NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 30, 2000

11:03 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 29th, the Senate met pursuant to adjournment. The Journal of Tuesday, March 28th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: 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 Seward.

SENATOR SEWARD: Mr. President, on behalf of Senator Marcellino, I wish to call up his bill, Print Number 6729, recalled from the Assembly, now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 364, by Senator Marcellino, Senate Print 6729, an act to amend the Public Health Law.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

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

bill.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR SEWARD: Also, Mr. President, amendments are offered to the following Third Reading Calendar bills.

By Senator Rath, on page 5, Calendar Number 37, Senate Print Number 5787A.

By Senator Marcellino, on page 25, Calendar Number 475, Senate Print Number 5412A.

By Senator Trunzo, on page 25, Calendar Number 476, Senate Print Number 6868.

And on behalf of Senator Skelos, on page 33, Calendar Number 558, Senate Print Number 1015.

And I move that these bills retain their place on the order of third reading.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the

Finance Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

Senator Skelos.

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

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

THE SECRETARY: Calendar Number 103, by Senator Meier, Senate Print 5853A, an act to amend the Social Services Law and others, in relation to penalties.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43. Excuse me, ayes -

ACTING PRESIDENT MEIER: Senator Duane, were you indicating you wished to be recorded in the negative?

SENATOR DUANE: No.

ACTING PRESIDENT MEIER: No? All right.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 179, by Senator Rath, Senate Print 6173B, an act to amend the Criminal Procedure Law and others, in relation to the Clinic Access and Anti-Stalking Act of 1999.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 401, by Senator Marcellino, Senate Print 824, an act to amend the Penal Law, in relation to criminally negligent homicide.

ACTING PRESIDENT MEIER: Read the last section.

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

January.

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 409, by Senator Trunzo, Senate Print 1778, an act to amend the Penal Law, in relation to the unlawful sale of tobacco products to a child.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR MONTGOMERY: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 412, by Senator Lack, Senate Print 2247, an act to amend the Penal Law, in relation to definitions of criminal enterprise.

ACTING PRESIDENT MEIER: Read the last section.

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

November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 413, by Senator Balboni, Senate Print 2267, an act to amend the Penal Law, in relation to establishing a new crime of unlawfully dealing with a child in the first degree.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 430, by Senator Kuhl, Senate Print 3245, an act to amend the Vehicle and Traffic Law, in relation to exempting.

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, 47. Nays, 1. Senator Libous recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR MONTGOMERY: Mr. President.

THE SECRETARY: Ayes, 46. Nays, 2. Senators Libous and Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 518, by Senator Maziarz, Senate Print 4959, an act to amend the Town Law, in relation to

authorizing the use of water rates.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 519, by Senator Seward, Senate Print 5618A, an act to legalize, validate, ratify and confirm the dissolution of the Town of Herkimer Fire Protection District.

ACTING PRESIDENT MEIER: There is a home rule message at the desk.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 522, by Senator LaValle, Senate Print 6407, an act to amend Chapter 767 of the Laws of 1987 amending the Town Law.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 523, by Senator Larkin, Senate Print 6506A, an act to amend the General Municipal Law, in relation to establishing the village.

ACTING PRESIDENT MEIER: There is a home rule message at the desk.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 530, by Senator Spano, Senate Print 7051, an act to amend the Highway Law, in relation to the designation of the Don and Tony DeMatteo Parkway.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 541, by Senator Marcellino, Senate Print 2790E, an act to amend the Penal Law, in relation to surreptitious video surveillance

without consent.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR MARCELLINO: Yes, thank you, Mr. President. I rise to explain my vote on this bill.

Currently, it is not a crime in New York State to secretly videotape someone in locations where they otherwise would have every expectation of being in complete privacy. In locker rooms, in a hotel room, in bathrooms, in places where you would normally expect total privacy, someone might be videotaping you. And that act in and of itself would not be a crime. Against -- by the way, without your permission.

