NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 5, 2000

12:12 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, Tuesday, April 4th, the Senate met pursuant to adjournment. The Journal of Monday, April 3rd, 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 just interrupt for a moment, there will be an immediate meeting of the Water Resources Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Water Resources 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 Farley, from the Committee on Banks, reports:

Senate Bill Number 2926, by Senator Farley, an act to amend the Banking Law;

3552, by Senator Farley, an act to amend the Banking Law;

And 7101, by Senator Farley, an act to amend Chapter 223 of the Laws of 1996.

All bills ordered direct to third reading.

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

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Johnson, Madam President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Bill Number 5754.

THE PRESIDENT: So ordered, Senator.

SENATOR FARLEY: On behalf of Senator Spano, Madam President, on page 34 I offer the following amendments to Calendar 613, Senate Print 5562A, and I ask that that 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 FARLEY: Madam President,

on behalf of Senator Alesi, on page 20 I offer the following amendments to Calendar 427, Senate Print 84B, and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and that bill will also retain its place on the Third Reading Calendar.

Senator Skelos, we have substitutions.

SENATOR SKELOS: Would you please make the substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 32, Senator Maltese moves to discharge, from the Committee on Local Government, Assembly Bill Number 682 and substitute it for the identical Senate Bill Number, 6895, Third Reading Calendar 595.

On page 35, Senator Farley moves to discharge, from the Committee on Education, Assembly Bill Number 9516 and substitute it for the identical Senate Bill Number 6719, Third Reading Calendar 615.

And on page 35, Senator Nozzolio moves to discharge, from the Committee on Social Services, Assembly Bill Number 9310 and substitute it for the identical Senate Bill Number 6697A, Third Reading Calendar 623.

THE PRESIDENT: The substitutions are ordered.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: There's a privileged resolution at the desk by Senator Leibell. May we please have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 3654, paying tribute to Temple Beth El of Northern Westchester upon the occasion of the celebration of its 50th Anniversary on Sunday, April 9, 2000.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 322, by Senator Bonacic, Senate Print 3907B, an act to amend the Public Authorities Law, in relation to commitments.

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, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 386, by Senator Wright, Senate Print 2427, an

act to amend the Economic Development Law, the Public Officers Law, and the General Construction Law, in relation to videoconferencing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 387, by Senator Wright, Senate Print 3901, an act to amend the Public Service Law, in relation to information included.

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, 44. Nays,

2. Senators Duane and Velella recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Excuse me. Ayes, 43. Nays, 3. Senators Duane, Skelos, and Velella recorded in the negative.

THE PRESIDENT: The bill is still passed.

THE SECRETARY: Calendar Number 423, by Senator Skelos, Senate Print 5074A, an act to amend the Civil Rights Law, in relation to requiring the destruction.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 60 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays, 1. Senator Meier recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 500, by Senator Padavan, Senate Print 1905, an

act to amend the Real Property Law, in relation to occupation of premises.

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 PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Just to explain my vote, Madam President, briefly.

This is a bill that I know Senator Padavan has been pushing for a long time. I carry a comparable bill with respect to the bawdy house issue and the need for municipalities to have greater authority, and community groups and others to have greater authority to deal with neighborhood problems that come up in the operation of certain types of facilities in neighborhoods, both in the City of New York and, quite frankly, in the City of Rochester.

I would just urge, Senator Padavan, that if we can find an Assembly sponsor and

get this bill through the Assembly, this is an idea we've been debating far too long, that it's time to do something about it if we're going to improve the quality of life in urban areas, particularly neighborhoods in the City of New York and the City of Rochester.

And I would offer my assistance to Senator Padavan. I know Assemblyman Morelle carries a very similar bill in the Assembly. And let's see if we can marry these two bills together and get a law this year.

Thank you.

THE PRESIDENT: Senator Dollinger, how do you vote?

SENATOR DOLLINGER: In the affirmative.

