NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 21, 1999

3:20 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

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

REVEREND YOUNG: Let us pray.

Dear God, we thank You for the opportunity in this country to assemble here in this Senate, to be able to, at any time and at any place, to discuss the concerns with these Senators. We are mindful that many in our world do not enjoy such freedom.

And grant us the wisdom to carry out the decision, within Your will, to be able to carry on that good work here in our efforts to try to make this a world with dignity and sensitivity.

We ask You this now and forever.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, June 19, the Senate met pursuant to adjournment. The Journal of Friday, June 18, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Madam President, I move we adopt the Resolution Calendar in its entirety.

THE PRESIDENT: The question is on the adoption of the Resolution Calendar in

its entirety. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's a privileged resolution at the desk by Senator Schneiderman. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Schneiderman, Legislative Resolution Number 2084, commending Don L. Sledge upon the occasion of his designation for special honor by the Chelsea Community Council, on July 25, 1999.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room, and the Senate will stand at ease pending the report of the Finance Committee.

THE PRESIDENT: There will be an immediate meeting of the Senate Finance Committee in the Majority Conference Room, and the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:23 p.m.)

(Whereupon, the Senate reconvened at 3:57 p.m.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. I ask that it be read.

THE PRESIDENT: We will return

now to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations.

As Executive Director of the Consumer Protection Board, Debra Martinez, of the Bronx.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President.

This is something I so often say. And as Senator Skelos just mentioned, another day of fine appointments. And I think this is a compliment to the Governor -- to the Governor that we can say this. And believe you me, today we can say it as strongly as we ever have. And again, I compliment the Governor on these fine appointments.

And it's a pleasure, for the first nominee, Debra Martinez, to yield to Senator Fuschillo.

Thank you.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

Thank you, Senator Stafford. I truly agree with you, this is another day for fine appointments throughout the state.

I had the pleasure last week of meeting the nominee for the Executive Director and Chairwoman of the Consumer Protection Board, Debra Martinez. I am quite confident that she will carry on with her predecessors and find the balance necessary to protect consumers as well as not overregulating businesses. She has had a long and distinguished career in public service, and I'm confident that she will carry that through.

I want to compliment the Governor as well. I proudly second the nomination.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: I also arise to congratulate the Governor for appointing people highly qualified -

SENATOR SMITH: Her microphone wasn't on.

SENATOR MENDEZ: Cut, cut. I'll

start again.

I rise again to congratulate the Governor for these wonderful appointments. Ms. Debra Martinez is very well known in the Puerto Rican and Hispanic communities throughout New York City. She's held in high esteem through her participation in community affairs and, most of all, because she's a very competent person we are all very proud of.

She comes to this committee chairmanship with a history of excellent managerial experience, and her work on behalf of the consumers in the MTA does in fact indicate that she'll do the same once she becomes the commissioner.

So again, once more, I want to congratulate the Governor for submitting these wonderful appointments. And as a Puerto Rican woman myself, I feel very proud of this Puerto Rican woman that is competent, articulate, and makes us all very, very proud.

Thank you, Madam President.

THE PRESIDENT: Do any other members wish to be heard on this confirmation?

Hearing no other member, the

question is on the confirmation of Debra Martinez as Executive Director of the Consumer Protection Board. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Debra Martinez is hereby confirmed as Executive Director of the Consumer Protection Board.

(Applause.)

THE PRESIDENT: And the Senate acknowledges the presence of the Executive Director and congratulates her, as well as the presence of her sister Kim, her mother, Gladys, her aunt Elba, her niece Ariel, and her nephew Rick. Congratulations.

The Secretary will read.

THE SECRETARY: As a member of the Adirondack Park Agency, Richard H. Lefebvre, of Caroga Lake.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Madam President, yielding to Senator Marcellino, I think everyone knows I will take a poetic

license -- I guess poetic license. I have more than a passing interest in the Adirondack Park. I'm very aware of the law being in place. I realize it was placed there in a democracy.

And I would only urge, and I know he will do his level best to keep everyone in mind when considering the issues before him.

