NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 2, 2000

3:09 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: With us today is Bishop Muriel Grant, to give the invocation. The Bishop is with Mt. Olivet Discipleship in Christ, in Brooklyn.

Your Excellency.

BISHOP GRANT: Let us pray.

May the infinite power of the Almighty God abide with us at this time. Bless, O Lord God, the President of these United States, the governors of states, and all others in authority. So rule the hearts of Thy servants, granting them wisdom to govern wisely so that we may effectively be one nation under God, strengthened by Your might, for in quietness and confidence shall be our strength.

Bless this our land of heritage

with industry and sound learning, and grant us increase of produce and prosperity. Defend our liberties and fashion us into one united people, the multitudes brought hither out of many kindreds and towns.

And now, most gracious God, in this jubilee year I humbly beseech Thee for the people of these United States in general, but so especially for their Senate here assembled, the Senate leader, Senators, Republicans and Democrats.

O Lord God, bless this their counseling session. Heal their infirmities, direct and prosper all Senate consultations, giving them wisdom of laws needed for their effective leadership, for advancement of Thy glory, the good of Thy church, the safety and welfare of Thy people, that all things may be so ordered and settled by their endeavors upon the best and surest foundations for peace and happiness, truth and justice, religion and piety be established for us and for all generations both now and forevermore.

This I beg, O God, for them, for us, in the name of Jesus Christ, my most

blessed Savior and Lord. And now, by the power of God vested in me, may the blessings of God the Father, the Son, the Holy Spirit, rest and remain with you now and forevermore.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 1st, the Senate met pursuant to adjournment. The Journal of Sunday, April 30th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you,

Madam President.

On behalf of Senator DeFrancisco, on page number 7 I offer the following amendments to Calendar Number 39, Senate Print Number 550, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Commerce, Economic Development, and Small Business Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Economic Development and Small Business Committee in the Majority Conference Room.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Nozzolio, on page 13 I offer the following amendments to

Calendar Number 248, Senate Print Number 6282C, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar, with the exception of Resolutions 3928 and 3976.

ACTING PRESIDENT MEIER: The motion is to accept the Resolution Calendar, with the exception of Resolutions 3928 and 3976. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar, with exceptions, is adopted.

Senator Skelos.

SENATOR SKELOS: Madam

President -- no, Mr. President. Sorry.

ACTING PRESIDENT MEIER: Good catch, Senator.

SENATOR SKELOS: May we please take up Resolution 3928, by Senator Maziarz, have it read in its entirety, and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 3928 in its entirety.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 3928, memorializing Governor George E. Pataki to proclaim the week of May 1 through 5, 2000, as Elder Abuse Awareness Week in New York State.

"WHEREAS, The millions of elder citizens residing in the State of New York have contributed to the general welfare of the state by helping to preserve the customs, convictions, and traditions of the many ethnic backgrounds of the citizens of New York State; and

"WHEREAS, The more than 3 million residents of New York State considered to be elder citizens are vital and integral members

of our society. The wisdom and experience of elder citizens have enriched the lives of young people of our state; and

"WHEREAS, elder abuse in domestic and institutional settings is a widespread problem affecting hundreds of thousands of elderly people across the country.

"It has been estimated that there were over 1.8 million abused elders in the United States in 1996. Estimates report that elder abuse affects approximately 30,000 New Yorkers every year; and

"WHEREAS, Because elder abuse is still largely hidden under the shroud of family secrecy, elder abuse is grossly underreported. Elderly people who are being abused find it very difficult to tell anyone; they are usually ashamed and sometimes afraid.

"Only one out of 14 domestic elder abuse incidents come to the attention of authorities. The 30,000 domestic elder abuse cases reported to state adult protective service or aging agencies in New York represent only the tip of the iceberg, and the number of elder abuse cases is growing every

year; and

"WHEREAS, Any elderly person may become the victim of abuse; males and females of any income level, any cultural or ethnic group, persons in good health or persons incapacitated in some way may be abused by someone close to them. Elder abuse is not only happening in poor neighborhoods, but also in suburbia and in some of the most upstanding families.

"The abusers can be anyone, but they are most commonly family members with whom the abused person is living. Studies have estimated that over half the elderly people reported to have been abused were living with the persons who abused them.

"The physical abuse, mental anguish, and financial exploitation which too many elderly people are enduring diminishes us as a civilized society; and

"WHEREAS, The legislators of New York State have been studying and reviewing this outrage and are determined to find a solution that will provide increased protection and services to the elder citizens

of New York State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim the week of May 1 through 5, 2000, as Elder Abuse Awareness Week in New York State; and be it further

"RESOLVED, That a copy of this resolution suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the State of New York."

