NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 4, 2000

2:06 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 each bow our heads in a moment of silence.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 3rd, the Senate met pursuant to adjournment. The Journal of Tuesday, May 2nd, 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Libous, would you please place a sponsor star on Calendar Number 203.

THE PRESIDENT: The bill is starred.

SENATOR FARLEY: On behalf of Senator Skelos, Madam President, on page 27 I offer the following amendments to Calendar Number 466, Senate Print 902D, and I ask that it retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Madam President,

on behalf of Senator LaValle, I wish to call up his bill, 807, which was recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 141, by Senator LaValle, Senate Print 807, an act to amend the Education Law.

SENATOR FARLEY: Madam President, I now move to reconsider the vote by which this bill passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

SENATOR FARLEY: I now offer the following amendments.

THE PRESIDENT: The amendment is received.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 31, by Senator Saland, Senate Print 2320, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to access to records.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 37, by Senator Rath, Senate Print 5787B, an act to amend the Penal Law, in relation to civil liability.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 51, by Member of the Assembly Butler, Assembly Print Number 3947 -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 136, by Senator Trunzo, Senate Print 4604, an act to amend the Highway Law, in relation to

designating.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 223, by Senator Volker, Senate Print 2866, an act to amend the General Business Law, in relation to real estate syndication.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 398, by Senator Alesi, Senate Print 181, an act to amend the Penal Law, in relation to the crime of failure to obey.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 425, by Senator Rath, Senate Print 5606A, an act to amend the Penal Law, in relation to falsely reporting.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect in 90 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 484, by Senator Libous, Senate Print 3531, an act to amend the Mental Hygiene Law, in relation to payments.

THE PRESIDENT: Read the last section.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 502, by Senator Meier, Senate Print 3685B, an act to amend the Domestic Relations Law, in relation to confidentiality.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2001.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46. Nays, 3. Senators Duane, Kuhl, and Larkin recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 562, by Senator Marcellino, Senate Print 6460, an act to amend the Tax Law, in relation to the registration.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 579, by Senator Stafford, Senate Print 7063, an act approving the exchange of certain lands.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 595, by Member of the Assembly Luster, Assembly Print Number 682, an act to amend the Town Law, in relation to the method of authenticating.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 634, by Senator Johnson, Senate Print 3212, an act to amend the General Business Law, in relation to the submission.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 641, by Senator Volker, Senate Print 110, an act to amend the Penal Law, in relation to determining whether a prior conviction is a predicate felony conviction.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 643, by Senator Goodman, Senate Print 789, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 645, by Senator Meier, Senate Print 1265A, an act to amend the Civil Rights Law, in relation to the right of public petition and participation.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2001.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Volker, Senate Print 4276, an act to amend the Civil Rights Law, in relation to the confidentiality of personnel records.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator Morahan, Senate Print 6026B, an act to amend the Penal Law and the Criminal Procedure Law, in relation to fixing sentences.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 666, by Senator Nozzolio, Senate Print 7087, an act to amend the Correction Law, in relation to presentation of a state flag.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 681, by Senator Wright -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 692, by Member of the Assembly Wright, Assembly Print Number 4368A, an act to authorize the United Pentecostal Church to file an application.

SENATOR MEIER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 703, by Senator Balboni, Senate Print 6852, an act authorizing the assessor of the County of Nassau to accept an application.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 709, by Senator Libous, Senate Print 7139, an act to authorize the City of Norwich, in the County of Chenango, to file an application.

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

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 737, by Senator Libous, Senate Print 7285, an act to amend the Public Officers Law, in relation to residency.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 760, by Senator Saland, Senate Print 7137, an act to amend Chapter 505 of the Laws of 1985, amending the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR SKELOS: Thank you, Madam President. If we could go to the controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 31, by Senator Saland, Senate Print 2320, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to access to records.

SENATOR PATERSON: Explanation, please.

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 37, by Senator Rath, Senate Print 5787B, an

act to amend the Penal Law, in relation to civil liability.

SENATOR DUANE: Explanation, please.

THE PRESIDENT: Senator Rath, Senator Duane is requesting an explanation.

SENATOR RATH: Thank you.

The bill is very straightforward. It will allow jurisdictions, that are the ones who are responsible if a false reporting of a weapon of mass destruction is placed -- for example, in a school or a bank or wherever it might be placed -- and someone is expected to respond as a fire district or one of the responding people.

And if there is a cost, and I can't imagine that there would not be a cost connected with this, they can apply for relief and get that relief. And the person who has falsely placed this weapon and falsely reported it would be held liable.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you. Would the sponsor yield?

SENATOR RATH: Surely.

THE PRESIDENT: Senator Rath, do you yield?

SENATOR RATH: Surely.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: I'm wondering if it isn't the purpose of ambulances and fire departments, police departments, et cetera, to respond to each call that's made as part of their duties.

SENATOR RATH: Yes, it is, Senator Duane.

But I think that the gravity of the issue, if you're talking about an anthrax scare, something of this sort, the possibility not only of an injury of a firefighter or an ambulance person that was called out, and also the huge kinds of equipment and the need to bring out all of the protective clothing, et cetera, those things should not be borne by the taxpayer.

If we have a prankster or we have a group of terrorists who think it's funny to clear out a school building or an office building, and we have all the responding fire

companies there, it's checked out and it's a false scare, I think we need to send a very clear message. And that message will be very clear if someone is held liable and has to pay for what they think might be funny.

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

THE PRESIDENT: Senator Rath, do you yield?