And with that, our colleague who does such fine work in the environment, I yield to Senator Marcellino. Thank you, Carl.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Senator Stafford, Madam President.

I too would like to rise and thank the Governor for this fine reappointment. Mr. Lefebvre has served the Adirondack Park Agency for one full term in that agency, and has done well.

The agency impacts the lives of everybody up in the Adirondacks. Their concerns, their care for the environment is well known. His care and his concern for the environment and the people of the Adirondacks

area is well known and well respected. He's done one heck of the job. He's certainly made all of our jobs a lot easier, because he's always in constant communication, through the legislative process and through the Legislature, so that we know what they need, and we try to supply them and support them in every way, shape or form.

This is a fine appointment on the part of the Governor. Mr. Lefebvre, as I said earlier, has served well and will continue to serve again for the betterment of the people of New York State. We thank you.

THE PRESIDENT: The question is on the confirmation of Richard Lefebvre, of Caroga Lake, as a member of the Adirondack Park Agency. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Richard H. Lefebvre is confirmed as a member of the Adirondack Park Agency.

Congratulations. And I'd like to

acknowledge his presence here today with his wife, Gay.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the New York State Employment Relations Board, Carl A. Iovinella, of Ballston Spa.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: It's a pleasure, a person who is familiar to all of us on this fine nomination, as the others are, I yield to Senator Spano.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Thank you, Senator Stafford and Madam President.

As the chairman of the Labor Committee in the Senate, we've had the opportunity to review the credentials of Carl Iovinella. But we did not need to look too far to know of the fine work that he has continued since 1995, working for the Senate and working for Senator Bruno and all the members of this Senate.

And he has got the perfect type of

attentive temperament to be able to put in place his experiences in the private sector as well as his experiences as a dedicated member of the staff of the Senate Majority.

So I commend Senator Bruno and certainly the Governor for presenting us with the name of Carl Iovinella to serve as a member of the New York State Employment Relations Board. And it's my pleasure to second that nomination.

THE PRESIDENT: The question is on the confirmation of Carl A. Iovinella as a member of the New York State Employment Relations Board. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Carl A. Iovinella is hereby confirmed as a member of the New York State Employment Relations Board.

And I'd like to acknowledge his presence here and congratulate him and wish him well.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the Public Service Commission, Neal N. Galvin, of Saratoga Springs.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President. On behalf of Senator Bruno and Senator Farley, it's a pleasure on this fine nomination to yield to Senator Wright.

Jim.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Senator Stafford, Madam President.

It's my pleasure as chair of the Energy Committee to stand and second the nomination of Neal Galvin to a position on the Public Service Commission.

As we move forward into competition in the energy arena in New York State, I think the background and experience that Neal Galvin brings to this job is most appropriate, having spent some 35 years as president and chief executive officer of several major industries. This brings the private sector background that

is so critical as we move ahead and ensure that we have competition within the energy field.

In addition to those executive responsibilities, he's also found considerable time to serve the Capital District community and be active in community activities, both serving as a director of the Juvenile Diabetes Association as well as the former chairman of the Childhood Diabetes Program for New York State.

It's my pleasure to rise and join my colleagues, Senator Bruno and Senator Farley, from the Capital District in providing our endorsement of this nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Wright.

The question is on the confirmation of Neal N. Galvin as a member of the Public Service Commission. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Neal N. Galvin is hereby confirmed as a member of the Public Service Commission.

And as president of the Senate and as a colleague, former district attorney of Rensselaer County, having worked with Neal Galvin on many community pursuits, being very much aware of your great work with Callanan Industries as well as all of the countless hours that you have spent volunteering in community endeavors -- and also knowing that the apple didn't fall far from the tree, having your daughter as my first assistant DA in Rensselaer County -- I am honored to be presiding as President of the Senate over this great event for the people of New York State.

Congratulations, Neal, and I have no doubt that you'll continue your excellence with the Public Service Commission. Thank you for your willingness to serve.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As members of the Adirondack Park Agency, William H. Kissel,

Esquire, of Lake Placid; Katherine Osborn Roberts, of New York City; and Cecil Wray, Esquire, of New York City.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Katherine Osborn Roberts, Cecil Wray, and William H. Kissel as members of the Adirondack Park Agency. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

And congratulations on behalf of the Senate to each of you.

