're New York, we're the Empire State, we know everything and all the bumpkins around us, they don't know very much, but those bumpkins around us in the states of Vermont, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island and Ohio have all praised the Eddie Eagle Program. So how come they're so dumb and we're so smart and we think it is bad and they don't know enough to

know a bad program when they see one.

The fact is that the other side of the aisle is wrong on this issue and the rest of the nation, the rest of the states in this nation and school districts, governors who propose, who praised this program, they are the ones who are right. And I think it was very proper to bring this bill up and I think, yes, the Eddie Eagle is a proven and effective program. We want to defend, protect our children against gun accidents and certainly this is the most effective program which has been demonstrated to do that. And as a matter of fact, where the accidents happen are in homes, and I know it was expressed that you should have guns in your house in a gun closet, but the fact is that the homes where those guns exist, where the parents go hunting or target shooting and the children go with them, they are the safest. They never take a gun and do anything wrong. With most cases children are not familiar with guns and get one on a thrill or get one to do a crime or whatever it is, they are the ones where the accidents happen. But in the responsible gun

owners homes these accidents happen very infrequently. Just thought you would like to know a little bit of the background and my opinion on this amendment and of course my great support for the Eddie Eagle program and for this bill.

ACTING PRESIDENT McGEE: Senator Volker. I'm sorry, Senator Fuschillo.

SENATOR FUSCHILLO: For the purposes of Senator Skelos, Senator Velella and Senator Johnson voting, can I ask that you read the last section and call the roll call, please?

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

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Madam President, I vote aye.

ACTING PRESIDENT McGEE: Senator Velella.

SENATOR VELELLA: Madam

President, I vote aye.

ACTING PRESIDENT McGEE: Senator Johnson.

SENATOR JOHNSON: Aye.

ACTING PRESIDENT McGEE: Senator Larkin.

SENATOR LARKIN: Aye.

ACTING PRESIDENT MCGEE: Senator Nanula.

SENATOR NANULA: No.

SENATOR FUSCHILLO: Madam President, withdraw the roll call, please.

ACTING PRESIDENT McGEE: Withdraw the roll call, please.

Senator Volker.

SENATOR VOLKER: Madam President, this is kind of a fascinating discussion in a way. If this bill, and I will be the first to tell you, if this bill was passed about a month and a half ago or a month ago it would have passed, it probably would have had four or five votes against it.

This bill passed the Assembly several months ago 145 to nothing. Oh, 150 to nothing. I'm sorry. Thank you. It was 150

to nothing. It came out of committee with one dissenting vote.

This is a program that has been acclaimed all over the country except in certain places where certain anti-gun groups have said, well, you know, this is just some sort of political thing because it works so well. Generally speaking it has worked quite well, and that is why Janet Reno, an avowed NRA person who is really strong on the NRA as we know, said this is a fine program. The truth is, lets not kid ourselves. The truth is, what this is about, this is about the fact that we had a couple of terrible tragedies.

The tragedy, by the way, at Columbine that could have been a heck of a lot of worse because there were bombs all over that building, and as I have been told, some of those were blown up, but we haven't known about it yet. But our concern of course is strictly with weapons and I guess in a way I understand that because the media has had this frenzy over guns for a long time. That is why we need a program like this.

I mean, we used to have in upstate

New York in particular, not in New York City because New York City has been, you know, known for all our purity in weapons. They have done such a good job in making sure that we keep guns out of the hands of everybody. Oh yeah, well that's why people are dying all over the place or did in previous years and there were very few programs where there were a lot of school programs upstate that frankly went out because of fiscal reasons and things of that nature.

Handgun control, by the way, until just recently didn't really generally oppose this program a great deal, they just didn't like it because NRA had its name someplace on it. What the heck does Handgun Control, by the way, know about guns? They really know very little except they just don't like them and we understand that.

The point is, what you want is, if you are going to have a program that deals with gun safety, you should have someone that at least knows something about it, and that's where the Eddie Eagle Program came from. It is not designed to promote guns. And by the

way, you showed a cartoon from the Eddie Eagle Program. There is all sorts of material that has been used across the country in the Eddie Eagle books.

Now, nobody is saying that this is a perfect proposal. In fact, one of the reasons it was delayed, and I will tell you a little story about this bill, I know a little bit about it, was that there were some people with the NRA who didn't like it because they didn't think it was strong enough in making it clear that you should use the Eddie Eagle Program. And I will tell you that because I happen to know it is a fact.