ACTING PRESIDENT MEIER: Senator Maziarz.

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

I first of all want to invite all of our colleagues in this body to sign this resolution as cosponsors. And just very briefly to encourage everyone to get the word out about elder abuse, that it is of grave concern to all people in the state of New York, and that reporting it is not something that anyone should be ashamed of.

I want to thank the representatives that are here today from the AARP and from

Statewide Senior Action Network and the other groups who have come to this Capitol today from around the state of New York to join us in asking Governor Pataki to proclaim this week as Elder Abuse Awareness Week.

Thank you very much, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, Senator Maziarz would like to open up this resolution for cosponsorship to all members.

If anyone does not wish to be on this resolution, they should notify the desk.

ACTING PRESIDENT MEIER: All members will be listed as cosponsors unless they notify the desk to the contrary.

Senator Hoffmann.

SENATOR HOFFMANN: May we please take up Resolution 3976, by Senator Trunzo, and may we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 3976.

THE SECRETARY: By Senator Trunzo, Legislative Resolution Number 3976, memorializing Governor George E. Pataki to proclaim the week of May 8 through 12, 2000, as School Transportation Personnel Week in the State of New York.

ACTING PRESIDENT MEIER: Senator Trunzo.

SENATOR TRUNZO: Mr. President, this resolution honors and acknowledges the thousands of school transportation professionals who work so diligently to ensure the safety of more than 2.2 million children who ride in school buses every day in New York State, by proclaiming the week of May 8 through the 12th, 2000, as School Transportation Personnel Week.

As the chairman of the Senate Transportation Committee, I wish to recognize

and thank all of those dedicated individuals for their hard work and professionalism and dedication as they perform their vital role in keeping our children safe.

There are a few of the members of the school transportation profession in the audience, which it's my pleasure to acknowledge.

At the same token, I would like to open the sponsorship of this resolution to all members of the Senate.

Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Hoffmann.

SENATOR HOFFMANN: Senator Trunzo has requested that the resolution be opened for cosponsorship to all members.

If anyone does not want to be a sponsor, they should also notify the desk.

ACTING PRESIDENT MEIER: The resolution is open for cosponsorship. Any member not wishing to be on the resolution, notify the desk.

Senator Hoffmann.

SENATOR HOFFMANN: At this time may we please have the reading of the noncontroversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read.

Senator Hoffmann, the desk informs me that there are two substitutions. Could we do those first.

SENATOR HOFFMANN: Please make the substitutions at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator Spano moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5616 and substitute it for the identical Senate Bill Number 3067, First Report Calendar 740.

And on page 38, Senator Spano moves to discharge, from the Committee on Health, Assembly Bill Number 3573A and substitute it for the identical Senate Bill Number 5415A, Third Reading Calendar 715.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President. Can we now have the reading of the noncontroversial calendar.

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

THE SECRETARY: Calendar Number 201, by Senator Alesi, Senate Print 5213A, an act to amend the Public Health Law, in relation to mandatory reporting.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 245, by Senator Alesi, Senate Print 1512, an act to amend the Correction Law, in relation

to barring sex offenders.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 250, by Senator Skelos, Senate Print 12A, an act to amend the Penal Law, in relation to failure.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 253, by Senator Maziarz, Senate Print 652, an act to amend the Criminal Procedure Law, in relation to plea bargains.

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, 54 - excuse me. Ayes, 53. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 256, by Senator Skelos, Senate Print 973A, an act to amend the Penal Law, in relation to sexual assault against a child.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. 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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 258, by Senator Skelos, Senate Print 1017, an act to amend the Criminal Procedure Law, in relation to limited plea bargaining.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 259, by Senator Goodman, Senate Print 1122, an act to amend the Penal Law, in relation to concurrent and consecutive terms of imprisonment.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR MONTGOMERY: Lay that aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 260, by Senator Volker, Senate Print 1592B, an act to enact the Sexual Assault Reform Act of 2000.

SENATOR MONTGOMERY: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 261, by Senator Volker, Senate Print 3790, an act to amend the Criminal Procedure Law, in relation to waiver of pre-sentence.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 531, by Senator Maziarz, Senate Print 810, an act to amend the Penal Law, in relation to creating definitions.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 558, by Senator Skelos, Senate Print 1015A, an act to amend the Executive Law, in relation to permitting parents of minors.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 560, by Senator Larkin, Senate Print 5676A, an act to authorize the Commissioner of the Department of Transportation to transfer and convey.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7.

