NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 1, 2000

11:05 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

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

(Whereupon, the assemblage respected a moment of silence.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 31st, the Senate met pursuant to adjournment. The Journal of Sunday, January 30, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Rath, from the Committee on Local Government, reports:

Senate Print 2088, by Senator Libous, an act to amend the Real Property Tax Law;

2942, by Senator Rath, an act to amend the General Municipal Law and others;

4072, by Senator Seward, an act to amend the Town Law;

6171, by Senator Seward, an act to amend the Real Property Tax Law;

And 6220, by Senator Saland, an act to amend the General Municipal Law.

Senator Trunzo, from the Committee on Transportation, reports:

Senate Print 4251, by Senator Trunzo, an act to amend the Vehicle and Traffic Law;

4409, by Senator Trunzo, an act to amend the Vehicle and Traffic Law;

6374, by Senator Trunzo, an act to

amend the Vehicle and Traffic Law;

And 6375, with amendments, by Senator Trunzo, an act to amend the Vehicle and Traffic Law.

Senator Hannon, from the Committee on Health, reports:

Senate Print 1524, by Senator Hannon, an act to amend the Public Health Law;

1541, by Senator Farley, an act to amend the Public Health Law;

2197, by Senator Libous, an act to amend the Public Health Law;

4722, by Senator Skelos, an act to amend the Public Health Law and the Social Services Law;

And 5213, by Senator Alesi, an act to amend the Public Health Law.

All bills ordered direct to third reading.

THE PRESIDENT: Without objection, the bills are directed to Third Reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Thank you, Madam President.

On behalf of Senator Maziarz, I would ask that on page Number 16, I offer the following amendment to Calendar Number 159, Senate Print Bill Number 5180, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR McGEE: Thank you, Madam President.

On behalf of Senator Rath, I would ask that on page Number 18 I offer the following amendments to Calendar Number 179, Senate Print Number 6173, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR McGEE: Thank you, Madam

President.

THE PRESIDENT: Senator Nozzolio, we have a substitution.

SENATOR NOZZOLIO: Madam President, take the substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 13, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 5912A, Senate Print 5731, Third Reading Calendar 130.

THE PRESIDENT: The substitution is ordered.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, may we please adopt the Resolution Calendar.

THE PRESIDENT: All those in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution

Calendar is adopted.

Senator Nozzolio.

SENATOR NOZZOLIO: Is there another substitution, Madam President?

THE PRESIDENT: The substitution has been made, Senator Nozzolio.

Senator Nozzolio, I've been informed that we have another committee report.

SENATOR NOZZOLIO: Madam President, if we could return to standing committees and please take that report.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Libous, from the Committee on Mental Health and Developmental Disabilities, reports:

Senate Print 2091, by Senator Libous, an act to amend the Mental Hygiene Law;

2102A, by Senator Libous, an act to amend the Mental Hygiene Law and the Executive Law;

2114, by Senator Libous, an act to enact the Consumer-Oriented Reform Efforts and

Mental Hygiene Agencies Act of 1999;

And Senate Print 4658, by Senator Libous, an act to amend the Mental Hygiene Law.

All bills ordered direct to third reading.

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

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, at this time may we please have the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 29, by Senator Johnson, Senate Print 1588, an act to amend the Criminal Procedure Law, in relation to requiring.

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, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 65, by Senator Volker, Senate Print 725A, an act to amend the Penal Law, in relation to endangering the welfare of a child.

SENATOR DOLLINGER: Lay the bill aside, please -

THE PRESIDENT: The bill is laid aside, Senator.

SENATOR DOLLINGER: -- for Senator Montgomery.

THE SECRETARY: Calendar Number 68, by Senator Maltese, Senate Print 2191A, an act to amend the Penal Law, in relation to clarifying the definition of physical injury or serious physical injury.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, there will be an immediate meeting of the Children and Families Committee in the Senate Majority Conference Room.

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

The Secretary will read.

THE SECRETARY: Calendar Number 84, by Senator McGee, Senate Print 4320, an act to amend the Municipal Home Rule Law, in relation to authorizing the Secretary of State.

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, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 100, by Senator DeFrancisco, Senate Print 863, an act to amend the Social Services Law, in relation to the transportation of certain persons.

SENATOR DOLLINGER: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 101, by Senator Farley, Senate Print 3237, an act to amend the Social Services Law, in relation to requiring provision of notice.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

102, by Senator Morahan, Senate Print 5800, an act to amend the Social Services Law, in relation to county responsibility.