SENATOR RATH: Surely.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: In terms of sending the message, I'm wondering if there's any educational component contained in the bill.

SENATOR RATH: Not this particular bill. But I think that your thought is very worthwhile, and I think that as this moves forward, we should be talking in terms of that. Thank you, Senator Duane.

SENATOR DUANE: And another question, Madam President, through you.

THE PRESIDENT: Senator Rath, do

you yield?

SENATOR RATH: Surely.

THE PRESIDENT: Go ahead, Senator.

SENATOR DUANE: I'm wondering if -- is the way that the bill is fashioned now that the money just goes into a general fund? Or is the money going into a dedicated source, the fire department or even an educational program for students? Or does it just go into the general fund?

SENATOR RATH: At this point it would go to the damaged -- the person who had requested the coverage for their damages; again, a fire department or an ambulance company.

And no, there is no designation or earmarking for an education fund. But I think that that would be a very good idea, and I think we should be looking to it.

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

SENATOR RATH: Surely.

THE PRESIDENT: Senator Rath, do

you yield for a question?

Senator Duane, you may proceed if you have a question.

SENATOR DUANE: This is more a clarification.

I wasn't sure whether you said it would go to a person who might have been injured who works for one of those departments, or it just goes generally to the department, or it goes to the general fund and then it's expected it goes -

SENATOR RATH: No, it would go to the department.

SENATOR DUANE: It goes to the department.

SENATOR RATH: Right.

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

I'm going to vote in the negative on this. I could see if we had an educational component that there might be some merit to this. But I believe that the reason we pay taxes is to have services like fire, ambulance, police departments responding as part of their normal course of business.

So I expect to be voting no on this legislation. Thank you, Madam President.

THE PRESIDENT: Read the last section.

Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Rath would yield for a question.

SENATOR RATH: Surely.

THE PRESIDENT: Senator, do you yield?

Go ahead, Senator Paterson.

SENATOR PATERSON: Senator, I noted another bill by Senator Balboni for the false reporting of a bomb, like a bomb scare, increasing the penalties for that type of situation. How does your bill differ from his piece of legislation?

SENATOR RATH: This bill is tied specifically to another bill that's been approved today, down the agenda a ways, the bill that deals with the weapons of mass destruction.

SENATOR PATERSON: Thank you, Madam President. If the sponsor would

continue to yield.

SENATOR RATH: Surely.

THE PRESIDENT: Does the sponsor yield?

You may proceed, Senator Paterson.

SENATOR PATERSON: Excuse me?

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Oh, thank you. Thank you.

THE PRESIDENT: You're welcome.

SENATOR PATERSON: Is the issue of your legislation to -- without looking at sentencing guidelines, to increase the penalties based on the added encumbrance to the uniformed services?

In other words, are you saying that because of the tremendous strain that a false reporting would encumber the uniform services, that that's different than, let's say, false reporting of a regular crime, maybe a false reporting of -- of breaking and entering or something like that where we already have legislation?

SENATOR RATH: No, that is

specific to other kinds of infractions that would be handled. This one being tied to a weapon of mass destruction, the kinds of equipment that are necessary if an anthrax scare, for example -- when you have hazmat teams that have to go out.

Having worked at another level of government, and I'm sure you're familiar too, the costs in order to have that equipment available and ready. And then you're caught up with the speed of the response when you've got something as dramatic as anthrax that you're talking about.

And there were a couple of incidents like this that happened in my district -- well, in my community, I would say. Not in my specific district, but nearby. And there was a lot a concern about the costs and about people who think that it's funny to move forward and make a statement like this that they have placed a weapon of mass destruction and, again, watch a school building or an office building clear out, and the attendant companies that have had to respond to the threat, the cost to them.

SENATOR PATERSON: Madam President, I'm convinced by Senator Rath's argument. And I basically agree with the legislation.

I'm just asking a question from the technical point of view, if the Senator would continue to yield. That is, that -

THE PRESIDENT: Go ahead.

SENATOR PATERSON: -- are we not increasing the penalties based on the type of crime it is?

And the reason I'm asking the question is that otherwise, if a person did this right now, we do have a law on the books that we could exercise. It's not as if we couldn't prosecute these people right now.

But my -- what I'm asking is, what is the basis for the drafting of the legislation? And I assume that your answer, Senator Rath, is because of the added burden that it puts on society. It's more than just reporting a false fire alarm, it is now creating a duty on the part of the firefighters and the police and the emergency service workers that they have to exercise

great cost and risk to respond to this particular false alarm.

SENATOR RATH: Exactly right.

SENATOR PATERSON: Thank you. Madam President.

THE PRESIDENT: Senator Paterson, on the bill.

SENATOR PATERSON: Thank you, Madam President, on the bill.

I'm going to vote for this piece of legislation, but I did not want it to go by - and particularly, I didn't want it to go by since Senator Duane asked questions on the bill -- without Senator Duane and the rest of our colleagues here today recognizing that this is exactly the type of legislation that we pass all the time, but when it comes to other issues -- and they may not be germane to the discussion, so I won't mention issues such as the hate crimes bill -- that this is the exactly same type of theory.

That you may have a crime that is already covered in the legislation, but when you look at the added duty that it places on society and the added fear that this type of

false alarm engenders, you recognize that you're going to have to not just wait for the sentencing, which is what we usually do, where the judge, sui sponte, the judge will determine how serious the punishment should be. You want to build it right into the law, which is what Senator Rath did in this legislation.