We recently had several incidents

of this sort of occurrence. Several people were caught -- men were caught in the Museum of Art in New York City, the Metropolitan Museum of Art, videotaping up women's skirts as they were walking up the stairs. These images would then be transported to the Internet and sold and displayed on the Internet.

We had a case in Westchester County where a karate -- the owner of a karate studio was caught with a videotape camera in his locker room, videotaping his students while they were changing.

Recently a gentleman was caught while leaving an elementary school, he was dressed as a woman, went into an elementary school, secreted a camera in the locker room and videotaped the children while they were dressing and undressing.

These acts, heinous as they are, right now are not a crime in New York State. These people can take these images and do anything they wish with them. They can take them and put them on the Internet, and you have no recourse for the act of secretively

videotaping them.

This bill will make that a crime. And we believe it should be a crime, we believe it must be a crime. And I thank my colleagues for supporting this measure. And I thank the leadership for allowing us to bring this bill to the floor, because this is an important bill. This is a major loophole to close in our laws.

And I am proud to have been the sponsor, and I vote aye, Mr. President.

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

I'm sorry. Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I just want to thank Carl Marcellino also.

He and I both had this idea at the same time, because of this incident that happened in Westchester. And the people involved in the incident were very upset and came to my office, and we were drafting a bill at the same time.

So I'm very pleased that this is

going to move now. And I thank you, Carl, for getting on there and getting it done.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 555, by Member of the Assembly Tocci, Assembly Print Number 9565, an act to amend Chapter 266 of the Laws of 1981.

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, 54.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the

reading of the noncontroversial calendar.

I'm sorry. Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

It's my pleasure to introduce to this chamber a new member. I know I did it yesterday. Senator Paterson said, "Gee, if we can keep doing this every day for the next two weeks, it could make a difference."

(Laughter.)

SENATOR CONNOR: So maybe next Monday we'll have someone from the 62nd District.

But today we have someone from a real district, the 57th District. Al Coppola is a lifelong resident of Buffalo and has represented the Delaware district in the Buffalo Common Council for 15 years.

He attended P.S. 56, Lafayette High School, and Canisius College.

Al and his wife, Carol, have three children: Shane, Courtney, and Kierstin. They have five grandchildren: Jimmy, Jake, and Jordan DeCicco, and Alexandra and Zachary Coppola.

During his tenure as a council member, Al Coppola has focused his efforts on results-oriented constituency service, good government legislation, crime awareness and prevention, environmental protection, business development, and neighborhood renewal and beautification.

As a member of the Common Council, Al Coppola developed a well-deserved reputation as the council's watchdog, ensuring that city residents get their money's worth in city services and city contracts.

Al will bring, I know, that same level of commitment and more to the State Senate and the people of the 57th District.

Mr. President, I'm sure that you will join me in welcoming -- and, by the way, I should note for the record, Senator Coppola's oath was filed yesterday with the Secretary of the Senate.

I'm sure you will join with me in welcoming him -- his wife Carol is here, and his daughter Kierstin and her husband, Jim DeCicco, and their children, Jimmy, Jake, and Jordan -- to our chamber.

Senator Coppola, welcome.

(Applause.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno and the Majority members, we too would like to welcome you to the Senate. As I said yesterday for Senator Smith, this is a great institution. We all love it. And I'm sure you're going to enjoy being part of it.

ACTING PRESIDENT MEIER: Senator Maziarz.

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

I too want to add my welcome and congratulations to Senator Coppola. Senator Coppola and I share Niagara County together, and we also share the city of Niagara Falls, the most naturally beautiful spot in all of New York State.

And I extend my welcome to you and to your wonderful family. Senator Connor said some very nice things about you, and I'm sure he meant them sincerely. However, I have to

question the assignment of your seating, next to Senator Schneiderman. He is going to talk you to death, I think.

(Laughter.)

SENATOR MAZIARZ: Welcome.

Thank you.

ACTING PRESIDENT MEIER: Senator Coppola, we certainly welcome you to the Senate.

We know that you won't pay any attention to Senator Schneiderman. We take comfort in that.

