NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 4, 2000

3:10 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: In the absence of clergy, may we 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, April 3rd, the Senate met pursuant to adjournment. The Journal of Sunday, April 2nd, was read and approved. On motion, Senate adjourned.

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

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If I could interrupt, there will be an immediate meeting of the Environmental Conservation Committee in the Majority Conference Room.

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

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 Bill Number 735, by Senator Stafford, an act in relation to the lease or rental of certain land in Warren County;

758, by Senator Johnson, an act to amend the Real Property Tax Law;

817, by Senator Hannon, an act to amend the Real Property Tax Law;

1614, by Senator LaValle, an act to authorize the Village of Sag Harbor;

1624, by Senator LaValle, an act to amend the General Municipal Law;

1771, by Senator Johnson, an act to amend the Real Property Tax Law;

1966, by Senator LaValle, an act to amend the General Municipal Law;

5653, by Senator Volker, an act to amend the General Municipal Law;

6523, by Senator Larkin, an act to amend Chapter 43 of the Laws of 1994;

6576, by Senator Wright, an act to amend the Real Property Tax Law;

6895, by Senator Maltese, an act to amend the Town Law;

7021, by Senator Rath, an act to amend the Local Finance Law and Chapter 413 of the Laws of 1991;

And 7061, by Senator Kuhl, an act authorizing the County of Steuben.

Senator Trunzo, from the Committee on Transportation, reports:

Senate Bill Number 5874, by Senator Bruno, an act to amend the Highway Law;

6161, by Senator Morahan, an act to amend the Highway Law;

6806, by Senator Farley, an act to amend the Highway Law;

And 6992, by Senator Trunzo, an act to amend Chapter 549 of the Laws of 1994.

Senator Marchi, from the Committee on Corporations, Authorities and Commissions, reports:

Senate Bill Number 774, by Senator Stafford, an act to amend the Public Authorities Law;

4692A, by Senator Marchi, an act to amend the Public Authorities Law;

4850, by Senator Bonacic, an act to amend the Public Authorities Law;

6324, by Senator Volker, an act to amend Chapter 824 of the Laws of 1933;

6494, by Senator Velella, an act to amend Chapter 465 of the Laws of 1994;

6583, by Senator Alesi, an act to amend the Public Authorities Law;

6691, by Senator Velella, an act to amend Chapter 383 of the Laws of 1991;

6873, by Senator Maltese, an act to amend the Public Authorities Law;

7025, by Senator Farley, an act to

amend the Public Authorities Law;

7125, by Senator Marchi, an act authorizing the New York State Urban Development Corporation;

And 7130, by Senator Marchi, an act to amend the Public Authorities Law.

Senator Kuhl, from the Committee on Education, reports:

Senate Bill Number 5562A, by Senator Spano, an act to amend the Education Law;

5963, by Senator Kuhl, an act to amend the Education Law;

6719, by Senator Farley, an act to amend the Education Law;

6934, by Senator Farley, an act to amend the Education Law;

And 7131, by Senator Seward, an act in relation to adjusting certain state aid payments.

All bills ordered direct to third reading.

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

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Meier.

SENATOR MEIER: Thank you, Madam President.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Print 5933.

THE PRESIDENT: So ordered, Senator.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Larkin, would you please place a sponsor's star on Calendar Number 376.

THE PRESIDENT: So ordered.

SENATOR FARLEY: Madam President, on behalf of Senator Marcellino, I wish to move the following bills be discharged from

their respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Number 3983A.

THE PRESIDENT: So ordered, Senator.

SENATOR FARLEY: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Civil Service and Pensions Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Civil Service and Pensions Committee in the Majority Conference Room.

Senator Skelos, we have some substitutions.

SENATOR SKELOS: May we please adopt the Resolution Calendar, with the exception of Resolution 3633.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolution -- 3633, Senator? Was that the number?

SENATOR SKELOS: Yes.

THE PRESIDENT: -- with the exception of Resolution 3633, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Thank you.

Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, Senator, we have two.

SENATOR SKELOS: If we could make the substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 26, Senator Seward moves to discharge, from the Committee on Insurance, Assembly Bill Number 1030 and substitute it for the identical Senate Bill Number 6734, Third Reading Calendar 497.

On page 33, Senator Velella moves

to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 1096 and substitute it for the identical Senate Bill Number 7094, Third Reading Calendar 584.

