NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR NANCY LARRAINE HOFFMANN, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT HOFFMANN: The Senate will come to order.

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

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

ACTING PRESIDENT HOFFMANN: In the absence of visiting clergy, I ask everyone to stand for a moment of silence.

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

ACTING PRESIDENT HOFFMANN: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 21st, the Senate met pursuant to adjournment. The Journal of Monday, March 20th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT HOFFMANN: The Journal stands approved as read.

Senator Skelos.

May we have the presentation of petitions.

SENATOR SKELOS: Madam President,

would you please recognize Senator Dollinger for a high-tech presentation.

ACTING PRESIDENT HOFFMANN: The chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I'd like to thank the Deputy Majority Leader for the time today to just briefly present to the Senate what I think is the wave of the future in both technology and in democracy.

This is a disk that has about 700 names on it which reflect a petition that was put out by the Democratic Conference to repeal the marriage tax penalty as part of our budget negotiations. I know that in discussions with this house, we haven't gotten there yet in the Senate resolution. I know it was in the Assembly resolution. I know that there are many supporters of repealing the marriage tax penalty on the other side of the aisle.

But this disk and the 4,500 other signatures that are on paper I think represent the future of people's participation in their democracy. These signatures were all logged

in through home computers. We were able to get their names. They're on the disk. It's a support for an idea that I think the time has come.

But I also think it's part of the wave of the future, that more and more people are going to use these electronic tools to get their grievances before the government. Which quite frankly is what the whole notion of petitioning the government for redress was all about. It's enshrined in the Constitution; it's part of our democracy.

I think this is a historic day. My hope is that everyone on both sides of the aisle will use this process in the future to get the message that the people can participate in their government.

With that, Madam President, I'll present the petitions and the diskette.

ACTING PRESIDENT HOFFMANN: The chair acknowledges that Senator Dollinger is filing a high-tech petition with the desk. It will be filed with the Journal.

SENATOR DOLLINGER: Thank you, Madam President.

ACTING PRESIDENT HOFFMANN: Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

Senate Print 3312B, by Senator Libous, an act to amend Chapter 649 of the Laws of 1996;

3531, by Senator Libous, an act to amend the Mental Hygiene Law;

4913, by Senator Libous, an act to amend the Mental Hygiene Law;

6919, by Senator Libous, an act to amend the Mental Hygiene Law;

6920, by Senator Libous, an act to amend the Mental Hygiene Law;

And 6954, by Senator Libous, an act to amend Chapter 723 of the Laws of 1989.

All bills ordered direct to third reading.

ACTING PRESIDENT HOFFMANN: Without objection, all bills reported directly

to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Alesi, on page 23 I offer the following amendments to Calendar 390, Senate Print 6232, and I ask that that bill retain its place on the Third Reading Calendar.

Also on behalf of Senator Alesi, Madam President, on page 26 I offer the following amendments to Calendar 427, Senate Print 84A, and I ask that that bill retain its place.

ACTING PRESIDENT HOFFMANN: The amendments are received and will retain their place on third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privilege resolution, 3478, at the

desk by Senator LaValle. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT HOFFMANN: The Secretary will read.

THE SECRETARY: By Senator LaValle, Legislative Resolution Number 3478, paying tribute to the Center Moriches Little League upon the occasion of dedicating their 2000 season to James P. Rodgers at a ceremony on March 25, 2000.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Yes.

SENATOR SKELOS: If we could take up the noncontroversial calendar, please.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 93, by Senator Johnson, Senate Print 812, an act to amend the Real Property Tax Law, in relation to providing an exemption.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 94, by Senator Farley, Senate Print 1836, an act to amend the Education Law, in relation to authorizing the State University trustees.

ACTING PRESIDENT MEIER: Read the last section.

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

April.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Just quickly to explain my vote.