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

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 598, by Senator Bruno, Senate Print 5874, an act to amend the Highway Law, in relation to certain bridges in the County of Saratoga.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 668, by Senator Bonacic, Senate Print 3717, an act to amend the County Law, in relation to review and approval.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 700, by Senator Hannon -

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: No.

ACTING PRESIDENT MEIER: No?

The Secretary will continue to read.

THE SECRETARY: Calendar Number 700, by Senator Hannon, Senate Print 6546, an act authorizing the assessor of the County of Nassau to accept an application.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

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

SENATOR HOFFMANN: Thank you, Mr. President. May we now have the reading of the controversial calendar.

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

THE SECRETARY: Calendar Number 201, by Senator Alesi, Senate Print 5213A, an act to amend the Public Health Law, in relation to mandatory reporting.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Alesi, an explanation has been requested of Calendar 201 by Senator Duane.

SENATOR ALESI: Thank you, Mr.

President.

This bill would require mandatory reporting of elder abuse for those physically or mentally incapable of defending themselves against physical or emotional abuse.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: If the sponsor would yield, please.

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

SENATOR ALESI: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you, Mr. President.

I think this is an excellent bill and it will go a long way to provide added protections to a group of people who need it; that is, mentally and physically incapacitated persons.

I'm also pleased that this bill has reporting requirements in it, which once again proves that our state is able to capture

reported crimes and to document them.

I did notice that on page 2, at line 6, that the definition of abuse includes verbal and mental intimidation. And I was hoping the sponsor could give me an explanation of what verbal and mental intimidation means.

SENATOR ALESI: A fairly simple English language interpretation of that would be a victim who is abused verbally or emotionally.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: I'm wondering if the sponsor would just expand on the definition a little bit more.

ACTING PRESIDENT MEIER: Senator Alesi, would you yield for a further question?

SENATOR ALESI: Someone who is verbally abused is abused by someone talking at them in an abusive way. Somebody who is emotionally abused is being abused by someone who has taken advantage of their emotionally

weakened state.

Thereby, verbally and emotionally abused.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR ALESI: I'd be happy to. Thank you.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Does this include that the perpetrator meant to verbally or mentally intimidate, or does it also include if the victim perceives that they are being verbally or mentally intimidated? Either or both?

SENATOR ALESI: Through you, Mr. President. The bill is actually aimed at those people who notice, witness, or suspect by reasonable cause that there's an abusive situation taking place.

And at least as far as it is aimed at those who are elderly and are weakened,

either physically or emotionally, they may not even be in a position to perceive the abuse.

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

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: Thank you. I plan on voting for this excellent bill.

However, I find that it's confusing that while in this house we're willing to provide special protections to a category or a group of individuals who need assistance - and by the way, in this case not only for physical injury but also for verbal abuse - but in this body we are unable to pass a hate crimes bill which would provide protections to real or perceived groups of people.

And to top that off, we only look at serious physical injury when we look at the hate crimes legislation, while the bill that we're doing today -- and I approve of this - also looks at the issue of verbal abuse as well.

So while I'm happy that and I believe we'll be passing this legislation

today, and I will be voting for it, I still certainly cannot understand why we can pass this bill today and yet we are unable to bring to the floor the hate crimes bill for a vote as well.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

Senator Paterson.

SENATOR PATERSON: Mr. President, if the sponsor would yield for a question.

ACTING PRESIDENT MEIER: Senator Alesi, do you yield for a question from Senator Paterson?

SENATOR ALESI: I'd be happy to. Thank you.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, you seem to set up an immunity for health care professionals and people who would offer this information.

And I can certainly understand the need to protect people who come forward. But it seems to be a blanket immunity. And we

have a memo from the Trial Lawyers Association. I think that it's a point worth looking at.

I just wanted you to comment on it, because otherwise the overwhelming need for your legislation prevails on us. And I think that we all want to vote for it. I just wanted to know if you thought that perhaps in negotiation with the Assembly or that kind of thing we might take another look at that clause relating to the immunity that is established for workers that would expose this type of abuse.

SENATOR ALESI: Mr. President, I'd be happy to yield. I always enjoy my dialogue with the Senator.

Unfortunately, there was some conversation behind me and I really didn't get all the question. With all due respect, Senator.