THE PRESIDENT: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, may we please take up Resolution 3633, by Senator McGee, have it read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator McGee, Legislative Resolution 3633, commending the members of Mothers Against Drunk Driving upon the occasion of their visit to Albany, New York, on April 4, 2000.

"WHEREAS, It is the sense of this Legislative Body to recognize and commend those organizations of true purpose and worthy cause whose dedication and commitment are willingly given in service to improve the quality of life for others; and

"WHEREAS, Attendant to such

concern, and in full accord with its longstanding traditions, it is the sense of this Legislative Body to commend the members of Mothers Against Drunk Driving upon the occasion of their visit to Albany, New York, on April 4, 2000; and

"WHEREAS, It is the intent of this Legislative Body to applaud and recognize the ongoing efforts and notable achievements of MADD which have significantly contributed to bettering the quality of life in the communities throughout the State of New York.

"MADD is a nonprofit, grassroots organization with more than 600 chapters nationwide. The mission of MADD is to stop drunk driving, to support the victims of this violent crime, and to prevent underage drinking.

"MADD was founded by a small group of California women in 1980 after a 13-year-old girl was killed by a hit-and-run driver. Since then, MADD has continued to grow and pursue the efforts initiated by its founders; and

"WHEREAS, Demonstrating their

concernment in support of MADD, the New York State Senate has passed a package of drunk driving legislation to protect the safety of motorists, passengers and pedestrians, which includes but is not limited to mandating the permanent revocation of a driver's license when a person has three or more alcohol- or drug-related offenses within five years, or four or more within ten years; increasing the mandatory driver's license revocation period from one year to five years when a person is convicted of DWI or driving while ability is impaired by drugs for the third time in ten years; extending the license revocation period from six to nine months for a first offense of a driver who refuses a breath test to determine blood alcohol content, and from one year to 18 months for a subsequent offense; treating all motor vehicle operators who refuse to take a chemical test the same for purposes of license revocation, regardless of whether the police or district attorney obtain a court order for such a test; creating the Class E felony crime of aggravated driving while intoxicated, where a driver's blood

alcohol content is .20 percent or greater, and would specify fines, imprisonment, and license revocation periods for such crimes; and disallowing plea bargaining from DWI to DWAI, or DWAI to a non-alcohol offense, for those convicted of DWI or DWAI within the past ten years; and

"WHEREAS, Those organizations who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence certainly have earned recognition and applause from this Legislative Body; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the members of Mothers Against Drunk Driving upon the occasion of their visit to Albany, New York, on April 4, 2000, and it be further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Mothers Against Drunk Driving."

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Thank you, Madam President.

Madam President, earlier today the

MADD organization, Mothers Against Drunk Driving, had a breakfast at which they told us, or -- and told us the priorities that they are going to have for this year.

And I was very pleased to see that the Senate Majority has passed a package of our drunk driving bills, and among them are the first one that they considered to be their very first priority was creating a Class E felony crime of aggravated driving while intoxicated, where a driver's BAC is at or above .20.

Their second priority was mandating the permanent revocation of a driver's license when a person has three or more drug- or alcohol-related offenses within five years. I was very pleased to say that the Senate Majority has passed that piece of legislation.

And also, when I became chair of the Alcohol and Substance Abuse Committee in the Senate, one of my primary purposes and reasons behind it is to remove permanently the repeat drug and drunk driver from the road.

So joining us today are Mr. Kerry Stapleton, who is the executive director of

MADD, Mothers Against Drunk Driving-New York, and Karen Pettigrew, who is the president of MADD, Mothers Against Drunk Driving, the Saratoga chapter.

I'm very pleased to have them here as we give them this resolution, and offer them all the assistance that the Senate can provide.

THE PRESIDENT: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

And I'd like to welcome, on behalf of the Senate, all of the members of MADD and congratulate you on your excellent job and the dedication that you have to your very important mission.

Thank you for joining us. And every courtesy is extended on behalf of the Senate.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, Senator McGee would like to open sponsorship of Resolution 3550, which concerns Cancer Survivors' Day, and also the resolution that was just read, 3633.

If anybody wishes -- with the consent of the Minority, we'll put everybody on. And if anybody does not wish to sponsor either resolution, that's 3550 and 3633, they should notify the desk.