So I gladly support this legislation. I will vote for it, with the admonition to all of my colleagues that in the future we might want to think of this when we are getting up and telling our colleagues that the law is just a law and a crime is just a crime.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a chapter of the Laws of 2000.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 136, by Senator Trunzo, Senate Print 4604, an act to amend the Highway Law, in relation to designating.

SENATOR PATERSON: Explanation.

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

SENATOR TRUNZO: Madam President, this bill clarifies the Commissioner of the Department of Transportation Authority to designate New York State scenic byways upon the recommendation of the Scenic Byways Advisory Board. Simple bill.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 223, by Senator Volker, Senate Print 2866, an

act to amend the General Business Law, in relation to real estate syndication offerings.

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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 398, by Senator Alesi, Senate Print 181, an act to amend the Penal Law, in relation to the crime of failure to obey a police officer.

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.)

SENATOR PATERSON: Madam President.

THE PRESIDENT: Senator Paterson,

why do you rise?

SENATOR PATERSON: It's my mistake, Madam President. Might we withdraw the roll? Because I have a couple of questions, and I believe Senator Montgomery does.

THE PRESIDENT: The roll call is withdrawn.

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. And thank you for doing that. Would the -

THE PRESIDENT: Senator Alesi, do you yield for a question, a couple of questions?

SENATOR ALESI: To Senator Paterson, absolutely.

THE PRESIDENT: Go ahead. You may proceed, Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. There is no one in this house that I have greater respect for, nor is there anyone I'd like to ask questions of more than Senator Alesi. So through you, Madam President.

Senator, sometimes particularly women driving in a car late at night have been confused when they have been ordered to pull over by law enforcement -- and there have been a number of cases documented on this type of subject -- particularly when the law enforcement vehicle is not marked.

And there have certainly been situations where individuals have pulled over, thinking they were respecting law enforcement, and wind up getting -- victimized. That word just came to me.

And the question that I asked, Senator Alesi, is are you sure that you are - that the legislation is not perhaps a little overbroad and that individuals who legitimately are fearing for their lives, they are law-respecting and they'll pull over when they see that it's really a situation where law enforcement wants to apprehend them or at least consult with them. But at the same time, I wouldn't want anyone who legitimately was in fear of their life to be prosecuted under the type of legislation that we're considering right now.

SENATOR ALESI: Thank you for that excellent question, Senator.

I think that that comment could also be made by a man who might be in fear of his life or be in fear of some danger because he would be uncertain as to who it really is that's pulling him over. So for the sake of your question, let's say anybody could be in fear.

And in answer to your question, let me ask you a question, if I may. Through you, Madam President, would the Senator yield for a question for clarification?

SENATOR PATERSON: By all means and without reservation, Madam President.

SENATOR ALESI: Senator, are you -- does your question refer to that section of this bill that deals with the high-speed chase or the section of the bill that deals with the just failure to stop?

SENATOR PATERSON: Well, Madam President, in response to the question, it actually relates to both. Because in some of the situations people are feeling that they were actually being forced off the road by

other cars. And unfortunately, we have a lot of criminals who do that.

And Senator Alesi properly corrected me that there are a lot of men who are in that same fear. I've never been in any fear as a man when I was behind the wheel.

(Laughter.)

SENATOR PATERSON: But the point is that I guess there are some other men that feel that way.

But the real heart of my question is that they thought they were escaping and they were actually speeding to get away from the pursuer. And then to the other part of the legislation, just the failure to yield itself sometimes came from that reason.

And although there are many people who are avoiding the police, and we don't want to -- just as in the last bill that Senator Rath brought up, we don't want to increase the risk for police officers to have to drive faster or to have to employ extraordinary means to apprehend someone who is fleeing justice. And so I can see the nature of the legislation.

At the same time, on both counts with which I was referring, we don't want for legitimate citizens who, you know, may be in some type of confusion as to why they're being pulled over and even suspecting whether or not it's actually an arm of law enforcement or a level of criminality and are just trying to get away.

SENATOR ALESI: Thank you for your succinct response, Senator.

If I may then answer your original question, I think that someone who was in fear and therefore did not yield or stop as ordered or as should have known that they should have, that that would be a suitable defense. And that could be taken into consideration in court.

SENATOR PATERSON: Madam President, on the bill.

Once again I am persuaded by Senator Alesi, who is very thoughtful. And I think the legislation is good.

But I would just like to point out that though that may be a defense, and perhaps the individual might prevail, in the final

account it would be a harsh brush with justice for an individual, be they male or female, to be feeling that they are escaping criminality, particularly at night on the road, roads perhaps the person hasn't traveled before, when at times -- and I'm not saying that this is the majority of the time, but there are instances where individuals who work in law enforcement become personally antagonized because they give the signal to the vehicular operator to stop and the vehicular operator doesn't stop. And at that point they don't want to hear what the excuse may have been or what might have been the motivating purpose, because they are so angry that their admonition to stop was not adhered to.

And I think it is something serious, and I hope that in negotiations with the Assembly that this point will be addressed.

THE PRESIDENT: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, thank you, Madam President. I would like to ask Senator Alesi a question, if he would yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR ALESI: Yes.

THE PRESIDENT: You may proceed, Senator Montgomery.

SENATOR MONTGOMERY: All right. Thank you, Madam President.

Senator Alesi, I was just trying to figure out how this bill applies or would apply to me personally. Because I remember that I was traveling late one night to Albany and I was stopped by a police officer. But I didn't see him until he put his flashing lights on. And when he pulled me over, he says, "I've been following you for a little while."