The Secretary will read.

THE SECRETARY: As members of the Capital District Transportation Authority, David M. Stackrow, of Wynantskill; Henry DeLegge, of Schenectady; and Wayne L. Pratt, of Rensselaer.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Henry S. DeLegge, Wayne L. Pratt, and David L. Stackrow as members of the Capital District Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The confirmations are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Central New York State Park, Recreation and Historic Preservation Commission, Cosmo J. Saraceno, of Utica.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Cosmo J. Saraceno as a member of the Central New York State Park, Recreation and Historic Preservation Commission. All those in favor signify by

saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As members of the New York State Energy Research and Development Authority, Robert B. Catell, of Garden City, and Vincent A. DeIorio, of White Plains.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Robert B. Catell and Vincent A. DeIorio as members of the New York State Energy Research and Development Authority. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Ernest J. Salerno, of Pearl River.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the reappointment of Ernest J. Salerno as a member of the Metropolitan Transportation Authority. All those in favor signify by saying aye.

Senator Moynihan -- Morahan, excuse me.

SENATOR MORAHAN: I'd like to second that nomination of Mr. Salerno.

THE PRESIDENT: Thank you, Senator.

The question is on the confirmation. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Ernest J. Salerno

is hereby reappointed as a member of the Metropolitan Transportation Authority, and his nomination is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the New York State Thruway Authority, John R. Riedman, of Rochester.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of John R. Riedman as a member of the New York State Thruway Authority. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the State Board of Real Property Services, Ruth Henahan, of Delmar.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Ruth Henahan as a member of the State Board of Real Property Services. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Albany Pine Bush Preserve Commission, John K. Brust, of Central Bridge.

THE PRESIDENT: Senator Stafford.

THE SECRETARY: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of John K. Brust as a member of the Albany Pine Bush Preserve Commission. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Directors of the New York Convention Center Operating Corporation, Joseph E. Spinnato, of Muttontown.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: (Gesturing.)

THE PRESIDENT: The question is on the confirmation of Joseph E. Spinnato as a member of the Board of Directors of the New York Convention Center Operating Corporation. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the State Council on the Arts, Logan D. Delany, Jr., of Irvington.

THE PRESIDENT: The question is on the confirmation of Logan D. Delany as a member of the State Council on the Arts. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Continuing Care Retirement Community Council, Leslie Akers, of Goshen.

THE PRESIDENT: The question is on the confirmation of Leslie Akers as a member of the Continuing Care Retirement Community Council. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of

the Mental Health Services Council, Judith Ann Vega, of Gowanda.

THE PRESIDENT: The question is on the confirmation of Judith Ann Vega as a member of the Mental Health Services Council. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Minority Health Council, Gladys M. Vidor, of Rensselaer.

THE PRESIDENT: The question is on the confirmation of Gladys M. Vidor, of Rensselaer, as a member of the Minority Health Council. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the State Fire Prevention and Building Code Council, Terence J. Moakley, of West Nyack.

THE PRESIDENT: The question is on the confirmation of Terence J. Moakley as a member of the State Fire Prevention and Building Code Council.

SENATOR MORAHAN: Madam President, I'd like to second that nomination.

THE PRESIDENT: Thank you, Senator Morahan.

The question is on the confirmation. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors, Capital District Psychiatric Center, Myrna Sanders, of Albany.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move

confirmation, please.

THE PRESIDENT: Thank you, Senator.

The question is on the confirmation of Myrna Sanders as a member of the Capital District Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors, Letchworth Village Developmental Disabilities Services Office, Helen S. Crabbe, of Orangeburg.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation -- Senator Morahan, excuse me.

SENATOR MORAHAN: Madam President, I'd like also to join in making

this nomination, in seconding the nomination.

THE PRESIDENT: Thank you, Senator Morahan.