What we were trying to do here, what Senator Maziarz was trying to do here, was to develop a good program, and Eddie Eagle is reputed to be one of the best in the country and you can say it is not, but it is. Not just by Janet Reno, but by all sorts of other people.

The point is, if it wasn't for the frenzy that is going on right now this would skid through this place without any problem. The truth though is, and the thing that

bothers me about this is that this is a gun safety program and it is a program that we should pass. It is a program that is the right thing to do.

Now, you, you can talk about, you know, gun control and all that other stuff if you want to. You can say what you want. All the law enforcement agencies, by the way, have said this is a great idea. I just think that this is another example of the problem we have in this country right now that we jump from one media area to another.

It seems to me that a program such as this, and no one is saying that this is a perfect idea, but we are not mandating it. And your school districts in New York City, presumably because of the proclivities that have probably will never utilize it unfortunately, which they should by the way because its value in New York City, it would be good to use this more than any other places, but it's doubtful that they will ever use it, but no one says they have to. We are saying here that this is a program that generally speaking has proved itself. Nobody

is saying it is perfect. Nobody is saying that there aren't some problems with it. And 20/20, that is notorious for zeroing in on this stuff and its a little questionable by the way as to how this whole thing happened, but what we are saying, I think what Senator Maziarz is saying, that this is a program that deals with weapons in a way in which you can teach kids safety, save kids lives and teach them to respect guns as they should for what they are. And I think Senator Maziarz should be commended for sponsoring this bill and having the courage to move on despite all the frenzy in some parts of the after media that there is.

So I think that we should stop for a second and think about what we are doing here because, oh yes, there may be some people that will say, well, you know, this is just another one of those political bills. It is not a political bill. It is a real bill. It is a bill that says that we are saying in this Legislature that we want fire arms safety and I think this is the kind of bill that we should pass.

ACTING PRESIDENT McGEE: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

After all is said and done, what we are dealing with, if I can repeat some of the language because it because it bears repeating, this is gun safety program. This is a firearm safety program for small children. This bill passed the Assembly unanimously, unanimously. Passed the other house. Hardly a bastion of conservatism and NRA support, but this bill passed unanimously in the other chamber.

The message, stop, don't touch, leave the area, go get an adult, this is a terrible message? This is a bad thing to tell kids? Kids shouldn't stop? They should pick up the gun? We want them to do that? We don't want them to get an adult? We don't want them to walk away and leave the gun alone? We want them to touch it?

The message seems to be a good one. Seems to be a logical one. There is nothing wrong with the message that is being taught.

What we are trying to do is kill the messenger because we don't like the message that they are giving. There are a lot of messengers out there that we don't necessarily agree with all of the time. If we killed them all we wouldn't have any messengers out there.

The key thing here is we have a piece of legislation, and Senator Maziarz is to be congratulated for bringing it forward, that promotes safety in schools, which promotes safety for children when it deals with guns. Are we forcing the school districts to do anything? Absolutely not. We are not forcing them to do a single thing. We are giving them an option. It is an opt in program. The DEC, in conjunction with the State Education Department can develop a program.

We complained about Eddie Eagle. Senator Johnson raised the point before, if you look at some of the states, Alabama, Alaska, California, Delaware, Florida under Lawton Childs by the say, Georgia, Pennsylvania, Idaho, all -- Indiana, Iowa, Kansas, Kentucky, Vermont, Mississippi,

Nebraska, Nevada, New Hampshire, Christie Todd Whitman of New Jersey, New Mexico, North Carolina, Ohio, I mean, Pennsylvania, go on and on and on. There are three pages of states here, each on of which is commemorating or commending the Eddie Eagle Program as a special program going back to 1994, earlier times. This is not a brand new program that is only just started. The program has been out there.

Is there a situation where teaching a group of kids might not have worked out the way we should have like it? Well perhaps there is. Gee, I'm shocked to hear that there is good teaching and bad teaching. Sometimes it works and sometimes it doesn't.

We also heard a statement from Senator Maziarz where you had a teaching experience where you had a program where it worked, where it did the thing it was supposed to do.

This is an educational program to teach children that guns are dangerous, to carefully deal with them, don't handle them in an irresponsible manner and seek an adult.

Don't play with this firearm because fire arms are dangerous.

Should the blanks be filled in by the adult who is teaching the program? Absolutely, because every word that we would like to hear is not mentioned in a lesson plan, which is basically what this program is, I have some expertise in developing lesson plans. I would be happy to share that with some of my colleagues. You don't put down every word. It is a shorthand format. It is expected that the understands that guns are dangerous and that firearms are to be handled with care, and they should not be placed in the hands of small children.