This is a unique piece of legislation that you seldom see. It's sponsored by almost every single member of the Senate on both sides of the aisle. It's a piece of legislation that is very significant. It allows senior citizens to take courses at the State University for credit on a nine-hour limit, and one that we hope to see signed into law this year.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 95, by Senator Trunzo, Senate Print 3276, an

act to amend the Real Property Tax Law, in relation to income eligibility.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 121, by Senator McGee, Senate Print 4577B, an act to amend the Election Law, in relation to the declination of designations.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 130, by Member of the Assembly Pheffer, Assembly Senate Print Number 5912A, an act to amend the General Business Law and the Vehicle and Traffic Law, in relation to reflective gear.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42. Nays, 1. Senator Meier recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 131, by Senator Maziarz, Senate Print 5947B, an act to amend the General Business Law and others, in relation to enacting the Telemarketing and Consumer Fraud and Abuse Prevention Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect September 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Maziarz, to explain his vote.

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

I just want to thank all of my colleagues for supporting this legislation here today. The FBI estimates that annually $40 billion a year -- that's 40 billion, with a B -- is cheated out of consumers by fraudulent telemarketers. This particular legislation we think will enact the necessary consumer safeguards that will help those consumers.

But most particularly, more than 75 percent of the consumers that are cheated are elderly New Yorkers, senior citizens who are targeted by fraudulent telemarketers.

And this piece of legislation is

somewhat unique this year, in that there is a "same as" bill in the Assembly. It's sponsored by my colleague, the chairperson of the Assembly Aging Committee, Assemblywoman Barbara Clark. This legislation we hope will be enacted into law.

And I would be remiss if I did not thank the AARP, American Association of Retired Persons, for their diligent work in getting this legislation here on the Senate floor today, voted upon positively by all of us, and their advocacy throughout the year for telemarketing fraud.

And I just want to recognize a couple of very special people: Ora Lee Degato, from the City of Buffalo, whose late husband was the coordinator for the AARP in the city of Buffalo; and also a good friend, Leonard Sikora, who is the regional coordinator for the AARP in Western New York, a constituent of Senator Rath's.

And the other individuals from the AARP that are here today in this chamber and will be here today at a luncheon. Thank you for your advocacy and thank you for bringing

the concerns of elderly New Yorkers before the Senate and the Assembly.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Rath, to explain her vote.

SENATOR RATH: Thank you, Mr. President.

I'd like to congratulate, first of all, Senator Maziarz on moving this piece of legislation forward, with the help of the AARP, who have been a wonderful partner in keeping us, through Senator Maziarz's Committee on the Aging, keeping us advised and current on the kinds of issues that are facing us in regards to a safety that we hadn't, I think, anticipated years ago.

And the safety of, first of all, your privacy on the Internet, which is another whole series of pieces of legislation that I know that you will be aware of and advise us.

And this whole brave new world that we're looking at as accessibility to information and accessibility to avenues of interaction, if you will, on the Worldwide Web. It's a wonderful place for seniors to go

and to be and to do things, but there have to be protections on that highway just like there are protections on other highways.

This piece of legislation certainly speaks to the fraud and prevention of telemarketers, which is maybe a little different church, but the same pew. And we appreciate your help and support and look forward to working with you on the other bills which will allow more opportunity -- but again, we need to protect privacy and safety.

And so thank you for being here and for your help.

ACTING PRESIDENT MEIER: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you.

I just want to commend Senator Maziarz for patrolling the airwaves of New York State. This is a great bipartisan bill. It has support in the Assembly; it has support from the Democrats in the Senate.

It is time for us to take this action, because the telemarketers are really like vultures or buzzards or these other evil birds that flock in our skies. And I'm glad

for Senator Maziarz to agree with me on trying to put one bad bird out of circulation in this state, and I hope we can collaborate in the future on others.

ACTING PRESIDENT MEIER: Senator Stachowski -- oh, I'm sorry, Senator Schneiderman will be recorded in the affirmative.

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: I too would like to explain my vote by saying that the telemarketers offers a great convenience for people. However, as is often the case with seniors, they fall victim to fast-talking, not so genuous people that take advantage of them in many cases.