ACTING PRESIDENT MEIER: Senator Paterson, Senator Alesi wishes you to repeat the question.

Could I ask members who are in the chamber if you have a need to have a

conversation to kindly take it outside.

I'd also ask staff to refrain from conversation during debate.

Senator Paterson.

SENATOR PATERSON: I'm sorry, Mr. President. It's very difficult for me to repeat the question because the conversation caused me to be unable to hear it myself.

SENATOR ALESI: We see ear to ear, then, on that, Senator.

SENATOR PATERSON: Mr. President, my question is that in this legislation Senator Alesi grants a -- what's seeming to me a blanket immunity for health care professionals and certain individuals who would work with those who would be prospective victims.

And while we would want to protect those who would blow the whistle on abuse, do you think that we need a blanket immunity such that if someone were to make a false report there'd be no way to confront them legally?

SENATOR ALESI: Senator - through you, Mr. President -- I believe that the immunity is defined as someone who is

making a good faith effort to report an incident. And a good faith effort certainly would not include someone who was filing a false report, and therefore they would be covered under other sections of the law for making false reports.

ACTING PRESIDENT MEIER: Read the last section.

Senator Paterson, are you surrendering or do you want to be recognized?

SENATOR PATERSON: I'm surrendering, Mr. President.

(Laughter.)

ACTING PRESIDENT MEIER: All right. 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, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

245, by Senator Alesi, Senate Print 1512, an act to amend the Correction Law, in relation to barring sex offenders.

SENATOR PATERSON: Explanation. I'm back.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Would you be kind enough to place a sponsor star on this bill, please.

ACTING PRESIDENT MEIER: A sponsor star will be placed on Calendar 245.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 259, by Senator Goodman, Senate Print 1122, an act to amend the Penal Law, in relation to concurrent and consecutive terms of imprisonment.

SENATOR MONTGOMERY: Explanation.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number

260, by Senator Volker, Senate Print 1592B, an act to enact -

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 531, by Senator Maziarz, Senate Print 810, an act to amend the Penal Law, in relation to creating definitions.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Maziarz, an explanation has been requested of Calendar 531 by Senator Duane.

SENATOR MAZIARZ: Thank you very much, Mr. President. I'll be happy to provide an explanation.

This piece of legislation was suggested by the New York State District Attorneys Association Elder Abuse Subcommittee, which was chaired by the District Attorney of Kings County, Charles Hynes.

This bill amends sections of the

Penal Law to include the crime of financial exploitation of the elderly, by amending the larceny section of the Penal Law. The bill defines the terms "mentally disabled" and "mentally incapacitated" within statute.

It also amends the Penal Law, which defines a wrongful taking, to include thefts by defendants who know or have reason to know that the victim suffers from a mental disability or incapacity.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: If the sponsor would yield, please.

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

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you, Mr. President.

Are there already laws on the books that make it illegal to wrongfully take

someone's property?

SENATOR MAZIARZ: Yes.

SENATOR DUANE: If there are already laws on the books, then what exactly does this bill do?

SENATOR MAZIARZ: This bill, as I stated, amends the Penal Law to define a wrongful taking to include thefts by defendants who know or have reason to know that the victim suffers from a mental disability or incapacity.

SENATOR DUANE: And so there are new categories -- if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor continues to yield.

SENATOR DUANE: New definitions of terms "mentally disabled" and "mentally incapacitated" are contained in the legislation?

SENATOR MAZIARZ: Yes.

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

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: Again, I think this is an excellent bill that protects a group of people, has enhanced protection for elderly and mentally disabled people.

But again, I fail to understand why we can pass this legislation and yet we are unable even to bring to the floor a vote on the hate crimes bill, which does nothing more than to add special protections from physical injury for groups of people or people who are perceived to be members of a group of people.

I just think it's absolutely wrong that we will vote on this bill and the earlier bill from today and yet we have no opportunity to debate and vote on hate crimes legislation.

Thank you, Mr. President.

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, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 558, by Senator Skelos, Senate Print 1015A, an act to amend the Executive Law, in relation to permitting parents.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Skelos, an explanation has been requested of Calendar 558 from Senator Duane.

SENATOR SKELOS: Mr. President, if I could, this legislation would require that at any time a minor has a claim that they have been aggrieved by an unlawful discriminatory practice involving sexual harassment, that the parent or -- parent, parents, or legal guardian of such minor should be notified so they can participate in any proceedings.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: If the sponsor

would yield.