When are we going to stop getting off this label kick and get on to something that is real. You have got a gun safety program here. Isn't it about time we said yes, we want to promote gun safety. We want to promote that especially with our small children.

I went before a PTA group in my district. My district is not exactly the most conservative that you might find. The issue

of Columbine was raised and how are we going to protect our children, Senator. You know what happened? The person who raised this said, shouldn't we ban all guns. We should just ban all guns was the comment.

And before I could say anything the people in the room, one after another got up and said, you know, that's not right. My husband is a hunter. My wife likes to shoot targets. My neighbors use guns. They care for them. They treat them carefully. They train their children and they train mine. One after another of the women and the people and the men in that room, the PTA members, rose up and said basically we don't want that Second Amendment right banned. We don't want to take it away. But we do think a good safety program should be implemented and kids should be taught the dangers of mishandling and abusing firearms. This program does that. It is not even mandated program. We are not mandating Eddie Eagle. It is just an example of the kind of program we want, and I don't think the DEC is so stupid or the bureaucrats that live there and work there are so dumb

that they can not figure it out. Shame on you if your trying to sell out people that work there that they wouldn't know that we don't really mean this, that some how they are going to go out and say, gee whiz, we have to do this because it was mentioned a couple times in a bill. That is silly, it is absolutely silly, and it is disingenuous to do that.

This bill should pass. It is a safety bill. It does what we all say we want to do; promote gun and firearm safety. Lets pass this bill.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I guess I am astounded. I told John Marchi on my way in that -- I yield the floor back.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, could we read the last section and call the roll call for Senator Stafford, please?

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR MCGEE: Call the roll.

(The Secretary called the roll.)

SENATOR STAFFORD: Aye. Thank you, Senator Dollinger again for your graciousness. Aye.

ACTING PRESIDENT MCGEE: Close the roll. Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I couldn't help but sit here when Senator Marchi walked by and remind him that this isn't the only time that te phrase NRA and eagle have been united as he and I recalled in our little history lesson, the National Recovery Act was associated with an eagle. Those of you who may recall, the United States Supreme Court put the kibosh on the eagle of the NRA when it declared the National Recovery Act unconstitutional in 1935.

I rise today, Madam President, actually in a quandary because I read Senator Maziarz bill as not being a mandate for Eddie Eagle. It doesn't say that we have to do Eddie Eagle. It does not say that the only message you would teach kids is to don't touch, leave the area. It does not provide an exclusive mandate to school districts anywhere in this state. But I am intrigued by the debate on this issue, Madam President, and it influences my choice as to how to vote.

I heard Senator Hoffmann talk about firearms, and I understand the lingo of fire arms. Firearms are produced for all kinds of reasons. The problem is that in the hands of a child it is not a firearm any more. Too often it becomes a weapon.

Those of us who represent communities in which there is an abundance of weapons, and unfortunately, again, Senator Hoffmann, your absolutely correct. Those weapons, many, many, many, many, if not most responsible gun owners keep them under lock and key, which is a where they belong. The problem is as Senator Schneiderman quotes the

Johns Hopkins study that says that 59 percent of the people who have weapons in this country, and I would acknowledge that they may not be the responsible gun owners, but 59 percent of the people in this country don't keep of firearms under lock and key.

So the danger is that too many of these firearms, which have legitimate purposes in the hands of an adult, either protection or hunting or target shooting, can too easily become weapons. And that is really what this debate is all about.

I'm going to vote no, Madam President on this bill, because I believe that, and unfortunately, this will be the only debate that we will have about gun safety this session the trigger locks bill, the child access prevention act which would require trigger locks on weapons, which would go a long way to telling children that they could not use weapons, they couldn't convert a firearm into a weapon because they would need to be able to break through the trigger lock, we won't be able to debate and pass that bill on this floor. We won't be able to restrict

access to other weapons like assault weapons, military style assault weapons, which in my judgment, whether they are in the hands of an eight year old or seventeen or a 37 year old, they are dangerous weapons. We won't have that debate either.

I am doing it for one other reason. There was a little boy in Rochester, New York, who is nine years old whose name was Larou Naysmith [phonetic]. He was killed by a weapon wielded by a seven year old friend. He needs education about weapon. He needs a program of education. I won't even deny that he might have benefited from Eddie Eagle. But it seems to me that we have to do something, more and I would just suggest that this debate about educating our children is critically important but we need to do more.