And I think this bill is necessary to try to prevent that and to prevent our seniors from losing some of their hard-earned money they've put away when they get offered a deal that sounds so good and they don't really know the difference. And hopefully this bill will do something to protect them from that kind of problem.

I vote yes.

ACTING PRESIDENT MEIER: Senator Stachowski will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I rise not only in support of the merits of the bill, but I had a group of seniors from my district lobbying for this bill today, and I told them I was certain that it would pass this session.

And I wanted to thank Senator Maziarz for his quick action so that I'm not proven to be a liar on this issue. So thank you, Senator Maziarz.

I vote yes.

ACTING PRESIDENT MEIER: Senator DeFrancisco will be recorded in the affirmative.

Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Thank you, Mr. President.

I also commend Senator Maziarz for this bill.

I'm somewhat troubled, I have to admit, by my colleague from -- the ranking member of the Environmental Conservation Committee, who said all these evil things that fly in the skies and described birds. I'd just suggest, Senator Marcellino, talk to Senator Schneiderman. Those are birds. You know, nature's things. I'm surprised by his comment.

But let me just explain my vote on the bill. I think this bill is a good step forward. I would add one thing, and I hope we do it, again. And I would just encourage Senator Maziarz, look at the issue of jurisdiction in New York State, the jurisdiction of New York courts over these telemarketers.

Because what has happened to me in my practice is when frauds have occurred and seniors come to me -- or others, quite frankly, come to me and complain about telemarketing fraud, I explain to them that it's very difficult to prove the facts of the fraud. But what's worse is that it's very difficult, under our jurisdictional principles

and our civil practice law and rules, to get jurisdiction over a telemarketer out of state.

I would just urge you, as a completion of this process, broaden the scope of jurisdiction in New York so that we can get jurisdiction. Sue these telemarketers in the victim's hometown, force the telemarketer to come to New York and defend itself. Because then we'll have a remedy that is more effective and I think will be more widely utilized. Broaden the jurisdiction in New York to go that far.

I'm going to vote in favor of the bill, Mr. President. This is a good initiative. I think and I hope Senator Maziarz and the rest of the conference will look forward to expanding it even further and making it more effective.

ACTING PRESIDENT MEIER: Senator Dollinger will be recorded in the affirmative.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President.

I too will vote in favor of this worthy bill. It's a timely bill, it's about

time that it was passed. And it is to Senator Maziarz's credit that he is able to move this piece of legislation with the kind of bipartisan support that he has developed in both houses.

I also, as chair of EnCon, would like to rise and second Senator Dollinger's point about our colleague on the EnCon Committee, Senator Schneiderman. Perhaps, living in the canyons of Manhattan, they're not used to seeing birds or any other wildlife that lives and dwells, while we in the suburbs and the rural areas of this state understand what birds do. And birds are not evil. There are no evil birds, Senator, there are only evil people.

I vote aye, Senator.

(Laughter.)

ACTING PRESIDENT MEIER: Senator Marcellino will be recorded in the affirmative.

Any other Senator wish to explain his vote?

The Secretary will announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 283, by Senator McGee, Senate Print 4328A, an act to amend the General City Law, the Town Law, and the Village Law in relation, to establishment of planned unit development.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 324, by Senator Marchi, Senate Print 4624, an act to amend the Public Authorities Law, in relation to the special powers of the New York State Environmental Facilities Corporation.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 403, by Senator Skelos, Senate Print 1022, an act to amend the Civil Practice Law and Rules, in relation to causes of action.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: A little order in the chamber, please.

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 428, by Senator Goodman, Senate Print 1103, an act to amend the Transportation Law, in relation to disclosure by common carriers.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 429, by Senator Marchi, Senate Print 1180, an act to amend the Public Authorities Law, in relation to directing the Triborough Bridge and Tunnel Authority.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Skelos, that concludes the reading of the noncontroversial calendar.

SENATOR SKELOS: Can we take up the controversial calendar, please.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 429, by Senator Marchi, Senate Print 1180, an act to amend the Public Authorities Law, in relation to directing the Triborough Bridge and Tunnel Authority.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Marchi, an explanation has been requested of Calendar 429 by Senator Paterson.