It's happened to me for a few times. And the reason that I didn't stop was because I didn't see him. Because I always try to make sure I obey the directions of any law enforcement person.

So under your legislation, it occurs to me that had this law been in effect at the time that I was stopped, I could have been -- because I wasn't giving a high-speed

chase by any stretch of the imagination. But it occurs to me that I could have been charged with this -- under your bill, with a misdemeanor or even an E felony.

Is that -- I just wanted to make sure how this would affect me and some other people that I know in this room who are stopped fairly regularly.

(Laughter.)

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: In my response, I guess that at least the nameless people that you referenced are separate circumstances.

But in your circumstances, Senator, I would assume that the high-speed chase would not be part of your argument. Would I be correct in that assumption?

SENATOR MONTGOMERY: Correct. It was not a high-speed chase. It was just that I didn't see the officer. So theoretically he could have said I was trying to avoid him.

SENATOR ALESI: Senator, if I may, so I clearly understand this, did I understand you to say that it was in the evening?

SENATOR MONTGOMERY: It was late at night. I've been also stopped during the day, similarly. But usually I can see more in the day than at night.

SENATOR ALESI: Thank you. If I may continue, through you, Madam President.

In the instance in the evening, did the officer have his flashers on?

SENATOR MONTGOMERY: Not for a while.

SENATOR ALESI: But at the point when you saw the flashers you knew or reasonably should have known that he was ordering you by the use of his flashers to pull over, and you pulled over.

SENATOR MONTGOMERY: Absolutely.

SENATOR ALESI: So if I may continue, through you, Madam President, then under those circumstances you complied with the law as it existed and as it would exist under this law here. So you would not have had a problem in either circumstance.

SENATOR MONTGOMERY: All right. Thank you, Senator Alesi.

SENATOR ALESI: Thank you.

SENATOR MONTGOMERY: Madam President, just briefly on the bill.

I want to say for the record that I have some hesitation about this legislation, similarly to Senator Paterson, that there are instances where a person really is not aware that they are being asked by a police car to pull over -- because obviously we're talking about vehicles now. And you would have to be extremely alert that there is a vehicle in back of you pursuing you and in fact demanding that you stop. Often it happens people are not aware; they don't stop.

And in fact, based on Senator Alesi's legislation, which says any person operating a motor vehicle who reasonably should have known that he or she has been directed to stop would be charged. So I think it's a little loose. It needs to be a bit tighter in terms of the level of guilt that would invoke such a charge.

So I'm going to vote no on this legislation, Madam President.

THE PRESIDENT: Senator Coppola.

SENATOR COPPOLA: I -- just for

clarification. Can I ask a question, please, of the sponsor.

THE PRESIDENT: Does the sponsor yield?

SENATOR ALESI: I'd be happy to.

THE PRESIDENT: Go ahead, Senator.

SENATOR COPPOLA: On my colleagues' concern, wouldn't it be appropriate also that you not only have the flashing light on but you would have the siren to let people know that they have to stop? Wouldn't that be correct?

SENATOR ALESI: I think that that would be an added advantage to both parties concerned, Senator.

SENATOR COPPOLA: And can't we add the siren at the same time so they would know?

Because a lot of people are very apprehensive, they don't look at the rearview mirror. And there is no way out if the siren is on, and it should be. I mean, just a little blast of the siren and I think you're correct with your proposal.

SENATOR ALESI: Thank you very much, Senator. Can I assume, then, that you'll be voting for the bill?

SENATOR COPPOLA: Yes.

SENATOR ALESI: 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: Those recorded in the negative on Calendar Number 398 are Senators Montgomery, Paterson, and Rosado. Also Senator Onorato. Ayes, 51. Nays, 4.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, could you please call up Senator Stafford's bill, Calendar Number 579.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number

579, by Senator Stafford, Senate Print 7063, an act approving the exchange of certain lands between the Town of Keene and the people of the State of New York.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, we've had this bill in the house many times, and Senator Stafford has -- this is a new bill?

Explanation, Madam President.

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

SENATOR STAFFORD: Thank you, Madam President. Thank you, Senator Skelos.

This is enabling legislation to take care of the proposition that was passed by the people of the State of New York. The state gets 144 acres, and Keene gives up 144 acres and gets 12 acres to expand their cemetery.

This is supported by the -- a number of organizations including the Adirondack Council. And the state is really coming out very well on this. It gets 144 more acres and only loses 12.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, it sounds like a dead issue to Senator Onorato.

But to the rest of us, the state is getting back twelve times the capacity in terms of land mass than it's actually giving up, which led me to believe that there must be something about that particular 12 acres that must be kind of interesting.

But the question I just had for Senator Stafford was, did EPL have a position on this? And other than that, the bill is fine.

SENATOR STAFFORD: No memo, Madam President.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: No memo, Madam President.

And I also would point out that this can never be used for anything other than a cemetery. It can't be leased or sold or anything like that.

Thank you.

THE PRESIDENT: There is a home

rule message at the desk.

Read the last section.

THE SECRETARY: Section 7. 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.

SENATOR SKELOS: Madam President, if we could go back to the calendar, controversial, in regular order.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 484, by Senator Libous, Senate Print 3531, an act to amend the Mental Hygiene Law, in relation to payments.

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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 562, by Senator Marcellino, Senate Print 6460, an act to amend the Tax Law, in relation to the registration of cigarette and tobacco product.

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 595, by Member of the Assembly Luster, Assembly Print Number 682, an act to amend the Town Law, in relation to the method of authenticating petitions.