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, 37.

THE PRESIDENT: The bill is passed.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, Calendar Number 153, has that been read?

THE PRESIDENT: Not yet, Senator. The Secretary will read.

THE SECRETARY: Calendar Number 153, by Senator Volker, Senate Print 6325, an act to amend the Executive Law, in relation to the definition of a designated offender.

THE PRESIDENT: Read the last section.

SENATOR DUANE: Lay it aside.

THE PRESIDENT: The bill is laid aside.

That completes the reading of the noncontroversial calendar, Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

Now may we have the reading of the controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 65, by Senator Volker, Senate Print 725A, an act to amend the Penal Law, in relation to endangering the welfare of a child.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, can we have that bill temporarily laid aside? Senator Montgomery wants to be heard on the bill, and she is in the Children and Families Committee meeting. If we could have it laid aside till the end of the calendar.

THE PRESIDENT: The bill is laid aside.

SENATOR DOLLINGER: Thank you.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 100, by Senator DeFrancisco, Senate Print 863, an act to amend the Social Services Law, in relation to the transportation of certain persons.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Explanation, Madam President.

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

SENATOR DeFRANCISCO: What would you like to know, Rick? We debate this bill every year, and it's very simple.

SENATOR DOLLINGER: Senator DeFrancisco asked me to yield to a question: What do I want?

SENATOR DeFRANCISCO: Yeah, what do you want?

No, it's a -- every year we do this bill, we pass it. And it basically is a bill

that says that in the event that you are capable of taking public transportation, you should be required to do so. And that means capable. If you're not capable, then obviously another means of transportation has to be provided to you.

And the concept is, number one, it cuts costs, if you're capable. It cuts the cost of transportation in the Medicare system. And, number two, what it does is it provides much-needed revenue for public transportation, which seems to periodically come to Albany looking for funds to subsidize public transportation.

So if the person is physically and mentally capable, the transportation should be, and under the bill would be, public transportation.

THE PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you, Madam President.

Would the sponsor yield for a couple of questions, please?

THE PRESIDENT: Senator, do you yield?

SENATOR DeFRANCISCO: Yes.

THE PRESIDENT: Go ahead, Senator Smith.

SENATOR SMITH: Your last statement indicated that if people were capable of using public transportation. Could you tell me what studies have been done, and by whom, to back up your theory that they should take public transportation?

SENATOR DeFRANCISCO: There's been no studies. But if I'm capable of getting on a bus and using public transportation -- and that's a decision that's ultimately going to be made by the Social Services Department -- then I should be required to do so.

Now, as far as studies, there's been no studies. It's just intuitively that this should be a standard that government should employ.

SENATOR SMITH: Social Services rather than a doctor should make this decision?

SENATOR DeFRANCISCO: Well, obviously the nature of the service is going

to be such that somebody is going to have to make a decision. The doctor can't give a prescription to the Social Services Department. The Social Services Department would have to make the ultimate decision.

And clearly, if there's a disagreement in that area, you could contest that like you can contest any other decision in public health, to the Social Services Department for a fair hearing.

SENATOR SMITH: Would the sponsor continue to yield?

THE PRESIDENT: Thank you, Senator Smith.

Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

THE PRESIDENT: Go ahead, Senator Smith.

SENATOR SMITH: Are you aware that currently there is a provision for the doctors to request transportation for the patients, especially those that are going to dialysis or to other forms of care on a regular basis, and it is approved by the

Department of Social Services?

SENATOR DeFRANCISCO: Exactly what I said. The ultimate decision is the Department of Social Services. The physician can provide whatever medical information is necessary.

SENATOR SMITH: And prior to the transportation being taken, a number is given which -- an approval number?

SENATOR DeFRANCISCO: I don't get the point. I assume that's what happens. The Department of Social Services, once they make the decision, as I mentioned twice before, would approve it or disapprove it.

I assume there's an approval number or maybe an approval letter. I don't know exactly what physical document is provided.

THE PRESIDENT: Senator Smith, do you have another question?

SENATOR SMITH: Yes, I do.

THE PRESIDENT: Do you continue to yield, Senator DeFrancisco?

SENATOR DeFRANCISCO: Yes.

THE PRESIDENT: Go ahead, Senator Smith.