SENATOR MARCHI: Mr. President, we had a burgeoning problem before 1984, I believe, with the two-way collection of the toll. And it generated impossible circumstances for those who -- well, I guess half the population that have jobs either in Kings or over in Manhattan. And it made it very difficult and time-consuming to get to work.

Congress granted a temporary reprieve, to have a one-way toll which is payable upon return. And it's not applicable to heavy vehicles. But that resolved the problem pretty much, because going to work, people were able to get to work very quickly.

And we've been attempting to make this law to give the people of Staten Island assurances. They are troubled by the fact that other areas seem to feel that this compounds the problem of smog and whatnot. With us, it's a matter of life or death, really. It's virtually impossible and imposes tremendous burdens on people who use their motor vehicle to go to work and going over during the crowded morning hours.

And having it effective on the two way -- on a two-way basis, it certainly has made it livable and viable for the people of Staten Island.

I know that there is opposition. And I respect dissent, but sometimes it proves the point.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if I'm correct, there has not been a study on what the environmental impact would be of making this temporary law permanent since 1993. And of course 1993 was a time before we had implemented EZ-Pass in any real volume around the city.

My question, if Senator Marchi would yield -

ACTING PRESIDENT MEIER: Senator Marchi, do you yield for a question?

SENATOR MARCHI: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: My question would be, would you not think it more prudent to have this kind of study to know that the changes that we have made have not actually failed to fulfill the desire that we had to decrease pollution and traffic tie-ups; that, in fact, it may have increased that, and particularly with the traffic coming from lower Manhattan? So would we not want to have another study before we made this law permanent?

SENATOR MARCHI: Well, in the experience of so many people on Staten Island, the events that took place and attended a two-way toll were not a problem on the return trip. But they were very manifest and resulted in extraordinary delays. The EZ-Pass has not resolved this.

If there are better studies that would indicate that perhaps another answer might be given, I certainly would not be averse to it. Given the experience we have had -

ACTING PRESIDENT MEIER: Senator Marchi, excuse me. Excuse me, Senator.

Could we have some quiet in the chamber? There's a bill being debated. The stenographer can't hear and, frankly, I can't hear.

Senator Marchi.

SENATOR MARCHI: Thank you, Mr. President.

The experience we've had, sir, is that it is just impossible. You have to - and in times of inclement weather -- you can go at an orderly pace going across the bridge

going from Staten Island to Brooklyn and then into the city. But in inclement weather, where it's slowed down considerably, if you add to that the huge mass of traffic that in density and in sheer volume dwarfs anything that takes place on the return trip -- for the simple reason is that the return trip comes at diverse times and is spread out over a longer period.

So that we simply cannot -- well, so far nobody has -- the Damoclean sword hasn't fallen on us yet, but it could. There's no law that prevents it. And this is a source of anxiety in my constituency.

If you have evidence that perhaps we might have a different experience now - there is nothing -- even now, there's considerable delay given the constant incrementation of traffic for -- in all directions. And given our experience, I couldn't abide by it.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Marchi would yield for one last

question.

ACTING PRESIDENT MEIER: Senator Marchi, do you continue to yield?

SENATOR MARCHI: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: I know that the Senator has worked very hard on this issue for a number of years. And it is much closer to his district. And I don't have the experience, I don't live there, and I don't have a study to give the information. And I certainly would rely on the Senator's judgment on this, as I rely on, in most things, Senator Marchi's judgment.

But I've been told that the traffic to lower Manhattan and to Brooklyn has increased dramatically because a lot of the truckers, with the one-way toll in place, are avoiding the one-way toll going through the Holland Tunnel, and in a sense creating an imbalance of traffic condition in those particular areas.

And that was why, having no real idea how I can gauge how difficult it actually

is, I can't stand here and say unequivocally that it is or is not a problem. But it certainly is such a problem that is described to me by the legislators that represent those areas. I was wondering if Senator Marchi had better information than myself.

SENATOR MARCHI: I won't deny the fact, Senator, that it is a problem.