ACTING PRESIDENT MEIER: Senator Skelos, do you yield?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I notice that this is an amended print of a bill that we voted on last year. I'm hoping the sponsor could tell me what the changes are between last year and this year's bill.

SENATOR SKELOS: Well, looking at my print, it does not have an "A" next to it, so I would say it's not amended.

Normally, Senator Duane, if you have an amendment, there's a letter next to it.

SENATOR DUANE: Through you, Mr. President. The bill that was put on my desk has an "A."

SENATOR SKELOS: Pardon me?

SENATOR DUANE: The bill that was put on my desk has an "A."

SENATOR SKELOS: I could have the

wrong bill, but let me just check that.

SENATOR DUANE: Through you, Mr. President -

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR SKELOS: I stand corrected. It has been amended.

SENATOR DUANE: Through you, Mr. President. I just -- I want to mention, I actually -- because it's not that lengthy a bill, I did notice what the change is. It's actually not a big deal.

SENATOR SKELOS: The subdivision number has been changed.

SENATOR DUANE: Right. So thank heavens for that momentary break so that I could check that out.

Anyway, through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT MEIER: Senator Skelos, do you yield?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Although I'm an honest person: I have to say it was staff that pointed it out to me and that I actually did not do it myself. I cannot tell a lie.

Anyway, if the sponsor would continue to yield.

SENATOR SKELOS: Yes.

SENATOR DUANE: The bill mentions that a parent, parents, or legal guardian must be notified and permitted to be present during a sexual harassment case. And while I agree that an adult should be present for such a proceeding, I believe that the -- there are instances when the best interests of the child might be better served by having someone other than the parent, parents, or legal guardian there.

For instance, a child may prefer to have a counselor or -- you know, a guidance counselor or a teacher or even a clergy member present for the interview.

I'm wondering if the sponsor believes that those people are excluded as the adult who could be in on the interview.

SENATOR SKELOS: I could almost

give you the unamended answer that I gave to you last year, that I feel that it should be the parent or the legal guardian or parents that should be informed and be part of that proceeding.

SENATOR DUANE: And I actually have another question which I'm not sure I even asked last year. Which is in, for instance, a divorce, if the parents are involved in divorce proceedings, would the child get to decide between the custodial or the noncustodial parent?

SENATOR SKELOS: Parents. That would be plural.

SENATOR DUANE: Through you, Mr. President.

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

SENATOR SKELOS: And I believe you did ask the question last year.

But I would have both parents be notified.

SENATOR DUANE: Through you, Mr. President. Would the child get to decide which parent?

SENATOR SKELOS: Would the child -

SENATOR DUANE: Get to choose whether they want -

SENATOR SKELOS: No. No. The law would require the parent, parents -

SENATOR DUANE: The custodial parent.

SENATOR SKELOS: -- or legal guardian be notified.

SENATOR DUANE: Thank you, Mr. President.

Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

700, by Senator Hannon, Senate Print 6546, an act authorizing the assessor of the County of Nassau to accept an application.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Hannon, an explanation has been requested of Calendar 700 by Senator Duane.

SENATOR HANNON: Yes. This is a bill that would, as many others like it, grant the right to a not-for-profit to get a tax exemption as of the date it acquired a certain piece of property and not have to have waited for the next roll to take effect.

Subsequent to the period for which this bill applies, the subject tax-exempt organization has already been granted tax-exempt status. So this applies just basically to a limited period of time.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: If the sponsor would yield, Mr. President.

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

SENATOR HANNON: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Do we have a home rule message on this?

SENATOR HANNON: These do not require a home rule message.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR HANNON: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Is there a fiscal impact note?

SENATOR HANNON: No, there isn't a fiscal impact memo. But there is an estimate by the not-for-profit that this is something that would cost about $65,000.

SENATOR DUANE: Thank you.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: I'm sorry, Senator Dollinger.

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

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

SENATOR DOLLINGER: Mr. President, I continue to vote no against these tax exemptions that come through for Nassau County. I continue to urge some kind of statewide bill that would provide the kind of relief that the sponsor here, in diligent pursuit of his constituent responsibilities, brings to us.

But I'm concerned that we're starting to look more like the Tax Assessment and Abatement Board in Nassau County than we are like the State Legislature. This is probably the eighth or tenth one of these that we've done this year. And although I

appreciate the difficulties that they may have in Nassau County and the need to get these exemptions, we just keep doing these special bills time and time and time again.