THE PRESIDENT: You will be so recorded as voting in the affirmative, Senator.

The Secretary will announce the results.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 508, by Senator LaValle, Senate Print 1626, an act to amend the General Municipal Law, in relation to creating the Town of Southampton Industrial Development Agency.

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

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 514, by Senator Meier, Senate Print 4025A -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 528, by Senator Trunzo, Senate Print 4200, an

act to amend the Vehicle and Traffic Law, in relation to the suspension of motor vehicle registrations.

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, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 559, by Senator Volker, Senate Print 4659A, an act to authorize the Office of General Services to sell, transfer and convey.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 561, by Senator Lack, Senate Print 1196, an act to amend the Election Law, in relation to polling places in Suffolk 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, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 566, by Senator Farley, Senate Print 1958, an act to amend the Election Law and the State Finance Law, in relation to requiring proposition.

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 PRESIDENT: Senator

Dollinger.

SENATOR DOLLINGER: Just to explain my vote, Madam President.

I have continued to vote against this bill, and I'm going to vote against it this year again. Because every year we vote for this measure in the Senate, and yet we do bond proposals that we put out to the public which doesn't include this very good public disclosure tool.

As Senator Farley knows, this mimics the kind of public disclosure, the kind of disclosure that we give to people -- that we require by law when you borrow money for your house. You are shown exactly the amount of the borrowing and exactly the amount of the repayment.

Senator Farley, I'm going to vote against it again this year. But I think we're going to have a chance, probably in the next two weeks, when we do the $3.2 billion roads and bridges bond issue -- $3.8 billion bond issue, I'm corrected by Senator Skelos - we're going to have a chance to put the interest accrual in that proposition when it

goes to the voters. So we'll not only tell them that they're borrowing $3.8 billion but that it will cost something probably akin to $5.5 billion to pay back.

Senator Farley, I would suggest that when that comes forward, take this bill, put it on as an amendment to that bond proposal, I will vote for the bond proposal, and I'll vote for this amendment as part of it.

And then we'll be able to say that what we do today has real meaning. Until we're willing to do that, what we do today may serve other purposes, but it doesn't have real meaning. We'll get our chance in the next two weeks to put this bill into practice. And I would just suggest we do it then and I'll vote for it then.

Otherwise I vote no, Madam President.

THE PRESIDENT: Senator Dollinger, you will be recorded as voting in the negative on this bill.

The Secretary will announce the results.

THE SECRETARY: Ayes, 50. Nays, 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Maltese, Senate Print 6961, an act to amend the Election Law, in relation to the year 2000.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 573, by Senator Stafford, Senate Print 3647, an act to amend the Executive Law, in relation to reports by registered charitable organizations.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 90 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 2. Senators Duane and Fuschillo recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 618, by Senator Johnson, Senate Print 7202, an act to amend the Environmental Conservation Law, in relation to extending the expiration of the authority.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: I believe the calendar is complete, Madam President.

Would you please recognize Senator Hevesi.

THE PRESIDENT: Senator Hevesi.

SENATOR HEVESI: Madam President, I rise to request unanimous consent to be recorded in the negative on Calendar 387, Senate Print 3901.

THE PRESIDENT: Without objection, Senator Hevesi, you will be recorded as voting in the negative on that bill.

SENATOR HEVESI: Thank you.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Balboni, from the Committee on Water Resources, reports

the following bill direct to third reading:

Senate Print 5907, by Senator Balboni, an act to amend the Environmental Conservation Law, the Public Authorities Law, the Public Health Law, the State Finance Law, the Agriculture and Markets Law, and the Banking Law.

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

Senator Skelos.

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

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. I ask for unanimous consent to be recorded in the negative on Calendar 573, Senate Bill 3647.

THE PRESIDENT: Without objection, Senator, you will be so recorded.

Senator Skelos.

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

THE PRESIDENT: No, there is not, Senator.