I guess I come back to the old saw that has some continuing pertinence to this debate, that old line about a bird in the hand is worth two in the bush. In this case the bird in the hand, if it is Eddie Eagle, is not worth the two in the bush, and I would just suggest that in this case we have the wrong

bird.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator Schneiderman to explain his vote.

SENATOR PATERSON: Slow roll call.

ACTING PRESIDENT McGEE: I see five standing.

The Secretary will call the roll.

Ring the bells, please.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Balboni.

(No response.)

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senate Breslin.

(No response.)

THE SECRETARY: Senator Bruno.

(No response.)

THE SECRETARY: Senator Connor.

(No response.)

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Duane.

SENATOR DUANE: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Yes.

THE SECRETARY: Senator Gentile.

(No response.)

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Goodman.

(No response.)

THE SECRETARY: Senator Hannon.

(No response.)

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: No.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Yes.

THE SECRETARY: Senator Johnson voted in the affirmative earlier today.

Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Yes.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: No.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin voted in the affirmative earlier today.

Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Yes.

THE SECRETARY: Senator Libous.

(No response.)

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator

Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Madam President, may I explain my vote?

THE PRESIDENT: Senator Marchi to explain your vote.

SENATOR MARCHI: We have had a brilliant exposition by Senator Maziarz and he cited his references to the material put out by the Attorney General of the United States.

Senator Marcellino fleshed it out with the actual experience that goes and what the act specifically aims to do. We ought to concentrate on the target area. This is not represented to be the answer to all of the myriad problems that surround this subject on a million different fronts. And the target is to promote firearm accident prevention for children in prekindergarten through the sixth grade by a program of firearm safety instruction. These are preschool. These are pre-high school, not even out of the secondary school yet, being involved in an accident.

And this bill was represented in

good faith by a majority member of this house as the main sponsor. By a majority member of the Assembly. And I am sure there are a dozen different answer or dozens of different answers to attack this problem on a general basis, but there they passed it by 150 to nothing. Everybody agreed that when you point to the target, the special target of prevention of accidents and stripping out all of the ancillary material that is important and perhaps we should at some point be addressing in different ways and hopefully in a rational consensus, everyone seems to be in agreement.

Now, it would seem that this should appeal to great number of people on both sides of the aisle and I would hope that it is manifest. It does what it aims to do. It does not solve problems that are not in the cross hairs of a target. And then we also have the information given to us that so many other states have followed the same path. All of these states probably the forum for a conflict of views on the subject.

So because it is so aimed so

specifically well and answers that question so well, I vote aye.

ACTING PRESIDENT McGEE: Senator Marchi will be marked in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Markowitz.

ACTING PRESIDENT McGEE: Senator Markowitz to explain your vote.

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

Senator Marchi, it is a delight to hear you compare the Senate to the Assembly. Obviously when you agree with the opinions of the Assembly they are brought in as example and when we disagree with them then the Senate charts their own course, but I understand that.

On this particular issue, listen, all of us here have a genuine desire to prevent firearms abuse by young people. I don't think anyone arguing here today is saying in any manner shape or form that anyone, even you, Senator, feel anything other

than a hundred percent sincerity. I think the issue is, can we do better. Other states may have adopted this, but can we do better? Are there other approaches that we can take to really drive home the point to families that own firearms.

Now, I heard a Senator mention before cartoon characters and not all cartoon characters send the right message. I think we all agree on that. Some of question this characterization that there might be some other aims that are involved with this organization that some of us believe do not have the public good in my mind. I think that cartoon character by the name of Joe Camel. Certainly that Senator who mentioned that before and others here certainly remember the cartoon character of Joe Camel. Now certainly we know what the alternative -- the ulterior motive was of that particular company in that particular cartoon. So lets look at this very carefully. Lets all agree that there is a real problem with too many of our kids getting hold of guns whether they are from good families or families that have real challenges

within the family units, we have to somehow seek out ways to maximize what we all sincerely belief in this chamber.

And so I have no doubt that this is going to pass today. We know that. But we also know that there will be another day and perhaps we can bring forward a plan that works far more effectively in achieving what all of us really do want to achieve, and, therefore, Senator Maziarz, I'm sorry, I vote no.

ACTING PRESIDENT McGEE: Senator Markowitz will be recorded in the negative.

The clerk will call the roll.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Madam President, to explain my vote.

ACTING PRESIDENT McGEE: Senator Maziarz, to explain your vote.