A statewide bill that would give everybody in this state, if it's not-for-profit, that meets the tax filing date, some way to get a pro rata share of their taxes abated or to be reduced seems to me to make good sense. But as long as we continue to do it in this helter-skelter fashion, I just think it's the wrong thing to do.

I'll continue to vote no on these, Mr. Chair, with the hope that my colleagues from Nassau County will come forward with a statewide bill, or even if it's a bill just for the -- given the peculiarities of Nassau County, where they can deal with these one at a time as they deem appropriate.

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

Senator Hannon, to explain his vote.

SENATOR HANNON: Notwithstanding

the fact, Mr. President, that what I'm about to say will probably encourage Senator Dollinger, I want him to know that I do have a statewide bill, because I think that is a fair way to do it.

But it occurred to me that while that was pending that I ought to at least afford the folks in this case the same type of representation that others have brought for their not-for-profits. And that's why I'm putting this forward.

And so we will try to address this in a more systematic way, since that probably is the most fairest way to deal with it. But until then, this bill ought to be passed because it would then be fair to the individuals involved.

Thank you.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 259, by Senator Goodman, Senate Print 1122, an act to amend the Penal Law.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, to explain my vote on this bill.

ACTING PRESIDENT MEIER: Well -

SENATOR MONTGOMERY: I would like to just -

ACTING PRESIDENT MEIER: Senator Montgomery, if you're going to explain your vote, let me do the roll call and then we'll recognize you immediately.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator

Montgomery, to explain her vote.

SENATOR MONTGOMERY: All right. I just -- the -- my original request to have the bill laid aside was because I did want to just make a comment for the record on this legislation.

We have already in law the ability for a judge to sentence consecutively in these cases. So I believe what Senator Goodman's bill will do is remove that discretion from the judge. And I just object to us continuing to put forth legislation that essentially ties the hands of the judiciary.

So I'm voting no on that. Thank you.

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

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I just think it's bizarre, as I did last year, that we are voting on this bill separately from SARA, which I believe we're about to vote on today. I believe that the provisions of this bill would be better

debated within the provisions that are contained in SARA, and that they shouldn't be separated out.

So, you know, whether I'm for this or against this is, from my point of view, beside the point. This really belongs as part of the entire sexual assault package which we will be voting on in just a few minutes.

So I'm going to vote no on this at this time. Thank you, Mr. President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Dollinger and Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Excuse me. In relation to Calendar Number 259, Senators Duane and Montgomery recorded in the negative. Ayes, 56. Nays, 2.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 260, by Senator Volker, Senate Print 1592B, an act to enact the Sexual Assault Reform Act of 2000.

SENATOR MONTGOMERY: Explanation, please.

ACTING PRESIDENT MEIER: Senator Volker, an explanation has been requested by Senator Montgomery of Calendar 260.

SENATOR VOLKER: Mr. President, this bill is a bill that's been on the calendar and was recently amended. It's the Governor's program bill on sexual assault reform.

Since the Assembly has announced that they are about to introduce their own bill on sexual reform, which from the press release and from what I understand appears to be reasonably close to ours -- it has some differences, but I am really confident. I had a conversation, in fact, personally with the Speaker. And I think there's a very good chance that we're going to see this issue, the sexual assault reform issue, come to a fruition this year.

This bill passed, I think, twice last year. We did an amendment to it that enhanced the ability of people, of victims, to access to the Crime Victims Compensation Board. It was a piece that wasn't in the initial bill. I believe both of these, the bill and the amended bill, passed, I think, 56 or 58 to nothing last year.

The prime differences in the bill this year, by the way, aside from the fact that it's Sexual Assault Reform of 2000 instead of '99, is that there's two prime changes in this bill from previous years.

Number one, there's some exclusions, because there was a number of pieces relating to DNA in the old bill, and - that is, the use of DNA in sexual assault cases, which now is already law, given the bill that -- and I was proud to be the sponsor of it last year, the DNA bill that eventually became law, the Governor's program bill last year.

The second part of this bill is an enhancement of some provisions in here that relate to the date rape issue. It provides

criminal penalties for the possession and sale of flunitrazepam, also known as roofies, and for another drug which I won't try to name - it's GHB. It's gamma hydroxy butyrate acid, whatever. These are two dangerous drugs.

And what we keep doing is -- and we've added some language in here to deal with the new drugs that seem to come just about every year that deal with date rape. I'm sure everybody realizes what this is about. This is particularly a problem in some of our college settings, where people are using these new drugs to get people in a position where they're unable to resist and therefore these people are raped.