Nevertheless, the dramatic proportions of the alternatives are just too much. There are tens of thousands of people that use that at one point or within a limited time frame in the morning. And the -- any alternative would be deadly for us.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: Thank you very much.

Though I understand that the action of creating a one-way toll on the Verrazano Bridge has solved a problem for Staten Island,

it's a classic case of solving a problem one place and causing a terrible problem in another place.

It's sad that there hasn't been a very good study on the impact of the one-way toll on the Verrazano Bridge. But for me personally, I don't need a study. It would be nice to have so I could prove it to my colleagues who may not be venturing as far south as Canal Street in New York State.

But you can't miss the horrendous, dreadful traffic which the one-way toll has caused. And it's not cars, particularly, though they are a problem. The biggest problem is trucks, trucks using diesel fuel. Traffic does not move, and people cannot breathe.

And, you know, I care very much about the people who live near the bridge on Staten Island. And no one likes the idea of anyone sitting in traffic. But there can be no argument but that the air pollution is really, I believe, constituting an environmental racism for the residents of Chinatown. You can barely breathe in

Chinatown in the morning and the evening rush hours. It's really horrible. It's absolutely horrible. And it does make it seem as if those of us who live in the State of New York do not care about the people who live in Chinatown.

What I will say about a study, I'm being only partly facetious that we don't need one, because you can just look at what's happened. But what a study would also show us is that with the advent of EZ-Pass, that we don't need to have the one-way toll anymore on the Verrazano Bridge.

And even if the study said that it would still be helpful to the people of Staten Island, then we should look at other solutions, like not having a toll and having some kind of additional tax or license for people who use their vehicles. Or to institute tolls on the East River bridges for trucks only.

We've got to get the trucks off the streets of lower Manhattan that are only using those streets as a pass-through to get to the mainland. It's just wrong that because of the

one-way toll on the Verrazano Bridge that the lower Manhattan neighborhood and particularly Soho and Chinatown are just suffering terribly.

I know that Senator Marchi knows these areas well. While he never represented Chinatown, he did used to represent the loft districts. And let me tell you, the rates of asthma among the children who are -- grew up in that area are now skyrocketing. And it's really unacceptable.

It's not that I don't feel for the people who live on Staten Island who have gotten relief from this. But it's just not right to make the people of lower Manhattan suffer and to destroy not just their quality of life but their health.

So I hope that as we continue to debate this bill that we can look for other solutions that will alleviate the suffering of people who live in lower Manhattan, the loft dwellers, and the residents of Chinatown. And also the businesses that are just having a hard time hanging on there because their deliveries and pickups are just being choked

to death by too much traffic. So it's become an economic burden as well.

Thank you, Mr. President. And I'm going to be voting no.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Will the distinguished Senator from Staten Island yield?

I didn't hear your response to Senator Paterson's request on the environmental study. Would you -- we've had this bill now coming out of committee -- once it did not -- for the last four or five years, and it has gone down to defeat. Wouldn't it be more rational to have an environmental study, an impact study, which we haven't had for seven years, before we debate this bill again in the future?

SENATOR MARCHI: Well, the question of a study on the impact, we know precisely what happens when the traffic is held up for any length of time.

SENATOR LACHMAN: We really haven't had an environmental study on this,

Senator Marchi, for seven years.

SENATOR MARCHI: No, but -

SENATOR LACHMAN: And things have changed in that period of time.

SENATOR MARCHI: I believe it was Senator Hevesi or Senator Stavisky who said that there are problems throughout the city and -

SENATOR LACHMAN: I'm sorry, I don't hear you.

SENATOR MARCHI: -- that it would require -

ACTING PRESIDENT MEIER: Senator Lachman, Senator Marchi, excuse me.

Could we have some quiet in the chamber, please, so we can finish this debate?

Senator Marchi.

SENATOR MARCHI: Getting back to basics again, even if they gave Staten Islanders free rides, people who have to get on the job and have -- need mobility when they get there -- they may have callings that require them to be in different places, but they must -- the confluence is tremendous at that time. Even giving them a free ride

wouldn't cure the problem.