SENATOR DOLLINGER: Explanation. A brief explanation, Madam President.

THE PRESIDENT: Senator Maltese,

an explanation has been requested by Senator Dollinger.

SENATOR MALTESE: Madam President, this is an act to amend the Town Law in relation to the method for authenticating petitions for referendum and making technical corrections.

This is a bill that was originated by Assemblyman Luster. In 1998 it passed, I believe, 140 to zero in the Assembly. In 1999, it passed 148 to zero.

Basically, it streamlines the town referendum process by establishing a uniform manner by which signatures on various kinds of petitions may be acknowledged, proved, or authenticated. It establishes uniform language.

And an example was that current provisions of the Town Law for the -- setting forth the procedure for referendum are unclear and inconsistent and therefore impede the democratic process. For example, the current language of Section 209(e) of the Town Law effectively requires anyone wishing to circulate a petition for referendum on the

question of extension of town improvements to have each signature notarized, a logistic near-impossibility. At the same time, other sections of the law that -- require that petition signatures be authenticated in various matters.

This bill makes the Election Law applicable to all petitions for town referenda.

SENATOR DOLLINGER: Through you, Madam President, will Senator Maltese yield to one question?

THE PRESIDENT: Senator, do you yield?

SENATOR MALTESE: Sure.

THE PRESIDENT: Go ahead, Senator Dollinger.

SENATOR DOLLINGER: Senator, as you know, I occasionally read these bills -

SENATOR MALTESE: I hope so.

SENATOR DOLLINGER: -- and this one particularly struck my fancy. And my question is, what is the effect of repealing paragraph C of that provision of the Town Law? That's the one thing that's missing from the

bill, of course, is exactly what's being repealed. It says it's repealed, but it -

SENATOR MALTESE: Where is that, Madam President?

SENATOR DOLLINGER: Through you, Madam President, I'm simply pointing to the calendar which says "to repeal paragraph C of subdivision 2 of section 50A." And I wasn't sure what the effect of the repealer was, which is the basis for my question.

SENATOR MALTESE: All right, let's see if we can find it. That's paragraph C of Section -

SENATOR DOLLINGER: Subdivision 2 of Section 50A.

SENATOR MALTESE: Believe it or not, I have subdivision 2, Section 50A. Applications. The provisions of this article -- well, it talks about -

SENATOR DOLLINGER: Subparagraph C is the one that's repealed.

SENATOR MALTESE: C. This is it now.

"That in the event the town board of a town having a population of at least

25,000 shall adopt such a resolution on or before July 1, 1963, a referendum on petition, if any, shall, notwithstanding the provisions of the paragraph B, be held thereon at the election in November 1963" -- "be held thereon in the election in November 1963, and the resolution is approved that with such referendum the town shall become a suburban town on January 1, 1964."

And I think, Madam President, that's a perfect example dealing with laws that either take effect or are in effect for 1963 and 1964. And unfortunately, most of us are not as persistent nor as efficient as my good colleague. And probably between the time it was enacted and now, it probably wasn't as closely perused. So that we now have done something that should have been done more than 30 years ago.

SENATOR DOLLINGER: Through you, Madam President. I appreciate -- on the bill.

I appreciate Senator Maltese's candor. It looks like we are axing the hard work of some diligent member of the Senate or the Assembly that created a special bill that

allowed some town somewhere in this state to become a different class of town based on a referendum.

But it's the right thing to do to clarify these bills. I always just ask whenever we're repealing stuff. I work with a bunch of towns, and I just wanted to be assured of that.

But this is the kind of thing we should be doing, actually striking excess language out of statutes. It's a good trend. We ought to continue it.

Thank you, Madam President.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 30. This act shall take effect on the first day of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

Senator Montgomery.

SENATOR MONTGOMERY: Madam

President, may I be recognized to ask for consent to vote no on two bills?

THE PRESIDENT: Yes, Senator Montgomery.

SENATOR MONTGOMERY: Okay. I would like consent to vote no on Calendar Numbers 643 and 656.

THE PRESIDENT: Without objection, Senator, you will be recorded as voting in the negative on Calendars 643 and 656.

SENATOR MONTGOMERY: Thank you.

THE PRESIDENT: You're welcome.

The Secretary will read.

THE SECRETARY: Calendar Number 634, by Senator Johnson, Senate Print 3212, an act to amend the General Business Law, in relation to the submission of fingerprints.

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, 55. Nays,

2. Senators Duane and Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 641, by Senator Volker, Senate Print 110, an act to amend the Penal Law, in relation to determining.

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, 56. Nays, 1. Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 692, by Member of the Assembly Wright, Assembly Print Number 4368A, an act to authorize the United Pentecostal Church to file an application.

SENATOR SKELOS: Explanation.

THE PRESIDENT: Senator Paterson, why do you rise?

SENATOR PATERSON: Me?

SENATOR SKELOS: Explanation sufficient.

(Laughter.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 760, by Senator Saland, Senate Print 7137, an act to amend Chapter 505 of the Laws of 1985.

THE PRESIDENT: Read the last section.

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

SENATOR PATERSON: Explanation,

please.

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

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

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

THE PRESIDENT: No, there is not.

SENATOR SKELOS: Thank you. If we could stand at ease.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:53 p.m.)

(Whereupon, the Senate reconvened at 2:55 p.m.)

ACTING PRESIDENT MORAHAN: Senator Skelos.

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

And the Senate will stand at ease.