The question is on the nomination of Helen S. Crabbe as a member of the Letchworth Village Developmental Disabilities Services Office. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors, Mid-Hudson Psychiatric Center, Theodore J. Lewis, of Godeffroy.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Theodore J. Lewis as a member of the Mid-Hudson Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors, Pilgrim Psychiatric Center, Harriet Loshin, of Melville.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Harriet Loshin as a member of the Pilgrim Psychiatric Center. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As members of the Board of Visitors, New York State Home for Veterans and Their Dependents at St. Albans, Maxwell H. Phillips, of Valley Stream, and

Marjorie Smith, of South Ozone Park.

THE PRESIDENT: The question is on the confirmation of -

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: Thank you, Senator Stafford.

-- of Maxwell H. Phillips and Marjorie Smith as members of the New York State Home for Veterans and Their Dependents at St. Albans. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As members of the Board of Visitors, Sunmount Developmental Disabilities Services Office, Gilbert A. Duken, of Plattsburgh; Paul A. Maroun, Esquire, of Tupper Lake; and Donald J. Sabin, of Tupper Lake.

THE PRESIDENT: The question is

on the confirmation of Gilbert A. Duken, Paul A. Maroun, and Donald J. Sabin as members of Sunmount Developmental Disabilities Services Office. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

Senator Skelos.

SENATOR SKELOS: Madam President, I think it's time to stand at ease once again.

THE PRESIDENT: The Senate will stand at ease. Thank you, Senator Skelos.

(Whereupon, the Senate stood at ease at 4:15 p.m.)

(Whereupon, the Senate reconvened at 4:41 p.m.)

ACTING PRESIDENT LIBOUS: Senator Skelos.

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

ACTING PRESIDENT LIBOUS: Senator Paterson.

SENATOR PATERSON: Mr. President, there will be an immediate conference of the Minority, actually at 4:45 Eastern Daylight Time, in the Minority Conference Room, Room 314.

ACTING PRESIDENT LIBOUS: There will be an immediate conference of the Minority in the Minority Conference Room. There will be an immediate meeting of the Majority in the Majority Conference Room.

(Whereupon, the Senate stood at ease at 4:43 p.m.)

(Whereupon, the Senate reconvened at 6:02 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Finance Committee in the Majority Conference Room. The Finance Committee will be meeting immediately in the Majority Conference Room,

Room 332.

(Whereupon, the Senate stood at ease at 6:03 p.m.)

(Whereupon, the Senate reconvened at 6:18 p.m.)

THE PRESIDENT: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. I ask that it be read.

THE PRESIDENT: We will return to reports of standing committees.

The Secretary will read.

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

Senate Print 6013, by the Committee on Rules, an act to amend Chapter 15 of the Laws of 1999;

Senate Print 6014, by the Committee on Rules, an act making appropriations for the support of government;

6015, by the Committee on Rules, an act to amend Chapter 83 of the Laws of 1995;

6016, by the Committee on Rules, an act making appropriations for the Department of Health;

6018, by the Committee on Rules, an act to amend the Vehicle and Traffic Law;

And 6019, by the Committee on Rules, an act to amend the Public Health Law.

All bills directly to third reading.

THE PRESIDENT: Without objection, all bills ordered direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could just go back to motions and resolutions, I believe there's a resolution by Senator Seward. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: We will return to motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator Seward, Legislative Resolution commemorating

the 150th anniversary of the Westville United Methodist Church of Westville, New York.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could now take up Calendar Number 1622.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1622, by the Committee on Rules, Senate Print 6013, an act to amend Chapter 15 of the Laws of 1999, making appropriations for the support of government.

SENATOR SKELOS: Madam President, is there a message of necessity and appropriation at the desk?

THE PRESIDENT: Yes, Senator Skelos.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message of necessity and appropriation is adopted and accepted.

Senator Skelos.

SENATOR SKELOS: Could we have the last section read.

THE PRESIDENT: 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, 58.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President,

could we call up Calendar Number 1623.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1623, by the Committee on Rules, Senate Print 6014, an act making appropriations for the support of government.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity and appropriation at the desk?