I believe Senator Stavisky or Senator Hevesi last year mentioned that we ought to study the interrelationships, not only on volume and direction, but cost. Because there are invidious comparisons that are being made that are unproductive.

SENATOR LACHMAN: As well as areas of Brooklyn like Bay Ridge and Bensonhurst and Flatbush, as well as downtown Manhattan.

I thank you, Senator Marchi.

SENATOR MARCHI: Yeah, we run into serious multiple fares if you use alternative methods.

The big answer would be if there was better utilization of mass transit. But sometimes that alternative is not realistic if you're in -- if you're in a faraway borough where we don't have real mass transit movers of any dimension.

SENATOR LACHMAN: Thank you.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr.

President.

I just want to speak briefly on behalf of the people in Brooklyn. We've heard about the problems in Chinatown, and certainly I empathize with the Staten Island residents and their concerns about air pollution. But let me just say that there is no other worse-impacted area than those communities in Brooklyn that receive the bulk of that traffic, particularly the heavy truck traffic along the crumbling Gowanus Expressway, the Prospect Expressway, and going into Manhattan, much of it avoiding that Verrazano-Narrows Bridge in order to avoid the heavy toll, to go to the Manhattan exit at Holland Tunnel.

Let me say that not only have we lost hundreds of millions of dollars because of that traffic that avoids that toll, but we have also burdened, overburdened those communities along that Gowanus Expressway in particular, with the traffic that results from it.

So I am certainly opposed to Senator Marchi's legislation, though I can understand the intent and the rationale for

it. It certainly hurts, it harms immeasurably those communities in Brooklyn. So I must oppose this on behalf of the constituents that I represent.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Mr. President. Just a point of information that was brought up asking for a study.

We have a bill from the -- that's going to be reported out -- has been reported out of EnCon, on Third Reading Calendar, to establish a task force to study the impact of air pollution and air quality around toll plazas all over the region, especially the downstate area. So we would be able to garner the information necessary to assist in the

knowledge of the impact on these plazas.

And I would hope we would get the support when that bill comes up. Thank you.

I vote aye on the bill.

ACTING PRESIDENT MEIER: Senator Marcellino will be recorded in the affirmative.

Senator Stachowski, to explain his vote. No? Oh, I thought you were waving at me then.

Senator Duane, to explain his vote.

SENATOR DUANE: As I previously said, I'm voting no.

But I was a little bit troubled by Senator Marcellino's comment, because the issue in lower Manhattan isn't with the toll. It's the impact in another place because of what happened with the tolls. So if that could be included in the study, that would be very helpful.

Thank you.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 429 are Senators Connor, Duane, Lachman, Markowitz, Montgomery, Onorato, Paterson, Schneiderman, Smith, Stachowski, and Stavisky. Ayes, 46. Nays, 11.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Mr. President, if we could turn to motions and resolutions, there's a privilege resolution, 3479, at the desk, by Senator Breslin. May we please have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 3479 in its entirety.

THE SECRETARY: By Senators Breslin, Volker, and Connor, Legislative Resolution 3479, paying tribute to John Hume, for his devotion and outstanding contributions to the Northern Ireland Peace Agreement.

"WHEREAS, From time to time we take

note of certain extraordinary individuals whom we wish to recognize for their valued contribution to the success and progress of society, and to publicly acknowledge their endeavors, which have enhanced the basic humanity among us all; and

"WHEREAS, This Legislative Body is justly proud to pay tribute to John Hume for his devotion and outstanding contributions to the Northern Ireland peace agreement; and

"WHEREAS, A former teacher, John Hume first came to prominence through the Irish civil rights movement in the late 1960s, when Catholics demanded substantial changes to the way Northern Ireland was run. In 1970, he helped to found the moderate nationalist Social Democratic and Labour Party, the largest nationalist party in Northern Ireland, later taking over as its leader in 1979, succeeding Gerry Fitt; and

"WHEREAS, John Hume has been one of the driving figures behind many of the significant attempts to resolve the Northern Ireland problem over the last 30 years. He had been nominated twice for the Nobel prize

before finally being recognized for his steadfast efforts with the award in 1998.