SENATOR MAZIARZ: First of all let me say that I accept Senator Markowitz's apology for voting in the negative.

Madam President, after this great debate I just wanted to point out a few things that have been mentioned several times that the Assembly passed this same bill

unanimously. Speaker Silver, who I am sure Senator Schneiderman would agree is very focused and a very intelligent person, very well meaning, voted in favor of this legislation. Assemblyman Grannis, Gottfried, Sullivan, et cetera. I am sure, in fact I know that Senator Schneiderman's representative in the New York State Assembly, and I don't know who that is, voted in favor of this legislation.

Senator Paterson's representative in the New York State Assembly voted in favor of this legislation. And I garner from reading the New York Times today that Senator Paterson may be interested in running for another office. Perhaps he may consider running for the Assembly.

Madam President, my learned colleague and good friend Senator Goodman point out about using a cartoon character. I think Senator Hoffmann very appropriately pointed out that cartoon characters are used all of the time for educational purposes and she pointed out the example of Smoky the Bear. I thought it was an excellent example.

There are, as I believe Senator Dollinger pointed out, other approaches, and Senator Markowitz. And this bill provides for those other approaches to be used, Madam President.

I want to end my part of this debate by reading from an editorial that was in yesterday's Buffalo News in talking about this particular piece of legislation, and it states that, "Antipathy for the gun group, that is the NRA, should not be allowed to get in the way of a sensible bill unanimously passed by the Assembly to offer school districts a gun safety program for elementary school students. The bill, sponsored by Assemblyman Joseph Robach, Democrat of Rochester, has a simple aim. Teach kids to stay away from guns and to immediately alter an adult when they stumble across one. It is designed to prevent the tragedies that often result when a kid finds a gun that an adult thought was well hidden. Robach's bill offers a way to do that. It is a common sense approach to a societal problem that needn't get bogged down with the politics of bashing

the NRA."

I agree with that editorial, Madam President. I agree with many of the things that were said by my colleagues on both sides of the isle here today, and I vote in the affirmative.

Thank you.

ACTING PRESIDENT McGEE: Senator Maziarz will be recorded in the affirmative.

The Secretary will call the roll.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Yes.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Yes.

THE SECRETARY: Senator Mendez.

(No response.)

THE SECRETARY: Senator Montgomery.

(No response.)

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: To explain my vote.

ACTING PRESIDENT McGEE: Senator Morahan, to explain his vote.

SENATOR MORAHAN: Thank you,

Madam President.

I heard a lot of statements here today. Everyone in the chamber is for gun safety. Everyone in the chamber is out to protect our children. And yet when an opportunity comes today those two things we have a divided house.

Someone suggested that we can do better and I agree we can do better. But do we wait to do better? Do we deny these children the opportunity for gun safety until we devise something better? Or do we start now with the first step.

The Joe Camel reference really boggles my mind when you consider the explanation of why that was brought into this debate, as to sell cigarettes, we believe this program is to do what? Sell guns to kindergarten children? Children in the sixth grade? This is not a selling tool. This is a safety tool.

I am really outraged, outraged that this body would be divided on an issue so vital to our children.

I have 17 grandchildren, most of

them in every school district in my county. And I want them to have this sort of program. There are no guns in our households. We are not gun people. It amazes me that this sort of program is not in the schools already. If you see a grenade, stop. If you see a knife, stop. If you see a can of lye. It seems to me all the same. It is safety for kids and we ought to vote in the affirmative.

Thank you. I cast my vote in the affirmative, Madam Chairman.

ACTING PRESIDENT McGEE: Senator Morahan will be recorded in the affirmative.

The Secretary will call the roll.

THE SECRETARY: Senator Nanula recorded in the negative earlier today.

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: To explain my vote.

ACTING PRESIDENT McGEE: Senator

Oppenheimer to explain your vote.

SENATOR OPPENHEIMER: I hear a lot of people saying that this is a first step and a beginning on the route to safety.

I think this is a first step that is just totally inadequate and much too small a response. We can not seem to get the necessary legislation up on the floor because the NRA doesn't seem to want to have us entertain this legislation. The legislation that would prevent youngsters from playing with guns, picking up guns, killing each other with guns, is safety locks on guns that adults have the keys to and that no child could get to the gun without the key. And that is what is needed here, not this first step which I think is a totally inadequate step.

We have legislation, which I co-sponsored, which talks about gun locks. We have legislation which I sponsored which concerns banning assault weapons. This is what is needed. This is just too small a step.

I vote no.