SENATOR SKELOS: I believe there's some motions to discharge at this time.

THE PRESIDENT: Senator Sampson.

SENATOR SAMPSON: Yes, Madam President. I have a motion at the desk. I'd like to waive the reading, if possible.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senate Bill Number 2499, by Senator Sampson, an act to amend the Civil Service Law, in relation to veterans' credits on competitive examinations.

THE PRESIDENT: Senator Sampson.

SENATOR SAMPSON: Yes, this motion basically calls for a bill which increases the additional points on civil service exams for disabled and nondisabled veterans.

It increases from 10 to 13 points additional points granted to disabled veterans on competitive exams, and 5 to 6 points, additional points, on promotional exams for veterans. Also -- for disabled veterans.

Also, the bill calls for an

increase from 5 to 8 points on competitive exams for nondisabled veterans, and from 2½ to 3½ points' increase for promotional exams.

I think we need to acknowledge those veterans, some who have given their lives and those who have been wounded in the services for these number of years. And I think this is an important bill which would acknowledge our understanding and our respect for those veterans in today's society.

Thank you.

THE PRESIDENT: All in favor of accepting the motion to discharge signify by saying -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 23. Nays, 30. Party vote.

THE PRESIDENT: The motion is defeated.

Senator Sampson.

SENATOR SAMPSON: Yes. Madam President, I have another motion at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senate Bill Number 5619B, by Senator Sampson, an act to amend the Civil Practice Law and Rules, in relation to disposition of forfeiture monies.

THE PRESIDENT: Senator Sampson.

SENATOR SAMPSON: Let me try it again. Maybe this might pass.

Well, this bill calls -- I think this is a very good bill. This bill calls for -- usually all profits that are seized from criminal activities are distributed between law enforcement agencies and the prosecutorial agencies.

What this bill refers to as those activities which involve gang violence, 75 percent of those proceeds will be given back to the local community districts, and the balance of 25 percent to be divided amongst the prosecution and also law enforcement.

I think this is a very good bill,

because what we have noticed within the last couple of years is a tremendous increase in the number of gangs in New York City and throughout the New York State region, but also the number of criminal activities committed, crimes committed by these youths.

My colleagues, such as Senator Balboni, Volker, and Senator Goodman, have done advanced legislation with respect to gang violence. But I think we need to go a little bit further, meaning that instead of increasing the penalties, we can try to find out ways in which to prevent them from engaging in this activity.

And one of the best ways is by giving it back to those local districts where these gang members are preying on, to really take the children -- you know, we know from the hours of 3:00 to 8:00 p.m. there's a lot of idle time for children to get in trouble, and that's when a lot of the crimes are being committed.

So what this bill would intend to do is give that money back to the local districts so we have programs such as computer

programs, literacy programs, to really give those children who don't want to go into the gang activities another alternative.

Thank you very much, Madam President.

SENATOR HEVESI: Madam President.

THE PRESIDENT: Senator Hevesi.

SENATOR HEVESI: Madam President, I just want to commend Senator Sampson. This is an excellent idea. This is analogous with a turbo engine where you harness the exhaust, the negative by-products, and redirect it and recycle it to a benevolent purpose.

This is right on the money -

THE PRESIDENT: Go ahead, Senator.

SENATOR HEVESI: It's right on the money, right on target with how you redirect assets that have been used for a really horrible purpose in a way that will prevent the forfeiture of such assets in the future by preventing the crimes that led to the forfeiture.

So just briefly, this is a terrific, terrific idea. And I hope everyone

in this chamber supports it. And my compliments to Senator Sampson for coming up with such a good idea.

THE PRESIDENT: All in favor of the motion to discharge signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 23. Nays, 31. Party vote.

THE PRESIDENT: The motion is defeated.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we adjourn until Monday, April 10th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, April 10th, at 3:00 p.m., intervening days

being legislative days.

(Whereupon, at 12:34 p.m., the Senate adjourned.)