THE PRESIDENT: Anyone who does not wish to sponsor this resolution please notify the desk.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 126, by Senator McGee, Senate Print 5073, an act in relation to requiring the Department of Motor Vehicles to compile information.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 200, by Senator Skelos, Senate Print 4722, an act to amend the Public Health Law and the Social Services Law, in relation to instituting.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 281, by Senator LaValle, Senate Print -

SENATOR CONNOR: Lay it aside.

SENATOR SKELOS: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 303, by Senator Alesi, Senate Print 183, an act to amend the Vehicle and Traffic Law, in relation to extending the time of license revocation.

SENATOR CONNOR: Lay it aside for Senator Duane.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 369, by Senator Nozzolio, Senate Print 2064, an act to amend the Vehicle and Traffic Law, in relation to the imposition of a fee.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 509, by Senator LaValle, Senate Print 1968, an act to amend the Town Law, in relation to expending from fire district revenues.

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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 510, by Senator Nozzolio, Senate Print 2125A, an act to amend the County Law, in relation to the duties of the district attorney of Seneca County.

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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 511, by Senator Farley -

SENATOR CONNOR: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 517, by Senator Rath, Senate Print 4668, an act to amend the County Law and the Education Law, in relation to interagency human services initiatives.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

532, by Senator Rath, Senate Print 1071 -

SENATOR CONNOR: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 575, by Senator Stafford -

SENATOR CONNOR: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 576, by Senator Seward, Senate Print 6177, an act to amend the State Finance Law, in relation to applications for loans.

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, 56.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Madam President,

on behalf of Senator Meier, there will be an immediate meeting of the Social Service Committee in the Majority Conference Room.

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

SENATOR SKELOS: Madam President, if we could take up the moderately controversial calendar.

THE PRESIDENT: The Secretary will read.

Senator Padavan.

SENATOR PADAVAN: Yes, Madam President. Thank you very much.

THE PRESIDENT: You're welcome.

SENATOR PADAVAN: I wonder if I could offer the following motion. I wish to call up my bill, Print Number 6964, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 507, by Senator Padavan, Senate Print 6964, an act to authorize the Dormitory Authority.

SENATOR PADAVAN: I now request

that we reconsider the vote by which this bill was passed.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR PADAVAN: The bill being placed on the Third Reading Calendar, I now offer up the following amendments.

THE PRESIDENT: The amendments are received, Senator Padavan.

The Secretary will now read the controversial calendar.

THE SECRETARY: Calendar Number 303, by Senator Alesi, Senate Print 183, an act to amend the Vehicle and Traffic Law, in relation to extending.

SENATOR DUANE: Explanation, please.

SENATOR SKELOS: Lay it aside temporarily, please.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 511, by Senator Farley, Senate Print 2369, an

act to amend the Real Property Tax Law and the Social Services Law, in relation to withholding.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Farley, an explanation has been requested by Senator Paterson, I believe.

SENATOR FARLEY: Thank you.

Senator, this bill that we have done before, there was greater concern with it the first time it passed, less concern the second time, and I hope no concern this time.

What this is is a piece of legislation that's very popular in upstate New York, particularly for the small cities. For instance, it's been very much supported by Senator Rath in Erie County. Montgomery County has asked for it, Schenectady County has asked for it.

It's a bill that would say that a landlord that is behind in his taxes, that they could withhold the rent that Social Services is paying him until the taxes are paid.

Incidentally, the City of New York

is excluded from this bill. So most of the concern has been in regard to the City of New York. They are excluded, it does not affect them.

Schenectady County recently passed a resolution in favor of it. Incidentally, there's a very active neighborhood association group in Schenectady who are renters that are in favor of it and are working for the bill.

Incidentally, there was a concern raised, and I amended the bill to take care of that concern, that Section 149B, that requires that repairs be made to the property, that that still is -- supersedes anything in this bill. The repairs would have to be made first before they could take it for taxes.

This can very much help the strapped small cities upstate that are interested in this. It also makes the landlord that is somewhat irresponsible responsible for paying his taxes to the locality.

It has picked up more and more sponsorship -- Fulton County, the City of Gloversville. So many other people are

anxious for this bill to become law.

And with that, I'd be happy to answer any questions or you could read the last section.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, I'm very familiar with the work that Senator Farley and Senator Rath have done on this legislation.