"For John Hume, the Nobel Peace Prize recognized a campaign for reconciliation in sectarian Northern Ireland that has dominated his political career. John Hume was a member of the power-sharing executive set up after the Sunningdale Agreement in December 1973, and helped to shape the Anglo-Irish Agreement of 1985, which for the first time gave Dublin a limited say in the affairs of Northern Ireland.

"In 1998, John Hume began a series of contacts with Sinn Fein leader Gerry Adams, which were to prove crucial in developing the current agreement. Further talks became public in 1993 amid considerable controversy and hostility; and

"WHEREAS, At approximately the same time, contact between the U.K. and Irish governments led to the Downing Street Declaration, followed by the first IRA ceasefire in 1994; and

"WHEREAS, John Hume strongly supported the view that any talks about the

future of Northern Ireland should be as inclusive as possible, and when an accord was struck on Good Friday of 1998, the participants included Sinn Fein as well as political representatives of Protestant paramilitaries; and

"WHEREAS, John Hume went on to campaign vigorously for a yes vote in the referendum on the agreement, symbolically shaking hands with his co-Nobel prize winner, the Ulster Unionist leader David Trimble, in an effort to swing the Unionist vote.

"John Hume has been one of the most creative and persistent architects behind the Northern Ireland political settlement. For the past 30 years he has been a chief conceptualizer and a steely presence behind nationalist demands for equality of treatment and for a recognition of political aspirations in Northern Ireland; and

"WHEREAS, In the Republic, John Hume's status as leader of nationalist opinion in the North has made him politically untouchable, he now enjoys near-open access to the White House in Washington, and his

influence in the European Parliament is considerable; and

"WHEREAS, John Hume is a towering example for nationalists of the committed democrat who has taken risks for peace; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to John Hume for his devotion and outstanding contributions to the peace process underway in Ireland; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to John Hume."

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

It is my privilege, along with Senator Volker and Senator Connor, to sponsor this resolution, which honors a man who has done the impossible in Northern Ireland. A man of peace, a man who uses among his role models Martin Luther King, who said, "An eye for an eye leaves people blind."

And he has taken a country that's had 800 years of violence and brought it to the brink of peace and prosperity. And with his Nobel Peace Price as the result of the First Friday Accord in 1998, it's become the pinnacle for him but representative of that peace that he has brought together.

And it is our privilege to have John Hume and his wife, Pat; the Counsel General of Ireland, Barry Robinson, here with us today.

(Applause.)

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: I just want to say too to Mr. Hume that we're happy to have you here.

And as the grandson of an Irish immigrant whose grandfather came here because of some disturbances, shall we say, or "The Trouble," I think we, as part of the American Irish Legislators Association -- I'm vice president of that organization -- we're very happy to have you here. We're happy to have you not only in this chamber but also in this

state and this country, because you have meant a great deal to the attempts to provide peace not only in Ireland but really throughout the world. Because I think Irish peace has an impact, in my opinion, on the rest of the world also.

So thank you for coming here, and we congratulate you for all your efforts.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Mr. President, I would invite all of my colleagues, open up the resolution for participation.

ACTING PRESIDENT MEIER: Senator Skelos, Senator Breslin has opened the resolution.

Should we follow our usual custom with every name being added unless they notify the desk to the contrary?

SENATOR SKELOS: I couldn't have said it better myself.

ACTING PRESIDENT MEIER: So be it.

The question is on the resolution, then. All those in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is unanimously adopted.

Mr. Hume, we offer you the courtesies of the Senate, and we pass that resolution with great affection and respect, sir.

Senator Skelos.

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

ACTING PRESIDENT MEIER: There is not, Senator Skelos.

SENATOR SKELOS: There being no further business to come before the Senate, I move we adjourn until Monday, March 27th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, March 27th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:50 a.m., the Senate adjourned.)