THE PRESIDENT: Yes, there is, Senator Skelos.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The question is on the acceptance of the message of appropriation and necessity. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 96. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 1624.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1624, by the Committee on Rules, Senate Print 6015, an act to amend Chapter 83 of the Laws of 1995.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The question is on adoption of the message of necessity. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message of necessity is accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 1625.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1625, by the Committee on Rules, Senate Print 6016, an act making appropriations to the Department of Health.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity and appropriation at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The question is on acceptance of the message of necessity and appropriation. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The messages of necessity and appropriation are accepted.

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, 58.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 1627.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1627, by the Committee on Rules, Senate Print 6018, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The question is on acceptance of the message of necessity. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message of necessity is accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is

passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 1628.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1628, by the Committee on Rules, Senate Print 6019, an act to amend the Public Health Law, in relation to rates of reimbursement.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The question is on acceptance of the message of necessity. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message of necessity is accepted.

Read the last section.

THE SECRETARY: Section 37. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1628 are Senators Breslin, Connor, Duane, Gentile, Hevesi, Lachman, Montgomery, Nanula, Onorato, Paterson, Rosado, Sampson, Santiago, Schneiderman, Seabrook, and Smith. Ayes, 42. Nays, 16.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could just stand at ease, please.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:25 p.m.)

(Whereupon, the Senate reconvened at 7:15 p.m.)

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

Room.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Rules Committee in the Majority Conference Room, 332. Rules Committee, 332, immediately.

(Whereupon, the Senate stood at ease at 7:16 p.m.)

(Whereupon, the Senate reconvened at 7:29 p.m.)

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Madam President, can we return to the reports of standing committees? I believe there's a report from the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT McGEE: 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 Prints 5635A, restored Calendar Number 1430, an act to amend Chapter 83 of the Laws of 1995, by Senator Lack;

Senate Print 5729, by the Committee on Rules, an act to amend the Insurance Law;

6017A, by the Committee on Rules, an act making appropriations to the Department of Health;

6020, by Senator Larkin, an act to amend the General Municipal Law, in relation to increasing the total cost;

6021, by Senator Padavan, an act to amend the Mental Hygiene Law and Chapter 560 of the Laws of 1994;

And 6022, by the Committee on Rules, an act to amend the Public Authorities Law and Chapter 738 of the Laws of 1988.

All bills directly for third reading.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Move to accept the reports of the Rules Committee.

ACTING PRESIDENT McGEE: The motion is to accept the report of the Rules Committee. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: All

opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Motion is accepted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time call up Calendar Number 1430.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1430, by Senator Lack, Senate Print 5635A, an act to amend Chapter 83 of the Laws of 1995, amending the State Finance Law.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT McGEE: Yes, there is.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT McGEE: The motion is to accept the message of necessity. All those in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed,

nay.

(No response.)

ACTING PRESIDENT McGEE: The motion is carried.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Kuhl recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Calendar Number 1626.

ACTING PRESIDENT McGEE: The Clerk will read.

THE SECRETARY: Calendar Number 1626, by the Committee on Rules, Senate Print 6017A, an act making appropriations to the Department of Health for the purpose of the Elderly Pharmaceutical Insurance Coverage Program.

SENATOR BRUNO: Is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT McGEE: Yes, there is.

SENATOR BRUNO: Move to accept the messages.

ACTING PRESIDENT McGEE: The motion is to accept the message of necessity and appropriations. All those in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Messages accepted.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT McGEE: The bill

is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Calendar 1629.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1629, by Senator Larkin, Senate Print 6020, an act to amend the General Municipal Law, in relation to increasing the total cost.

SENATOR STACHOWSKI: Explanation.

SENATOR BRUNO: Is there a message of necessity at the desk?

ACTING PRESIDENT McGEE: Yes, there is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT McGEE: The motion is made to accept the message of necessity. All those in favor will say aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The

motion is carried.

Senator Larkin, an explanation has been requested by Senator Stachowski.

SENATOR LARKIN: Senator, the changes here from the bill that we did a few weeks ago were two things. One, we reduced the time span from five years to three and lowered the cap to $20 million.