And I do appreciate the correction -- well, not really the correction, but the change in the legislation that was made relating to the issue of repairs being made to the building. Because my concern really is that in spite of the fact that we want to penalize the landlord, that it's the tenants who inevitably wind up paying for the errors and the noncompliance of the landlord.

But if Senator Farley would yield for one additional question.

SENATOR FARLEY: I'd be honored.

SENATOR PATERSON: Madam President, my question to Senator Farley relates to the possible discrimination between those tenants whose rent is paid by themselves

and those tenants whose rent is paid by Social Services. Obviously, it's the Social Service tenants whose payments are now due upon the landlord that the landlord loses when the landlord's not in compliance with tax payments.

And I would think that it would just be a human frailty, a natural human tendency, to take this out on those needy individuals who we as a society have determined are eligible for the support but nonetheless are placed in the precarious position when that support is not forthcoming.

SENATOR FARLEY: No, your point is well taken.

In the legislation, incidentally, the landlord is prohibited from evicting or taking out retribution against the tenant.

Incidentally, as I said before, a very active neighborhood association of tenants in Schenectady is in support of this bill.

This bill is not -- the point of it is not to punish tenants, it's to make landlords pay their taxes as they're supposed

to pay them. And incidentally, repairs and so forth do take precedence.

It's a good piece of legislation. I know that Senator Rath has had a great interest in this and has been very much in the forefront.

This is a very important bill to the struggling small cities, particularly upstate. And they have it really rough, as the taxpayers tend to move to the suburbs, et cetera, and these landlords and so forth refuse to pay their taxes, and it makes it very difficult on the counties.

And I urge this legislation. I think we have corrected it enough so that you really shouldn't have any concern. It does not affect New York City in any way. And it's a piece of legislation that is needed for upstate.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: If the sponsor would yield for a question.

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

SENATOR FARLEY: Certainly.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: I'm sorry if I haven't been able to get this clarified yet. But I'm just trying to find out who is actually responsible for making the repairs.

SENATOR FARLEY: Boy, I'd have to look up -- where are my housing experts? That's a section of the law, 149B, and I notice that the Housing Committee's people are not here. That's the Spiegel Act. It requires withholding of these payments to landlords so that necessary repairs are made to the property.

I would presume that the county would make those repairs. Do you know that answer? It's the Spiegel Act. I don't have an answer.

SENATOR RATH: I don't really know. It's not . . .

SENATOR FARLEY: I suspect it would have to be the counties. That's just my opinion. I believe the Housing Committee is -- is meeting as we speak.

But anyway, the Spiegel Act says -

controls in this situation. Repairs have to be made. If there's withholding of rents because of repairs, that takes precedence over the withholding for the taxes.

SENATOR DUANE: Through you, Madam President, if the sponsor would yield.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: I'm concerned about this, though I know it doesn't impact New York City. But I have some experience with landlord-tenant issues generally, and sometimes the actual making of the repairs falls through the cracks -- and also oversight to make sure that the repairs have been done correctly.

Actually, you know what, it's not going to be a question. So thank you.

I'm speaking on the bill, Madam President.

So I have a concern about that also, in that I just don't have the comfort level that repairs will actually be made. And that doesn't help either the tenant or the county or the landlord if we lose housing stock through this.

And I also believe that the landlord can continue to make the life of a tenant miserable. Though not all landlords are like that, there are certain numbers of landlords that do that.

So I'm going to be voting in the negative on this.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 511 are Senators Connor, Duane, Lachman, Markowitz, Montgomery, Santiago, Schneiderman, and Stavisky. Ayes, 51 -- excuse me. Also Senator Rosado.

Ayes, 50. Nays, 9.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Just to explain my vote and in answering of the question.

It would be the city, Senator Duane, in New York City. And it would be the

municipality or actually the county in the upstate area.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 532, by Senator Rath, Senate Print 1071, an act to amend the Penal Law, in relation to repeat offender status.

SENATOR DUANE: Explanation.

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

SENATOR RATH: Thank you, Madam President.

This bill takes into consideration persons who have committed repeat offenses of petty larceny, and it raises the penalty to a Class E felony after a person has been convicted twice of petty larceny.

THE PRESIDENT: Read the last section.

Excuse me. Senator Duane.

SENATOR DUANE: Thank you very much. Would the sponsor yield to a question?