ACTING PRESIDENT McGEE: Senator

Oppenheimer, recorded in the negative.

The Secretary will call the roll.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Paterson.

ACTING PRESIDENT McGEE: Senator Paterson to explain his vote.

SENATOR PATERSON: Madam President, I think I'm going to vote no, but I almost changed my mind when it just came to my attention that Eddie Eagle shot Joe Camel.

ACTING PRESIDENT McGEE: Thank you for sharing that with us.

SENATOR PATERSON: If it had not come from Senator Volker, Madam President, I would have voted for this bill.

Madam President, I vote no.

ACTING PRESIDENT McGEE: Senator Paterson recorded in the negative.

The Secretary will call the roll.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Rosado.

SENATOR ROSADO: Yes.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Sampson, excused.

Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Schneiderman.

ACTING PRESIDENT McGEE: Senator Schneiderman to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I appreciate the honest concerns of many who have spoken today. I have had the opportunity to speak about this legislation with Senator Maziarz before the debate and I hope we'll be able to speak of this issue further. I think though it is really -- we should not be kidding ourselves in what we are doing in voting for this particular bill.

School districts can teach gun safety curricula now. Many school districts do teach gun safety. The United Federation of Teachers has worked with school districts in New York City to develop a version of the Straight Talk About Risk Program, the Star

Program, which is used in many New York City schools right now.

What this bill does is mandates for the first time that the state will be the business of choosing some sort of gun safety materials and distributing them to any school district that requests gun safety materials. And I think with all due respect for my colleagues, when you all voted no on the amendment that would leave this bill the same and strip Eddie Eagle out and then voted for a bill that refers repeatedly to Eddie Eagle, it is very clear, if I was working in the Department of Environmental Conservation, what the legislative intent was.

You can't go wrong if you make Eddie Eagle materials available to the school districts around the state, but you might get in trouble if you do something else.

I think that is what we are doing. I think that we are putting the curriculum on gun safety in the hands of the NRA. I'm not someone who never shot. I'm not someone who never owned a gun. I have owned guns and, you know, I don't have a gun now and I am glad I

don't. I think that we would all be better off if those of us who like guns and know how to shoot guns left them at home in the same sense we are better off that if those of us who like to drive fast adhere to the speed limit.

I think that the analogy to Joe Camel is right on. In fact, Senator Markowitz mentioned this on his own, there is a report from the Violence Policy Center that has looked in detail at Eddie Eagle and has that has entitled its report, Joe Camel with feathers. That is what Eddie Eagle is. That is what we are voting for today. I am very disappointed. I vote no.

ACTING PRESIDENT McGEE: Senator Schneiderman will be recorded in the negative.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

The clerk will call the roll.

THE SECRETARY: Senate Seabrook.

SENATOR SEABROOK: No.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Skelos voting in the affirmative earlier today.

Senator Smith voting in the negative earlier today.

Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski voting in the affirmative earlier today.

Senator Stafford voting in the affirmative earlier today.

Senator Stavisky excused.

Senator Velella voting in the affirmative earlier today. Senator Volker voting in the affirmative earlier today.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: Aye.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT McGEE: The

Secretary will call the absentees.

THE SECRETARY: Senator Balboni.

ACTING PRESIDENT McGEE: Senator Balboni to explain his vote.

SENATOR BALBONI: Madam President, when this bill came to the floor I had several conversations with members in the chamber and I was going to -- I had decided I would listen to the debate and try to make up my mind as the debate developed. And as so often times happens, arguments are proffered on both sides, and what I have come to realize is this is a very easy issue to get caught up in the hype and the hysteria. This is an easy issue in which to try to make political points.

The truth is, nobody has an answer to violence. Nobody has the way to cure all of the ills. To demonize a particular program because of a reference or association with a particular group of people is the worst case of politics.

This is a bill about safety. This is a bill that school districts can decide to accept or choose another program. And

whatever cause we think may have contributed to Columbine and all of the other incidents, we should not try to stop any particular issue simply because we don't like the people who sponsor part of it. That is a disservice to the ones we love the most, our families.

I vote aye.

ACTING PRESIDENT McGEE: Senator Balboni will be recorded in the affirmative.

Senator Trunzo.

SENATOR TRUNZO: Yes.

ACTING PRESIDENT McGEE: The Secretary will continue to call the roll.

THE SECRETARY: Senator Breslin.

(No response.)

THE SECRETARY: Senator Gentile.

(No response.)

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: No.

THE SECRETARY: Senator Hannon.

(No response.)

THE SECRETARY: Senate Libous.