The other portion of it was we made a level playing field between the Dormitory Authority and the IDAs. We removed the fees and the cost associated with it. So that means that they can take up and go to the Dormitory Authority rather than the IDA, or reverse it, whichever they would like.

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, would the Senator yield for one question?

ACTING PRESIDENT McGEE: Senator Larkin, will you continue to yield?

SENATOR LARKIN: Yes, Madam President.

SENATOR STACHOWSKI: Senator,

what's the advantage of making a level playing field? I don't understand. What is the advantage of having the Dormitory Authority involved?

SENATOR LARKIN: The biggest thing is heretofore there was no choice. This gives those agencies that are within the IDAs looking to promote a project can go to either one. The Dormitory Authority has no cap on it, where the IDA does have a cap.

SENATOR STACHOWSKI: Madam President, one last question.

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR LARKIN: Yes, Madam President.

ACTING PRESIDENT McGEE: Senator Larkin, will you yield?

SENATOR LARKIN: Yes.

SENATOR STACHOWSKI: Madam President, through you.

Senator, at some point are we going to revisit who are the not-for-profits? For example, the Blue Cross and Blue Shield still is listed as a -- you know, kind of a

stepchild of everybody that pays money to keep them afloat. And yet their HMO part, which qualifies for this service, is far from not a moneymaker. It's not accessible to everybody.

And are we going to ever revisit that so we can get a better handle on who really are the -

SENATOR LARKIN: As I said -- as I said to you when we did the other bill, I will definitely join with you and we will go through this. This is important right now for all of the IDAs throughout the state.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 629 are Senators Duane, Nanula, Schneiderman, and Stachowski. Ayes, 54. Nays, 4.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

THE SECRETARY: Excuse me, also Senator Morahan.

ACTING PRESIDENT McGEE: Senator Morahan will be recorded in the negative.

Senator Bruno.

SENATOR BRUNO: Madam President, can we take up Calendar 1630.

ACTING PRESIDENT McGEE: The Clerk will read.

THE SECRETARY: Calendar Number 1630, by Senator Padavan, Senate Print 6021, an act to amend the Mental Hygiene Law and Chapter 560 of the Laws of 1994.

SENATOR BRUNO: Madam President, is there a message at the desk?

ACTING PRESIDENT McGEE: Yes, there is a message from the Governor at the desk.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT McGEE: The motion is made to accept the message of

necessity. All those in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed will say nay.

(No response.)

ACTING PRESIDENT McGEE: The message is accepted.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we call up Calendar 1631.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1631, by the Senate Committee on Rules, Senate Print 6022, an act to amend the Public

Authorities Law and Chapter 738 of the Laws of 1988.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT McGEE: Yes, there is a message at the desk.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT McGEE: The motion is to accept the message of necessity at the desk. All those in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed will say nay.

(No response.)

ACTING PRESIDENT McGEE: The message is carried.

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.)

ACTING PRESIDENT McGEE: Ayes,

58.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we take up Calendar 1632.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1632, Senator Bruno moves to discharge, from the Committee on Rules, Assembly 8377 and substitute it for the identical third reading, 1632.

ACTING PRESIDENT McGEE: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1632, by the Assembly Committee on Rules, Assembly Print 8377, an act to amend the Insurance Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 10. This act shall take effect June 30th.

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, we're concluding today's session.

And as we conclude, I just wanted to take a moment and just remind our members that there are roses there at Senator Stavisky's desk. As we all know, they signify his passing.

And the memory that we have of him in this chamber is one of the best public servants that his district or this state could have. He's been ill, as we know, for a number of years. And during his illness, whenever he could, he was there meeting with constituents, communicating, being available. And that is true dedication. He has given his life to public service.

So it's my honor to close this session in his memory and extend the condolences of this Senate and our sympathy to

his family. And I will close this session in that regard.

And since there is no further business to come before the Senate at this time, I move that we stand adjourned, subject to the call of the Majority Leader, intervening days to be legislative days.

ACTING PRESIDENT McGEE: The Senate will stand adjourned, pending the call of the Majority Leader. Intervening days will be legislative days.

(Whereupon, at 7:43 p.m., the Senate adjourned.)