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

SENATOR RATH: Sure.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: It's my understanding that this legislation is for someone who has been convicted two or more times of petty larceny within the past five years, and that this is geared towards the - shoplifting?

SENATOR RATH: Right, yeah.

It's -- the bill has been supported by the National Federation of Independent Businesses, Chambers of Commerce, on down the line, folks that are interested in assuring that repeat offenders understand that they can't come in and help themselves.

SENATOR DUANE: Thank you.

Madam President, on the bill.

I just find it incredibly ironic that we're willing to pass legislation which goes after chronic shoplifters -- which, by the way, I think is in many cases a mental illness as much as a crime -- but that we won't pass legislation which would impact and help to reduce crimes motivated by hate.

Thank you, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 532 are Senators Duane, Montgomery, and M. Smith.

Ayes, 56. Nays, 3.

THE PRESIDENT: The bill is passed.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I would like unanimous consent to be recorded in the negative on Calendar 281.

THE PRESIDENT: Without objection, you will be so recorded as voting in the -- excuse me, Senator, that bill was laid aside for the day.

SENATOR MONTGOMERY: Oh, okay, thank you. I'm sorry.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 575, by Senator Stafford, Senate Print 3846A, an act to amend the Executive Law, in relation to the Emergency Management Assistance Compact.

SENATOR PATERSON: Explanation, please.

THE PRESIDENT: Senator Stafford, an explanation has been requested by Senator Paterson.

SENATOR STAFFORD: Madam President, this bill, if enacted, would allow the State of New York to be part of the Emergency Management Assistance Compact. There are presently 28 states in this compact.

And for instance, when we had the ice storm two years ago, it would have enabled us to have states come in to help us. And it's, I think, a very meaningful piece of legislation. We also would be able to help other states.

I know there's been a question on liability. The liability is on the requesting state. But I would say that there has to be

good faith, and that any immunity would not include willful misconduct, gross negligence, or recklessness.

I think it's a very good piece of legislation. I also am familiar with the Forest Fire Control Commission, and this is the same type of activity. And we're able to go in and help other states if they have a problem, and other states are able to come in and help us. I think it's very worthwhile.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, would you inquire of Senator Stafford if he'd be willing to answer a couple of questions relating to this liability.

SENATOR STAFFORD: Sure. As always.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Senator Stafford, what happens to a victim of negligent conduct in this particular situation? Because it's my opinion that the bill does not state clearly enough that the state that is offering the assistance takes

liability.

I've heard that said in conversation, but you'd have to show me in the bill where it makes that clear.

SENATOR STAFFORD: It states it in Section 6. And I think it explains that the requesting state is responsible. And I've mentioned the examples where they would not be earlier.

SENATOR PATERSON: Thank you, Madam President. If Senator Stafford would yield for one last question.

THE PRESIDENT: Senator Stafford, do you yield -

SENATOR STAFFORD: Sure.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Senator, why would we not indemnify those workers, the aides that would come to New York per se if they were coming to help us, or the state that we would be visiting would indemnify our employees?

SENATOR STAFFORD: Good point. We are, unless there's willful misconduct,

gross negligence, or recklessness.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, on the bill.

I want to thank Senator Stafford for his answer. And his answer, as I understand it, is perfectly sound.

I know, however, in order to vote for this bill, that standard would have to be extended from what is really a gross negligence standard to include negligence. This is what causes harm to people from time to time.

And if it were just covering a little more of the problem, I think it would be a little easier to support.

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 575 are Senators Connor, Coppola, Duane, Paterson,

Seabrook, and M. Smith.

Ayes, 53. Nays, 6.

THE PRESIDENT: The bill is passed.

Senator Seabrook.

SENATOR SEABROOK: Yes, Madam President. With unanimous consent, I'd like to be recorded in the negative on Calendar 511.

THE PRESIDENT: Without objection, you will be so recorded as voting in the negative, Senator Seabrook, on Calendar 511.

SENATOR SEABROOK: Thank you.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 303, by Senator Alesi, Senate Print 183, an act to amend the Vehicle and Traffic Law, in relation to extending.

SENATOR DUANE: Explanation, please.

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

SENATOR ALESI: Thank you, Madam President.

This bill would extend the revocation time for anybody -- revocation of a license for anybody who refuses to take a chemical test.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you. Would the sponsor yield to a question?