SENATOR SMITH: You also stated that they should take public transportation, once again, if they're capable. Are you aware that in the City of New York most of the buses that are supposedly handicapped-accessible, that the bus drivers do not have keys to open the back, the rear, so that the wheelchairs could get onto the buses?

SENATOR DeFRANCISCO: Well, isn't the solution to get the keys rather than to get people who are capable of getting on transportation not be required to do so?

If in the administration of any program someone is doing it inefficiently and foolishly, such as not being able to access a lift for a handicapped individual, then that should be -- the administration should be called on that, and they should be required to administer the laws as we make them.

And so obviously, if someone doesn't have the key, that's incompetence. And that doesn't affect the concept of a law that requires a certain thing. It affects the enforcement by those who are bound by the law.

SENATOR SMITH: I'm so pleased to

hear you say that, since you're -

THE PRESIDENT: Senator Smith, do you have another question?

SENATOR SMITH: Yes.

THE PRESIDENT: Do you continue to yield, Senator -

SENATOR SMITH: -- since you're in the Majority, and -

THE PRESIDENT: Senator Smith, please wait.

Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

THE PRESIDENT: You may proceed, Senator Smith, with another question.

SENATOR SMITH: The question is since you are in the Majority and you have the opportunity to oversee this, why hasn't it been done?

SENATOR DeFRANCISCO: I'm trying to figure out what the question is. But I don't work for whatever county you're talking about in the City of New York.

SENATOR SMITH: But you have -

THE PRESIDENT: Senator Smith, do

you wish to have time yielded to you? Is that why you're rising?

SENATOR SMITH: I don't need time to be yielded, because he's a smartass. I think that -

THE PRESIDENT: Senator Smith, that's out of order -

SENATOR SMITH: So is he.

THE PRESIDENT: -- and that will not be tolerated in this Senate.

SENATOR SMITH: So is he.

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

SENATOR SMITH: My questions have ceased.

THE PRESIDENT: Please be seated.

SENATOR SMITH: Thank you. The same to you.

THE PRESIDENT: Read the last section.

Senator Stavisky.

SENATOR STAVISKY: Yes, I have a very brief question.

THE PRESIDENT: Senator DeFrancisco, do you yield for a question?

SENATOR DeFRANCISCO: Yes.

THE PRESIDENT: Go ahead, Senator Stavisky.

SENATOR STAVISKY: Is the Senator familiar with the No. 7 train which goes from Times Square to Main Street, Flushing?

SENATOR DeFRANCISCO: Familiar with it? No.

SENATOR STAVISKY: With the No. 7 train that goes past Shea Stadium?

SENATOR DeFRANCISCO: No, I haven't ridden that train.

SENATOR STAVISKY: Okay. The No. 7 train is an elevated train once it comes through the East River. And it has no accessibility for the disabled whatsoever. It's an elevated structure, and therefore impossible for people with disabilities to use. How would you resolve the question?

We are putting in elevators and escalators. Unfortunately, the escalators that have been installed at the Main Street, Flushing, station do not work. They are putting escalators and elevators in at one other spot. But for the balance of the No. 7

line, the subway line, the elevated IRT, there is no accessibility for the disabled whatsoever. And that train runs entirely through my Senate district.

SENATOR DeFRANCISCO: If that's the circumstance, then obviously the individual is not capable of using that transportation if they're disabled. So they would -- the county would not be required - or the individual would not be required to use that transportation.

And it goes back to Senator Smith talking about dialysis. I mean, those situations that are situations where the person cannot use it because their mental or physical incapability or because of the inaccessibility because keys aren't found or there's no elevator or whatever it may be, it would not apply to that situation.

SENATOR STAVISKY: I have one more question.

THE PRESIDENT: Senator DeFrancisco, do you yield for an additional question?

SENATOR DeFRANCISCO: Yes.

THE PRESIDENT: Thank you. Go ahead, Senator.

SENATOR STAVISKY: How does this impact on the federal Americans with Disabilities Act?

SENATOR DeFRANCISCO: If someone is incapable of being -- using public transportation, then that individual would be allowed to have a taxicab or some alternate means of transportation or a special-type bus. And those are the people that are protected by the Americans With Disabilities Act.

I'm referring to -- this bill is talking about individuals who are able to use public transportation should be required to and they're not presently.