(Laughter.)

ACTING PRESIDENT MEIER: And we certainly welcome and extend the courtesies of the Senate to your family today.

Good luck with your term of office, sir.

SENATOR COPPOLA: Thank you very much.

ACTING PRESIDENT MEIER: Senator Skelos, we've completed the noncontroversial calendar.

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

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

THE SECRETARY: Calendar Number 179, by Senator Rath, Senate Print 6173B, an act to amend the Criminal Procedure Law and others, in relation to the Clinic Access and Anti-Stalking Act of 1999.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Rath, an explanation has been requested of Calendar 179 by Senator Paterson.

SENATOR RATH: Thank you, Mr. President.

The bill in front of us today is an amendment -- a technical correction, if you will -- to the Clinic Anti-Stalking/Access Act, clearing up, in some cases, misspelling, references to the Penal Law where a "serious injury" -- instead of the term "serious physical injury" was needed to be in place, it was called just "serious injury," and that's not defined in the Penal Law. It's "serious physical injury." And several other technical corrections.

ACTING PRESIDENT MEIER: Read the last section.

Oh, I'm sorry. I'm sorry, Senator Schneiderman.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: No, that's okay. I know I'll get the usual high level of respect I'm used to here.

(Laughter.)

SENATOR SCHNEIDERMAN: Just on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I'm going to vote against this. Because while the Penal Law does not define the terms at issue, if we default to the case law, I think the standard is pretty clear.

I think this will have the effect of weakening the bill, and therefore I -- with all due respect to the technical correctors out there, I'm going to vote against it.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President,

I actually wasn't gesturing to you. Strange as it may seem.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect in 30 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 179 are Senators Breslin, Connor, Duane, Montgomery, Paterson, Schneiderman, Mr. Smith, and Stavisky.

Ayes, 48. Nays, 8.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 409, by Senator Trunzo, Senate Print 1778, an act to amend the Penal Law, in relation to the unlawful sale of tobacco products to a child.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I have had an explanation provided

by the counsel. And therefore I withdraw - my questions have been answered. I withdraw my objection.

ACTING PRESIDENT MEIER: Thank you, Senator Montgomery.

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, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the controversial calendar.

SENATOR SKELOS: Mr. President, thank you. And we'll just stand at ease pending the report of the Finance Committee.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Finance Committee.

(Whereupon, the Senate stood at ease at 11:23 a.m.)

(Whereupon, the Senate reconvened

at 11:30 a.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. 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.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

As a member of the State Board of Parole, Daniel J. Doyle, of Irondequoit.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, it's a pleasure to yield to Senator Alesi.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Senator, and Mr. President.

I'm very honored today and pleased

to welcome someone who is very well known in the Monroe County community, Dan Doyle, and applaud at the same time the Governor's choice for this Parole Board position.

Dan Doyle, as I said, is well known in the community, not only as a competent, dedicated attorney, but one whose broad background also recognizes his commitment and his service to the community. He has served on the Monroe County Conditional Release Board. He has worked in the district attorney's office. In private practice, he has defended civil and criminal cases. He has been a volunteer in the Volunteer Legal Services.

Most importantly, when you think of Dan Doyle as a person, you know that he is, as I said, not only well rounded, with a broad background in his chosen profession, but a committed member of the Monroe County community.

Taking that dedication, that experience, and that commitment to the Parole Board, I am sure we'll find that he will be one of the best members of that body of people

who are charged with such important decisions.

I'm very pleased and proud, as I said in the beginning of my speech, to welcome him, and to acknowledge the Governor's choice, and also to acknowledge Dan's mother, Mrs. Doyle, who has joined us here today.

We extend a very warm welcome and congratulations.

ACTING PRESIDENT MEIER: The question is on the resolution of Daniel J. Doyle as a member of the New York -- Senator Dollinger, I'm sorry. I'm going to have to get new glasses. I'm having a terrible time today.

Senator Dollinger.

SENATOR DOLLINGER: That's okay, Mr. President.