Now, technically it's rape, but it's very difficult to prosecute in many of these cases. And what this bill is designed or this provision is designed to do is to deal with that.

Let me just say that, very quickly, that the -- some of the material that we've put out said that there hasn't been any major changes in 24 years. Well, I was proud that I was part of those changes. But I must say

that some of the provisions that we are amending today are a lot older than 24 years. Some of them are 60 or 70 years old.

I think some of you know that I led one of the largest rape task forces in upstate New York's history as a police officer many years ago. It was one reason why I decided to try to come here to deal with it, because it was impossible, for instance, to get a rape 1 conviction, or virtually impossible.

Under the old law, which we changed 24 years ago, the corroboration statute - and, by the way, within this bill is another improvement in that issue of corroboration for dealing with people who are mentally disabled, because that has become a difficult issue in some of these cases.

There's a series of issues in this bill that are dealt with. The penalties are increased. We provide a number of things that will improve not only enforcement but the treatment of people who are raped and sexually assaulted and so forth.

So I think that this bill -- and - is something I think whose time has come. And

I would hope very much that before this year is out we'll have an agreement with the Assembly and it will be signed into law.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Right, Mr. President. If Senator Volker would just yield for a clarification question.

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

SENATOR VOLKER: Sure. Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Yes, Senator Volker. I just want to be clear about in every instance of a case where sexual abuse is the charge, is there an automatic requirement that a DNA examination be done?

SENATOR VOLKER: No, there's no automatic requirement.

SENATOR MONTGOMERY: No matter if it's requested?

SENATOR VOLKER: No, there's no automatic requirement. But it's pretty -- and

remember that DNA is now used in a great number of cases. And obviously you cannot necessarily compel someone who is charged, for instance, to give up their DNA.

In fact there's bills, as you know, that would compel someone to give a DNA sample if they're arrested, but we've never passed that. We've passed it upon conviction in a number of cases, but we have not passed it previous to that.

So the answer is no, but DNA is always available today to deal with the issue of guilt or innocence.

SENATOR MONTGOMERY: Okay. If I can just ask it in another way, sort of the same question.

In the case of rape, am I correct to assume that it is automatic that the hospital will make an investigation, an examination, a rape -- put together a rape kit of some sort?

SENATOR VOLKER: Well, we were just talking that there are certainly rape kits available.

But the investigation is part of

the crime investigation, and that's why we tell people that what they must do is -- and having some experience in rape cases, we used to believe that only one out of three or four were actually reported. And obviously if they're not reported, you can't investigate them.

So the answer is are they automatically investigated, no, because a complaint has to be made before there's an investigation.

But what this bill would do is to provide better tools to deal with these kinds of issues. And we would hope that we'll do even more in the area to provide better treatment and to provide better prosecutorial ability and give people the confidence to report that, so that we can make sure we get these people off the streets.

SENATOR MONTGOMERY: Okay. If I can pursue my question.

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

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR MONTGOMERY: Okay, thank you.

Senator Volker, I'm not absolutely clear. Is -- in cases where there is a report, there is a charge of rape, is the victim required to give a DNA sample which is available to be used by the defendant, assuming that a person wants to defend themselves in a rape case?

SENATOR VOLKER: No, there's no requirement certainly that the victim must give a sample, just as there's no requirement absolutely that the defendant has to give any sample, for DNA or anything else.

What generally happens in a rape case is that there are cultures taken to determine whether a person has been raped or -- semen samples and things of that nature. That's not DNA. That's part of the evidentiary process that goes forth. But there is nothing that compels that.

But that is part of the process on which you prosecute and deal with these kinds of crimes.

SENATOR MONTGOMERY: All right, just one last question.

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

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Senator Volker, I note that one of the sections of the law deals with rape in the third degree as a Class E felony.

SENATOR VOLKER: Right.

SENATOR MONTGOMERY: And in many instances where there is something that happens and it's only -- there are only two people, but there's a witness, essentially, and a person is charged with a rape, you know, it's -- maybe they changed their mind at some point and they decide this is a rape case, or that I've actually been raped. You know, I really didn't intend to do that; so now, as far as I'm concerned, I was raped. You know, I got into this before I thought about it.

What can we -- how do we determine those kinds of cases that are extremely, you

know, questionable, where -- you know what I mean -- it's not absolutely clear that this was in fact a rape case?

SENATOR VOLKER: Well, here's the -- this is a criminal prosecution. It's proof beyond a reasonable doubt, that they must -- you must find them as guilty beyond a reasonable doubt.