ACTING PRESIDENT MORAHAN: There will be an immediate meeting of the Senate Finance Committee in the Majority Conference Room.

And the Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 2:56 p.m.)

(Whereupon, the Senate reconvened at 3:17 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees. There is a report of the Finance Committee at the desk. I ask that be it read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

As a member of the Buffalo and Fort Erie Bridge Authority-Peace Bridge, Louis J.

Billittier, of Hamburg.

SENATOR SKELOS: Move the nomination.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the New York State Energy Research and Development Authority, Timothy Carey, of Montrose.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Timothy Carey as a member of the New York State Energy

Research and Development Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the Board of Trustees of the New York State Higher Education Services Corporation, Jeannine M. Purtell, of Hagaman, and R. Mark Sullivan, of Albany.

SENATOR SKELOS: Move the nominations.

ACTING PRESIDENT MEIER: The question is on the confirmation of Jeannine M. Purtell and R. Mark Sullivan as members of the Board of Trustees of the New York State Higher Education Services Corporation. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed,

nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a trustee of the State University Construction Fund, Francis B. McKenna, of White Plains.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Francis B. McKenna as a trustee of the State University Construction Fund. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As commissioner

of the State Insurance Fund, John F. Carpenter, of Elmira.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of John F. Carpenter as a commissioner of the State Insurance Fund. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the Board of Visitors of the Creedmoor Psychiatric Center, Phillip Click, of Flushing, and Judy Grubin, of Jackson Heights.

SENATOR SKELOS: Move the nominations.

ACTING PRESIDENT MEIER: The question is on the confirmation of Phillip

Click and Judy Grubin as members of the Board of Visitors of the Creedmoor Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Visitors of the Kingsboro Psychiatric Center, Wallace Nottage, of Brooklyn.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Wallace Nottage as a member of the Board of Visitors to the Kingsboro Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed,

nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Visitors of the Manhattan Psychiatric Center, Peter G. Holden, Sr., of New York City.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Peter G. Holden, Sr., as a member of the Board of Visitors to the Manhattan Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the Board of Visitors of the South Beach Psychiatric Center, Linda Blyer, of Brooklyn, and Donald Gray, of Staten Island.

SENATOR SKELOS: Move the nominations.

ACTING PRESIDENT MEIER: The question is on the confirmation of Linda Blyer and Donald Gray as members of the Board of Visitors to the South Beach Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

SENATOR SKELOS: Mr. President, if we could just stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:22 p.m.)

(Whereupon, the Senate reconvened

at 4:14 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: There will be an immediate conference of the Majority in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate conference of the Majority in the Majority Conference Room.

SENATOR SKELOS: Stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:15 p.m.)

(Whereupon, an announcement was made at 4:29 p.m.)

SENATOR DUANE: There will be an immediate meeting of the Minority in the Minority Conference Room, Room 314.

(Whereupon, the Senate reconvened at 5:25 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be a conference of the Majority at

5:30.

ACTING PRESIDENT MARCELLINO: There will be a conference of the Senate Majority at 5:30 in the Majority Conference Room.

The Senate will remain at ease.

(Whereupon, the Senate stood at ease at 5:26 p.m.)

(Whereupon, the Senate reconvened at 6:10 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

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

(Whereupon, the Senate stood at ease at 6:11 p.m.)

(Whereupon, the Senate reconvened at 6:38 p.m.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to the reports of standing committees. I believe there's a report from the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 6294A, Budget Bill, an act to amend Chapter 474 of the Laws of 1996;

6404B, Budget Bill, an act making an appropriation for the support of government, Public Protection, Health and Mental Hygiene Budget;

7832, by Senator Bruno, an act authorizing the creation of a state debt;

And 7833, by Senator Bruno, an act to amend the State Finance Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: All bills reported directly to third reading.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar 882.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 882.

THE SECRETARY: Calendar Number 882, Senate Budget Bill, Senate Print 6404B, an act making appropriations for the support of government, Public Protection, Health and Mental Hygiene Budget.

SENATOR BRUNO: Mr. President, is there a message at the desk?

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

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MEIER: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

SENATOR DOLLINGER: Explanation. May I just have a brief explanation, please.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: One thing I work on is brevity.

I want to apologize to the leader, I meant to bring an apple. But as these bills start to move, after a number of years here one can appreciate the hard work, the dedication of all who have made this budget possible.

This is a complex state. Sometimes I think we -- those of us here take ourselves for granted and don't realize how difficult it is. But I compliment our leader, who has been on the phone working through the night, together with his staff. I should mention names, but if I mention one name I should mention every single name.

I compliment the Governor, the Division of the Budget and all of the people

that work with the Governor, and, yes, the Assembly, who have all made this possible.

Sometimes when we run into people and they make light of how easy they think this process is in New York, if they were here I think they would understand.

I will now be brief. And if I'm too brief, I certainly will be glad to attempt to answer any questions. And many of you, I am sure, will agree that I'll only be attempting. I understand.

But this Public Protection, Health and Mental Hygiene Budget provides appropriations for the operation of those agencies involved in the delivery of criminal justice, health, and mental health services.

General funding spending for these agencies increased by 155 million over the fiscal year 2000 Executive Budget. I'll run over just a few highlights here, and I think it will really cover it.

Highlights of these functional areas include provisions of $55.4 million for an expansion of the EPIC program, $500,000 for an expansion of the prenatal care assistance

program.

I could go on and on, but I won't because I don't think it's really necessary.

SENATOR BRUNO: Mr. President, can we just lay this aside temporarily and take up Calendar 881.