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: Those recorded in the negative on Calendar Number 100 are Senators Connor, Duane, Gentile, Gonzalez,

Hevesi, Markowitz, Onorato, Rosado, Sampson, Santiago, Schneiderman, Smith, and Stavisky. Ayes, 33. Nays, 13.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 153, by Senator Volker, Senate Print 6325, an act to amend the Executive Law, in relation to the definition of a designated offender.

SENATOR DUANE: Explanation, please.

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

SENATOR VOLKER: This is an amendment to the DNA legislation which passed late last year, which for the most part, this creates some clarifying amendments to it.

There was a question when the bill passed back in December about the designated offender in relation to larceny. And this specifies that what was intended was grand larceny. And it specifies then, because of the confusion over language, that the date would be December 1st -- which was actually the date the bill was signed -- the date in

which those offenders, those people that are convicted of grand larceny, would have to submit to DNA tests.

Then there are several other provisions that relate to clarifying the issue of appeals in the DNA area. As I understand it, these provisions were essentially agreed on between the Assembly, the Senate, and the Governor in December, but we were never able to get to it to finalize it.

So this is not something that -- as you notice, Joe Lentol is the sponsor in the Assembly. And what this bill really is is, in effect, a chapter amendment to the bill that passed back in December.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you very much, Madam President. I'd like to speak on the bill.

THE PRESIDENT: On the bill, Senator.

SENATOR DUANE: Thank you.

I find it ironic that after we spent so much time last year working on this bill that it needs to have these kinds of

clarifications.

My objections remain the same. I believe that this whole DNA database is a slippery slope. I think that we will continue to see more people piled into the parameters of this legislation, impacting terribly, and very negatively, the privacy of citizens of this state.

And I also believe that one of the things that certainly should have been looked at is how long the samples are kept and how long they need to be kept and how it is that they will be disposed of. That the legislation is completely silent on those issues.

I also find it ironic that we go to such great lengths to compile blood samples for DNA and to focus on compiling a database on criminals, and yet there is this incredible resistance to keeping a database on hate crimes which occur in our state. The State Police itself does not keep facts and figures on hate crimes, and yet clearly it's a problem which has been and will continue to face our state.

If we can focus so much time and attention on the DNA database and come back and reconfigure the legislation and fix it up, I don't understand why it is that we can't spend a little bit of time mandating that the State of New York keep records on the terrible problem of hate crimes in our state.

Thank you, Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, will the sponsor yield to just one question?

SENATOR VOLKER: Sure.

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

SENATOR VOLKER: Certainly.

THE PRESIDENT: Go ahead, Senator Dollinger.

SENATOR DOLLINGER: Senator, as always, I come to the floor and read these bills -- and on the second page of this bill, we're substantially expanding the appeal period for what appears to be a specific case. Is there a specific case that this bill would

impact in which the motion was made prior to December 1st?

SENATOR VOLKER: No, I think the problem has to do with -- I don't think it's for a specific case.

What it is, I think they're trying to clarify how the appeals process would work. Remember that if you're looking at -- the problem here is this bill actually -- although the Assembly passed it, I forget, back in the late summer after we left town, the actual passage of this legislation was in November, late November. And then December 1st it became effective.

And the question, I guess, is when appeals were filed in certain cases; for instance, relating to larceny. As I understand it, part of the problem was that since there was some question as to whether grand larceny was to be included, I think what this does is -- as I understand it, what this does is try to clarify what the appeals situation is in these kinds of cases.

At least that's what I've been told, that this is an attempt to work out in

legal form -- as opposed, by the way, to what one of our local judges just did, just declare something unconstitutional -- trying to clarify so we'll have a body of law that determines how the appeals process works.

SENATOR DOLLINGER: Through you, Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: And I appreciate Senator Volker's answer. My question is, does the language in that portion -- which seems to say, as I read it, that you've got till 30 days after the decision has been served and entered, which is the standard we have for all appeals, both civil and criminal in this state, or until September 1st of the year 2000, whichever is later.

And my question, through you, Madam President, is does that mean if you file and serve your -- the order, even if the 30 days passes you still have until September 1st? If I filed and served that order now, I'd have nine months to appeal?

SENATOR VOLKER: I think there is -- I think the attempt here is to give some additional time.

Because, for one thing, you've got to realize this is going to take a long time for these samples to be taken. One thing I think everyone should realize is this is not going to be done overnight. This is going to take a long, long time before this is done.

And I think the idea is to give some length of time after this bill is in effect, it comes into effect, to be able to, if you wish, to make challenges.