Frankly, if there's just, as so often it is, two people, that's why you look for physical evidence. And if you find no physical evidence, it is a difficult case to prove. And if there is any kind of evidence that shows that the person did consent, then obviously that's a defense to any prosecution. It's an evidentiary issue.

And one of the main reasons why any good law enforcement person will make sure that they try to find physical evidence is, very honestly, it's very difficult to convict someone if you don't have any evidence other than the word of an individual person.

You don't want to make that too difficult, however. Because the old corroboration rules meant that what happened

is if you didn't have any evidence at all, you couldn't really prosecute. And you don't want that to happen.

So I think the answer is there's no absolutely pat answer, but you still -- under our law, the United States is the -- is a country that you must prove beyond a reasonable doubt someone's guilt. And that's not easy to do. But that's because that's the way our law is.

So you have to have evidence. And, generally speaking, you need more evidence than just if somebody says that person did this. You have to prove it.

SENATOR MONTGOMERY: Thank you, Senator Volker.

SENATOR VOLKER: You're welcome.

SENATOR MONTGOMERY: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yeah. This really is a -- you know, it's an extremely complex issue, I think. And it's been dealt with, I think for the most part, with a lot of

thought and -- on both sides. People have really tried to make it as fair as possible.

I just want -- I feel a sense of caution about it because there have been instances where people have spent very long periods of time in prison. And the whole issue of rape has been the center of a very long period of extremely vicious attacks, especially on African-American men, because they were accused of rape.

And since we didn't really have, at that period of time, any way of -- any scientific way of determining guilt or innocence, it was just automatically assumed that by the word of one person, another person was automatically assumed to be guilty.

We're beyond that now. But, by the same token, we have not put into this legislation or any other legislation an affirmative requirement that in every case where rape is charged there must be DNA made available which would hopefully -- or some proof be made available which would allow us to ensure that persons accused of rape are in fact guilty.

We certainly don't want to see someone sitting in prison for a long period of time and then, after 18 or 20 years, some committed lawyer comes along, a defense attorney comes along, takes the case, somehow is able to access the proof and, lo and behold, the person is found to be innocent. That's a tragedy.

So that was one of the reasons why I wanted to ask those questions. It's why it makes it very, very difficult for me to support the legislation, even though I understand there is an agreement and there will be legislation.

But I certainly hope that in the end we have a stronger defense mechanism, i.e., to make sure that every single person who is accused has access to information which would help in a defense, assuming they may be innocent.

Thank you.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, some of the points that Senator Montgomery

makes are quite a propos to this discussion.

And it's taken a long time to craft this bill, which Senator Volker was kind enough to let me assist him. And I wanted to thank him for really eight or nine years of effort in trying to put a bill forth that answers a lot of the issues that Senator Montgomery and others have raised over the years.

And perhaps, if this is a science in addition to law making, there may even be some further corrections that actually could be made.

But I just wanted to point out that many years ago I had asked Senator Volker if we could examine this subject more fervently, particularly in the area of child sexual abuse where the victims are barred by the statute of limitations, and we try to start addressing some of those issues. Because the victims quite often, because of their minor status, are unable to in a sense be held to the same standard that those who are in the majority are.

And so over those years Senator

Volker has been quite out front in his leadership on this subject. We've had hearings in Long Island, Buffalo, Syracuse, New York City, and other places. And it's just been a pleasure to be part of it. And I wanted to thank him for his assistance.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 46. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Volker, why do you rise?

SENATOR VOLKER: No, no.

ACTING PRESIDENT MEIER: Oh. You looked so intent, Senator Volker.

Senator Skelos, that completes the controversial calendar.

SENATOR SKELOS: Mr. President, would you please recognize Senator Paterson for an announcement.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Let's see. Mr. President, there will be an immediate conference of the Minority in the Minority Conference Room, which is Room 314 in the Capitol, directly after session.

Immediate conference of the Minority for the Minority members. But if you'd like to know what went on there, I would be willing to share with you later in the evening.

ACTING PRESIDENT MEIER: Immediate conference of the Minority in the Minority Conference Room after session.

Senator Skelos.

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

ACTING PRESIDENT MEIER: No, there is not.

SENATOR SKELOS: There being no further business to come before the Senate, I move we adjourn until Wednesday, May 3rd, at 11:00 a.m.

ACTING PRESIDENT MEIER: On

motion, the Senate stands adjourned until Wednesday, May 3rd, at 11:00 a.m.

(Whereupon, at 4:10 p.m., the Senate adjourned.)