(No response.)

THE SECRETARY: Senator Mendez.

(No response.)

THE SECRETARY: Senator Montgomery.

(No response.)

ACTING PRESIDENT McGEE: The Secretary will announce the results.

THE SECRETARY: Ayes 38, nays 15.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, will you please recognize Senator Balboni, please.

ACTING PRESIDENT McGEE: Senator Balboni.

SENATOR BALBONI: Yes, Madam President, on a day when we have been so serious in all of our work I thought we would pause just for a light moment.

Today is the birthday of a gentleman who truly exemplifies the problems associated with the current lack of pay. If you take a look at Senator John Bonacic's suit, he can no longer afford lapels. He turned the ripe age of fifty-something today and I just thought I would mention that for

the benefit of the body.

Congratulations, John.

ACTING PRESIDENT McGEE: Thank you, Senator Balboni. Happy birthday to Senator Bonacic.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, will you take the non-controversial reading of the supplemental number two active list today, starting with Calender Number 1321, please?

ACTING PRESIDENT McGEE: The clerk will call Calendar Number 1321.

Senator Seabrook.

SENATOR SEABROOK: Madam President, with unanimous consent I would like to recorded in the negative on Calendar 413.

ACTING PRESIDENT McGEE: Without objection you will be so recorded.

The Secretary will read.

THE SECRETARY: Calendar Number 1321, by Senator Velella, Senate Print 34-B, an act to amend the Insurance Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Sections 4. This act shall take effect in 90 days.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1322, by Senator Johnson, Senate Print 2000-B, an act to amend the Transportation Law and the State Finance Law.

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR PATERSON: Lay the bill aside.

ACTING PRESIDENT McGEE: Lay the bill aside.

THE SECRETARY: Calendar Number 1323, by Senator Stachowski, Senate Print 2264, an act directing the commissioner of the Division of Criminal Justice.

ACTING PRESIDENT McGEE: Read the

last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58, nays one. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1325, by Senator Oppenheimer, Senate Print 2928, an act to amend the Public Housing Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1326, by Senator Saland, Senate Print 3019-A,

an act authorizing the reopening of the 20 year retirement plan to Police Officer Mark J. Thomas.

ACTING PRESIDENT McGEE: There is a home rule at the desk. Please read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1327, by Senator LaValle, Senate Print 3183-A, an act to amend the Public Authorities Law.

ACTING PRESIDENT McGEE: There is a home rule ruling at the desk. Please read the last section.

THE SECRETARY: Section 3. This act shall take effect in 120 days.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1328, by Senator Seward, Senate Print 3490-A, an act to amend the Insurance Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1329, by Senator Hannon, Senate Print 3870-A, an act to amend the General Business Law.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT McGEE: Lay the bill aside.

THE SECRETARY: Calendar Number

1330, by Senator Nozzolio, Senate Print 4166, an act to permit the reopening of the optional 20 year retirement plan.

ACTING PRESIDENT McGEE: A home rule is at the desk. Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1331, by Senator Trunzo, Senate Print 4238-B an act authorizing the County of Suffolk to discontinue the use of certain lands.

ACTING PRESIDENT McGEE: Home rule is at the desk, read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1332, by Senator Marcellino, Senate Print 4388-B, an act in relation to authorizing Suffolk County to discontinue as park lands.

ACTING PRESIDENT McGEE: Home rule is at the desk. Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1334, by Senator Marchi, Senate Print 4459, an act to amend the Not-for-Profit Corporation Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT McGEE: Lay the bill aside.

THE SECRETARY: Calendar Number 1335, by Senator Spano, Senate Print 4467-A,

an act to amend the Labor Law.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT McGEE: Lay the bill aside.

THE SECRETARY: Calendar Number 1336, by Senator Fuschillo, Senate Print 4745-A, an act directing the transfer of certain parcel of real property.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1337, by Senator Skelos, Senate Print 4771, an act authorizing the transfer of John Roll into the optional 20 year retirement plan.

ACTING PRESIDENT McGEE: Home rule

is at the desk. Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1338, by the Assembly Committee on Rules, Assembly Print 7965, substituted earlier today, an act to amend Chapter 884 of the Laws of 1990.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, can we turn to reports of the standing committees. I believe there is a committee report at the desk.