And by the way, I'm told there have been almost no challenges to the taking of DNA. In fact, I think it's been -- well, I'm not sure. But it's been very, very few to the taking of DNA.

So I think what they're trying to do here, this is an attempt, frankly, to give some -- these are convicted criminals -- some option. Actually, it gives them a longer option to appeal their ability to have DNA taken from them.

THE PRESIDENT: Senator

Dollinger, do you have another question?

SENATOR DOLLINGER: Thank you, Madam President. I guess -

THE PRESIDENT: On the bill.

SENATOR DOLLINGER: I'm going to vote for this bill on the strength of Senator Volker's explanation. What we're doing here is trying to give more time.

I'm only intrigued because it would seem to me, Senator Volker, that the samples would all be a part of the lower court initial determination. We'd have the samples, there would be a ruling by the lower court.

I'm always a bit nervous when we expand appellate periods of time. I mean, the president has sat as a judge and knows whenever we say to someone "You've got 30 days," the courts in this state -- and I think everybody's kind of enamored of the notion that you either do it within 30 days or you wave your case goodbye. And this seems to suggest we're going to substantially expand the appellate period, and I'm always nervous when we do that.

So I understand that this is a

beneficial statute designed to preserve the rights of those who have been accused in order to give them more time to work out this new DNA identification rubric or protocol. I'm willing to buy that, based on Senator Volker's explanation.

But I just look at this and I see us substantially expanding appellate times. And that's always, at least from my perspective, a very questionable idea, even though it may serve a beneficial purpose.

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, 48. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Meier.

SENATOR MEIER: Madam President, could you announce, please, an immediate meeting of the Labor Committee in the Majority

Conference Room.

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

Senator Meier.

SENATOR MEIER: Thank you, Madam President. Could you please recognize Senator Seabrook.

THE PRESIDENT: Senator Seabrook.

SENATOR SEABROOK: Yes, Madam President. With unanimous consent, I'd like to be recorded in the negative on Calendar 100.

THE PRESIDENT: The record will so reflect your vote in the negative, Senator Seabrook.

SENATOR SEABROOK: Thank you.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Madam President, could we now please take up Calendar Number 65.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 65, by Senator Volker, Senate Print 725A, an

act to amend the Penal Law, in relation to endangering the welfare of a child.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

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

SENATOR MEIER: Madam President, could we return, please, to the order of motions and resolutions and open up Resolution Number 2884 for sponsorship by all members. And those who do not wish could perhaps inform the desk.

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

Anyone who does not wish to be on the sponsorship of this resolution, please

notify the desk. It's Number 2884.

Senator Meier.

SENATOR MEIER: Madam President, may we please return to the order of reports of standing committees. I believe there are reports at the desk.

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

The Secretary will read.

THE SECRETARY: Senator Saland, from the Committee on Children and Families, reports:

Senate Print 1075, by Senator Skelos, an act to amend the Social Services Law and the Family Court Act;

2721, by Senator Saland, an act to amend the Family Court Act;

And 3815B, by Senator Saland, an act to amend the Family Court Act.

Senator Padavan, from the Committee on Cities, reports:

Senate Print 1734, with amendments, by Senator Velella, an act to amend the General City Law and the Penal Law;

2358, by Senator Velella, an act to

amend the Real Property Tax Law;

3597A, by Senator Velella, an act to amend the Administrative Code of the City of New York;

6257, by Senator Larkin, an act in relation to establishing a library district;

And 6289, by Senator Volker, an act to amend the Local Finance Law.

All bills ordered direct to third reading.

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

Senator Paterson.

SENATOR PATERSON: Good morning, Madam President.

THE PRESIDENT: Good morning, Senator.

SENATOR PATERSON: With unanimous consent -- which means that no one in this house would object -- I would like to be recorded in the negative on Calendar Number 100.

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

Calendar 100.

SENATOR PATERSON: Thank you.

THE PRESIDENT: You're welcome.

Senator Meier.

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

THE SECRETARY: No, there is not, Senator.

SENATOR MEIER: Madam President, could you please announce that there will be an immediate meeting of the Majority Conference after session today.

THE PRESIDENT: There will be an immediate meeting of the Majority Conference after session.

Senator Meier.

SENATOR MEIER: Thank you, Madam President.

There being no further business to come before the Senate, I move we adjourn until February 7 at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, February 7th, 3:00 p.m., intervening days

being legislative days.

(Whereupon, at 11:40 a.m., the Senate adjourned.)