ACTING PRESIDENT MEIER: The bill will be laid aside temporarily.

The Secretary will read Calendar 881.

THE SECRETARY: Calendar Number 881, Senate Budget Bill, Senate Print 6294A, an act to amend Chapter 474 of the Laws of 1996.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message of necessity at the desk.

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 879.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 879.

THE SECRETARY: Calendar Number 879, by Senator Bruno, Senate Print 7832, an act authorizing the creation of a state debt to the amount of $3.8 billion, in relation to

creating the Transportation Infrastructure Bond Act of 2000.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message of necessity at the desk.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we take up Calendar Number 880.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 880.

THE SECRETARY: Calendar Number 880, by Senator Bruno, Senate Print 7833, an act to amend the State Finance Law, in relation to enacting the Debt Reform Act of 2000.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message of necessity at the desk.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

SENATOR DOLLINGER: Brief explanation.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Brief explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno, Senator Dollinger has requested a brief explanation.

SENATOR BRUNO: Thank you, Senator Dollinger, for that request.

This relates to the debt reform proposal that we've been talking about, hearing about. As we all know, New York State debt is $37.5 billion, the highest in the country. We have the second lowest bond rating in the country.

This moves us in the right direction, in that our debt now is about 6 percent of our personal income. This

eventually, over the years, through a phasein, takes us to 4 percent of personal income, creating caps along the way.

And all of the people that have reviewed this feel that the bond raters will see this very favorably. This should save the taxpayers of this state tens of millions of dollars over the years.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will Senator Bruno yield just to one question?

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

SENATOR BRUNO: Yes. Yes, Mr. President.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DOLLINGER: Senator Bruno, could you just describe the extent to which this amendment applies to back-door borrowing? That is, debts incurred by other state agencies or -- as you know, Senator, one of the things that we've been criticized by

bond agencies for is the overdependence on back-door borrowing. How does this affect that?

SENATOR BRUNO: This doesn't relate specifically to back-door borrowing. This relates to the debt that's out there already and how we can incur future debt.

I believe the bill that we had passed in this house previously last year related to back-door borrowing, as well as going forward. But the agreement that we were able to reach permits us to go this far presently.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I'll be equally as brief as Senator Bruno, because that's the reason why I'm going to vote against this bill. I thought that the bill that we did last year that affected back-door borrowing was the right thing to do.

I think that this body charted the right path for this state to get our borrowing and our debt finances back on the right track,

to look at everything we do, both through the Thruway Authority or the Dormitory Authority, and to impose the caps and restrictions on those agencies as well as this one.

As everybody knows in this chamber, when times get very tough and we're short of cash, we do things like sell and lease back a prison so that we can generate the cash and the authority can borrow it. And that's the kind of thing that drives, in my judgment, drives us into the hole for which the bond rating agencies have been so critical.

I know that this house has stood up and asked for that form of debt relief and debt reform. I know that it isn't in here, and I'm disappointed it isn't. And so I'm going to vote against it.

I think that the concept of making a step forward is the right thing to do. It's just that if we only do it with our general obligation debt and our direct state debt and don't do it with the one thing that is the most criticized portion of our debt practices, which is through the back door, we are really reforming the part that we're not too bad on

and we're letting the part that we're terrible on continue to go without any reform at all.

I would suggest to my colleagues that that's the fatal flaw in this compromise. I understand it's a compromise. But from my point of view, it's a compromise that doesn't do the right job.

This is our chance to do debt reform. Let's do the whole package now. Let's do all the pieces now so that we send a message to the bond rating agencies, which could lower our debt cost, and send the right message to the people that this is not the right way to get to reform.

The job is not done. This bill only affects a small piece of it. If we were doing the whole thing, I'd be strongly in favor of it. But under these circumstances, I'm going to vote no.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, just for the record and for my colleagues, the Attica situation that was just described, the I-84 situation that was just described would

be prohibited in this legislation. Some of the other back-door borrowing, as you describe it, would not.

And I would remind my colleagues that we in the Senate did pass a bill that did it all, and we are prepared now to pass a bill to do it all. But in order for it to become law, it would have to go through the Assembly and get signed by the Governor. And that's not the agreement we have.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 880 are Senators Dollinger, Duane, and Schneiderman. Ayes, 57. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we now return to Calendar 882 and recognize Senator Dollinger for an amendment.

ACTING PRESIDENT MEIER: Senator Dollinger, just give us a second to put the bill back on the floor.

The Secretary will read.

THE SECRETARY: Calendar Number 882, Senate Budget Bill, Senate Print 6404B, an act making appropriations for the support of government, Public Protection, Health and Mental Hygiene Budget.

ACTING PRESIDENT MEIER: A message of necessity was previously accepted.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I believe I have an amendment at the desk. I'd waive its reading and ask to be heard on the amendment, and then I'll address it briefly and leave it to the house.

ACTING PRESIDENT MEIER: The amendment is at the desk, the reading is waived, and you're recognized for the purpose of explaining.

SENATOR DOLLINGER: Thank you, Mr. President.

This is an issue that the Democratic Conference in this house has examined before and proposed an amendment to the original version of the budget resolution that this house passed. It deals with a $10 million appropriation for the New York State Division of Human Rights.

As has been well chronicled both in the press and elsewhere, there is currently a backlog of somewhere between 8,000 and 11,000 cases pending before our state antidiscrimination agency. In order to reduce that caseload, they need to about triple the number of administrative law judges and about double the number of investigators that are currently hired. We need to do that in order to be able to relieve the backlog that is jamming up this agency and, quite frankly, making a mockery of our antidiscrimination laws.