ACTING PRESIDENT McGEE: Reports of standing committees. There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules reports the following bills:

Senate Print 664-B, by Senator Goodman, an act to amend Environmental Conservation Law;

1048-A, Senator Padavan, an act to amend the Vehicle and Traffic Law;

1324-A, by Senator Marcellino, an act to amend the Tax Law;

1463-A, by Senator Hevesi, an act to amend a Tax Law;

1539, by Senator Farley, an act to amend the Public Health Law;

1562, by Senator Nozzolio, an act to amend the Highway Law;

2731, by Senator Kuhl, an act to

amend the Tax Law;

4128, by Senator Fuschillo, an act to amend the Domestic Relations Law;

5690, by Senator Maziarz, an act to amend the Town Law and the Public Officers Law;

5735-A, by Senator Spano, an act to amend the Labor Law;

5742-A, by Senator Maltese, an act to amend Chapter 164 of the Laws of 1907;

5759, by Senator Larkin, an act to permit the sale or lease;

5794, by Senator Morahan, an act authorizing the Commissioner of General Services;

5837, by Senator Meier, an act to amend the Social Services Law; and

5845, by Senator Meier, an act to amend Chapter 906 of the Laws of 1984.

All bills ordered direct for third reading.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, I move to accept the report,

please.

ACTING PRESIDENT McGEE: All in favor of accepting the report of the Committee on Rules, say aye.

(Response of "Aye".)

ACTING PRESIDENT McGEE: Opposed nay.

(No response.)

ACTING PRESIDENT McGEE: The report is accepted. Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, will you please call up Senate Number 664-B, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1360, by Senator Goodman, Senate Print 664-B, an act to amend the Environmental Conservation Law, in relation to the poisoning of pigeons.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR STACHOWSKI: Explanation, please.

ACTING PRESIDENT McGEE: Senator Goodman, an explanation has been requested.

SENATOR GOODMAN: Tonight is a night for aviaries and bird lovers. We just had a three hour discussion of eagles, and now let us turn to the problem of pigeons.

Who asked for an explanation of this?

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR GOODMAN: Thanks, Bill. I'm so glad you did.

SENATOR STACHOWSKI: One.

SENATOR GOODMAN: One word?

SENATOR STACHOWSKI: One question.

SENATOR GOODMAN: One question. Would you like to ask a question, maybe we will save some time.

SENATOR STACHOWSKI: Madam President, would the Senator yield for a question?

ACTING PRESIDENT McGEE: Senator Goodman, will you yield to a question?

SENATOR GOODMAN: Yes, I will, Madam President.

SENATOR STACHOWSKI: In Rules the

question came up and nobody could answer and maybe you can. What is 4-amino pyridine?

SENATOR GOODMAN: It is a chemical called Avitrol, and when you ingest Avitrol you go kookoo and go around in 100,000 circles and drop dead.

SENATOR STACHOWSKI: Thank you, very much.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: Yes, there is, Senator.

Senator Meier.

SENATOR MEIER: Madam President,

on behalf of Senator Marchi, I move to amend Senate Bill Number 3620-B, by striking out the amendments made on June 11th and restoring it to its previous Print Number 3620-A.

ACTING PRESIDENT McGEE: So ordered.

Senator Meier.

SENATOR MEIER: Thank you, President.

I request that you now call that bill up, Number 3625.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 625, by Member of the Assembly Tokasz, Assembly Print 4736, an act to amend the Town Law and others.

ACTING PRESIDENT McGEE: Senator Meier.

SENATOR MEIER: Madam President, I now move to reconsider the vote by which this Assembly bill was substituted for Senator LaValle's bill, Senate Print Number 2657, on May 11th.

ACTING PRESIDENT McGEE: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT McGEE: Senator Meier.

SENATOR MEIER: Madam President, I now move that Assembly Bill Number 4736, be recommitted to the Committee on Rules and that the Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR MEIER: And I offer the following amendments; on page 22, Calender Number 625, Senate Print Number 2657, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT McGEE: Amendments are received. The bill will retain its place on the Third Reading Calendar.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, is there anything else at the desk.

ACTING PRESIDENT McGEE: We are clean.

SENATOR FUSCHILLO: There being no further business, I move we adjourn.

Madam President, will you recognize Senator Hevesi, please.

SENATOR HEVESI: My apologies, Senator Fuschillo.

Madam President, I request unanimous consent to be recorded in the negative on Calendar Number 413.

ACTING PRESIDENT McGEE: Without objection.

SENATOR HEVESI: Thank you.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there being no further business I move we adjourn until Tuesday, June 15th at 11:00 a.m.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Tuesday June 15th, at 11:00 a.m.

(Whereupon, at 7:33 p.m., the Senate adjourned.)