I too want to rise and second my colleague from Monroe County in support of the nomination of Dan Doyle to the Parole Board. I've known Dan and his family for a long, long time, I think longer than either of us would care to admit.

I renewed my acquaintance with him when I actually ended up in litigation against

him. We represented clients in a case that is still awaiting a decision -- final resolution, I should say.

And Senator Mendez wanted to know whether I was ahead or behind. And I think the fair response to that is that we've both represented our clients vigorously, and it hasn't been resolved yet.

But in my experience with Dan, I have come to appreciate his common sense, his down-to-earth approach to problem solving. And I think he will bring legal aptitude as well as those skills to the Parole Board.

This is an agency that needs your insight and your outlook, Dan, and your wisdom in solving problems. And I wish you the best.

I've been accused oftentimes of getting up and being critical of appointments of the Governor to a whole host of agencies. I'll continue to use my judgment in how I respond to those appointments. But in this case, this is an excellent appointment.

Dan, you'll be an asset to the Parole Board, and I wish you Godspeed.

ACTING PRESIDENT MEIER: The

question is on the confirmation of Daniel J. Doyle as a member of the New York State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

(Applause.)

ACTING PRESIDENT MEIER: Mr. Doyle is in the gallery. He's accompanied by his mother, Margaret.

And, Mr. Doyle, we wish you good luck and a successful term of office with your important duties.

The Secretary will continue to read.

THE SECRETARY: As a member of the State Board of Parole, Debra Loomis, of Granville.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr.

President.

It's a pleasure for me to move the nomination of Debra Loomis. As mentioned, Debra is from Granville, in Washington County.

She has an excellent record as far as experience. She graduated from Russell Sage College. She then worked with the Washington County Department of Social Services from 1980 till present, twenty years. She's worked as a support investigator, she's worked in the Medicaid unit, in the public assistance unit, in the children and family services unit, and also in the child protective service. She was a child protective service caseworker up until the present.

This is an excellent appointment. I compliment the Governor. I compliment Debra. I know that she'll carry out her responsibilities in an exemplary fashion.

She's here today, Mr. President, with her husband, Jerry.

And I -- again, it's a pleasure and honor for me to move the nomination.

ACTING PRESIDENT MEIER: The

question is on the confirmation of Debra Loomis as a member of the New York State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Ms. Loomis is in the gallery with us today. And she's accompanied by her husband, Gary.

We offer you the congratulations of the Senate and best wishes with your duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Buffalo and Fort Erie Bridge Authority-Peace Bridge, Victor A. Martucci, of Clarence.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move

confirmation, please.

ACTING PRESIDENT MEIER: The question is on the confirmation of Victor A. Martucci as a member of the Buffalo and Fort Erie Bridge Authority-Peace Bridge. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission, Barbara K. Wilson, of Cobleskill.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of Barbara K. Wilson as a member of the Saratoga-Capital

District State Park, Recreation and Historic Preservation Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Veterans' Affairs Commission, John J. McGuire, of Syracuse.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of John J. McGuire as a member of the Veterans' Affairs Commission.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the Advisory Council on Alcoholism and Substance Abuse Services, Charles S. Schewe, of Saratoga Springs, and Veronica A. Uss, of Livingston Manor.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of Charles F. Schewe and Veronica A. Uss as members of the Advisory Council on Alcoholism and Substance Abuse Services. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Citizens' Policy and Complaint Review Council, Nicholas Troisi, of Plattsburgh.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of Nicholas Troisi as a member of the Citizens' Policy and Complaint Review Council. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue -- oh, I'm sorry, Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, could I have unanimous consent to be recorded in the negative on Calendar Number 523. Thank you.

ACTING PRESIDENT MEIER: Without objection, Senator Stachowski will be recorded in the negative on Calendar 523.

Senator Hevesi.

SENATOR HEVESI: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar 179, Senate Print 6173B, please.

ACTING PRESIDENT MEIER: Without objection, Senator Hevesi will be recorded in the negative on Calendar 179.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

Glasses are working well?