THE PRESIDENT: Senator Alesi, will you yield for a question?

SENATOR ALESI: I'd be happy to.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: Under this legislation, could someone's license be suspended for a year without a court date?

SENATOR ALESI: This would be a time period of one year, from six months. As it's currently prescribed, it's six months. It would be the same as currently prescribed, except we would extend it from six months to one year.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue

to yield.

THE PRESIDENT: Senator Alesi, do you continue to yield?

SENATOR ALESI: Be happy to.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: Even if there's no court date and it's through no fault of the driver?

SENATOR ALESI: I'm sorry, would you kindly repeat the question, Senator?

SENATOR DUANE: Yes. The license could be suspended for the full year without a court date even if the court date did not occur through no fault of the driver?

SENATOR ALESI: It's with a court date. With a court date, through the President.

SENATOR DUANE: I'm sorry, I can't hear, Madam President.

THE PRESIDENT: Senator Alesi, would you repeat your answer?

SENATOR ALESI: Through you, Madam President. With a court date.

SENATOR DUANE: And through you,

Madam President.

Then if there was no court date, though it was not the fault of the driver, when would the driver get the -- what's the time limit for the driver getting the license back?

SENATOR ALESI: It would be rather difficult for any revocation to occur without a court date.

SENATOR DUANE: Through you, Madam President. I believe the legislation says that it could be taken away for a year without a court date.

THE PRESIDENT: Do you have a question, Senator Duane, or are you on the bill?

SENATOR DUANE: Let me rephrase the question, if I may.

Does the -- does this legislation say that a license can be revoked for one year without a court date?

SENATOR ALESI: Were you asking a question, Senator? I'm sorry.

SENATOR DUANE: The question is, can a license be suspended for one year

without a court date?

SENATOR ALESI: In either event -- through you, Madam President -- this would be at the discretion of the Commissioner, and the revocation would occur with a court date.

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

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

THE PRESIDENT: The bill is passed.

SENATOR COPPOLA: Madam President.

THE PRESIDENT: The Secretary will again announce the results.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Coppola and Duane recorded in the

negative.

THE PRESIDENT: The bill is passed.

Senator Skelos -- Senator Bonacic, excuse me, that completes the controversial reading of the calendar.

SENATOR BONACIC: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR BONACIC: May we please return to reports of standing committees? I think there are reports at the desk.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Leibell, from the Committee on Civil Service and Pensions reports:

Senate Bill Number 1839, by Senator Kuhl, an act to amend the Election Law;

6542, by Senator Leibell, an act to amend the Retirement and Social Security Law;

And 6550, by Senator Spano, an act to amend the Retirement and Social Security Law.

Senator Marcellino, from the Committee on Environmental Conservation, reports:

Senate Bill Number 7202, by Senator Johnson, an act to amend the Environmental Conservation Law.

Senator Meier, from the Committee on Social Services, reports:

Senate Bill Number 5985, by Senator Spano, an act to amend the Social Services Law;

6697A, by Senator Nozzolio, an act to amend the Social Services Law;

And 6972, by Senator Meier, an act to amend the Social Services Law.

All bills ordered direct to third reading.

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

Senator Bonacic.

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

THE PRESIDENT: Yes, there is,

Senator.

Senator Libous.

SENATOR LIBOUS: Yes. Thank you, Madam President.

On behalf of Senator Seward, on page 26, I offer the following amendments to Calendar Number 496, Senate Print 6643A, 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 Bonacic.

SENATOR BONACIC: Madam President, there being no further -

THE PRESIDENT: Senator Paterson, excuse me.

SENATOR PATERSON: Thank you. I'm sorry, Madam President.

I'd like to announce an immediate conference of the Minority, immediate conference of the Minority in the Minority Conference Room, Room 314.

And my apology to Senator Bonacic.

THE PRESIDENT: There will be an

immediate conference of the Minority in the Minority Conference Room, Room 314.

Senator Bonacic.

SENATOR BONACIC: Madam President, there being no further business to come before the Senate, I move we adjourn until Wednesday, April 5th, at high noon, 12 o'clock noon.

THE PRESIDENT: On motion, the Senate stands adjourned until Wednesday, April 5th, high noon.

(Whereupon, at 3:55 p.m., the Senate adjourned.)