ACTING PRESIDENT MEIER: Yes, trying to.

SENATOR DOLLINGER: I would like to be recorded in the negative on Calendar Number 179. I was at the meeting of the Finance Committee when the vote was taken, and

would ask unanimous consent to be recorded in the negative.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative on Calendar 179.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Paul F. Swift, of Pittsford.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of Paul F. Swift as a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Visitors of the Pilgrim Psychiatric Center, Robin E. Sanders, of Stony Brook.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of Robin E. Sanders as a member of the Board of Visitors of the Pilgrim Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read reports of standing committees.

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

Senate Print 3647, by Senator Stafford, an act to amend the Executive Law;

3843, by Senator Stafford, an act to amend the Executive Law and the Arts and Cultural Affairs Law;

3846A, by Senator Stafford, an act to amend the Executive Law;

6177, by Senator Seward, an act to amend the State Finance Law;

6321, by Senator Marchi, an act to amend Chapter 759 of the Laws of 1973;

7063, by Senator Stafford, an act approving the exchange;

7084, by Senator Stafford, an act to amend the State Finance Law;

6401B, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service;

7252, by the Senate Committee on Rules, an act to amend the Public Health Law;

And Senate Print 7253, by the Senate Committee on Rules, an act making

appropriations for the support of government.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills directly to third reading.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR SKELOS: And the Senate will stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the -- I'm sorry.

Before we do that, Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 179.

ACTING PRESIDENT MEIER: Without objection, Senator Ada Smith will be recorded in the negative on Calendar 179.

The Senate will then stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 11:41 a.m.)

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

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could please take up Calendar Number 581, Senate 7252.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 581, by the Senate Committee on Rules, Senate Print 7252, an act to amend the Public Health Law, in relation to the transfer of funds to Roswell Park Cancer Institute.

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

ACTING PRESIDENT MEIER: There is.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted. The bill is before the house.

Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 582, Senate 7253.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 582, by the Senate Committee on Rules, Senate Print 7253, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President, are there messages of necessity and appropriation at the desk?

ACTING PRESIDENT MEIER: Yes, there are, Senator Skelos.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: The question is on the motion to accept the messages of necessity and appropriation. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The messages are accepted. The bill is before the house.

Read the last section.

THE SECRETARY: Section 51. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, may we please take up Calendar Number 578, Senate 6401B.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 578, Budget Bill, Senate Print 6401B, an act making appropriations for the legal requirements of the state debt service.

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

ACTING PRESIDENT MEIER: Yes, there is, Senator Skelos.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: The

question is on the motion to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted. The bill is before the house.

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, 59. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the

Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 7198A, by the Senate Committee on Rules, an act to amend the Labor Law.

SENATOR SKELOS: Move to accept the report.

ACTING PRESIDENT MEIER: The question is on the motion to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President,

if we could just stand at ease temporarily.

ACTING PRESIDENT MEIER: The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 11:55 a.m.)

(Whereupon, the Senate reconvened at 12:00 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could take up Calendar Number 583, 7198A.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 583, by the Senate Committee on Rules, Senate Print 7198A, an act to amend the Labor Law, in relation to the minimum wage for food-service workers.

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

ACTING PRESIDENT MEIER: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: The

question is on the motion to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted. The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and Schneiderman recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: The desk

is clean, Senator.

SENATOR SKELOS: Mr. President, Senator Bruno, in consultation with Senator Connor, hands up the following committee assignment changes.

ACTING PRESIDENT MEIER: The changes in committee assignments are received, and they will be recorded in the Journal.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'd ask for unanimous consent to be recorded in the negative on Calendar Number 581.

SENATOR SKELOS: No objection.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative on Calendar -- Senator, what was the calendar number again?

SENATOR DOLLINGER: 581, Mr. President.

Thank you.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative on Calendar 581.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we adjourn until Monday, April 3rd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, April 3, at 3:00 p.m. Intervening days will be legislative days.

(Whereupon, at 12:05 p.m., the Senate adjourned.)