Mr. President, this is an amendment to add $10 million to the budget of that agency so that we can get the backlog accomplished, we can stop depriving people of their constitutional right to have their cases

promptly heard and to have discrimination eradicated in this state.

Mr. President, I move the amendment.

ACTING PRESIDENT MEIER: On the amendment, all those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I believe there's an amendment at the desk.

ACTING PRESIDENT MEIER: Senator Duane, there is no amendment at the desk presently.

SENATOR DUANE: I think it's on its way, Mr. President. Your wish is our command.

ACTING PRESIDENT MEIER: The amendment is at the desk. Do you wish to waive the reading?

SENATOR DUANE: I do, Mr. President.

ACTING PRESIDENT MEIER: Reading of the amendment is waived, and you're recognized to explain the amendment.

SENATOR DUANE: Thank you very much.

This amendment would appropriate an additional $1 million for outpatient services for legal immigrants. This would make it possible for legal aliens to receive Medicaid services or to be eligible for Medicaid services.

Obviously disease prevention, preventive health, as well as treating people who are ill is very, very important to the overall healthcare of our state. And I would encourage my colleagues on both sides of the aisle to vote for this.

I think it's wrong that we don't cover hardworking people who may not yet be legal residents -- I'm sorry, who are legal residents but who are not yet citizens of our country. And I believe that our state has a responsibility to provide healthcare to them.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: On the amendment, all in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

On the bill. Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

Hold it a second. We'll withdraw the roll call.

Senator Gentile.

SENATOR GENTILE: Yes, I'm sorry, Mr. President. I believe I have an amendment at the desk. I'd ask that reading be waived and you allow me to explain.

ACTING PRESIDENT MEIER: Senator Gentile, if you'll give us a minute, I think it's just arrived. We need to look at it.

SENATOR GENTILE: Sure.

ACTING PRESIDENT MEIER: Senator Gentile, your amendment is at the desk. Do you wish to waive its reading?

SENATOR GENTILE: Yes, I do, Mr. President.

ACTING PRESIDENT MEIER: The reading of the amendment is waived, and you're recognized to explain the amendment.

SENATOR GENTILE: Thank you, Mr. President.

I've spoken many times on this floor about the need to expand the EPIC drug prescription program in the state of New York.

And I believe the will of that has been expressed by this house in the passage of legislation and by the health conference committee on the budget, and including the EPIC expansion in this year's budget.

However, my amendment addresses the issue of the effective date of the EPIC program. I believe that the date that is included in this budget of January 1, 2001, is in contradiction to the will of this house and in contradiction to the will of the health conference committee on the budget.

I say that because the health conference committee on the budget had registered -- had indicated that the start date would be October 1st of this year, of 2000. And I believe that in the bill that we passed in this house earlier this year on the EPIC expansion, it indicated that the effective date of the program would be 120 days after passage of the legislation and signing into law.

That would bring -- if this legislation were to be enacted, that would bring us to about Labor Day of this year. So

I believe that the start date in the budget is in contradiction to the intent of this house to start the EPIC program this year for senior citizens, who have been waiting for at least a year and a half or more to get some kind of expansion to the EPIC drug program.

So in keeping with the health conference committee on the budget recommendation, my amendment, Mr. President, is to make the start date of the EPIC program October 1st of 2000 rather than the start date as indicated in the budget of January 1st.

And I believe the intent of this house was to do that and the intent of the health committee was to do that, and I believe that we should now make that -- make that official through this amendment.

So, Mr. President, I ask that that -- that is the context of my amendment.

ACTING PRESIDENT MEIER: On the amendment, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The nays have it. The amendment is defeated.

On the bill. 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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Duane.

SENATOR DUANE: If I may be excused to -- if I may have unanimous consent to cast my vote in the negative.

ACTING PRESIDENT MEIER: On the last bill, Senator?

SENATOR DUANE: Yes, please.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendar 882.

Senator Bruno.

SENATOR BRUNO: Mr. President, is

there presently any housekeeping at the desk?

ACTING PRESIDENT MEIER: Yes, there is, Senator.

SENATOR BRUNO: Can we take that up at this time.

ACTING PRESIDENT MEIER: Yes.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Larkin, on page 36 I offer the following amendments to Calendar Number 637, Senate Print Number 684, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we go back to the original calendar of the day -

ACTING PRESIDENT MEIER: The Secretary will read.

SENATOR BRUNO: -- and call up

Calendar 31, by Senator Saland.

ACTING PRESIDENT MEIER: The Secretary will read Calendar Number 31.

THE SECRETARY: Calendar Number 31, by Senator Saland, Senate Print 2320, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to access to records.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT MEIER: Senator Saland, an explanation has been requested of Calendar 31 by Senator Connor.

SENATOR SALAND: Mr. President, this bill would authorize the Crime Victims Board to have access to sealed records for purposes of enabling the board to investigate claims that have been made for crime victims' compensation.

There are any number of reasons why a board would investigate. At times those records are sealed and they cannot in fact confirm the validity of the victim's complaint.

The bill would also require that those records, once they had been opened,

would be maintained as confidential and would not be released to anybody else.

ACTING PRESIDENT MEIER: Senator Paterson.

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

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Mr. President, my concern is that the records that are sealed would somehow escape into the hands of the public. And so I would have thought that the fewer agencies that were involved in perusing through the records or examining the records would diminish the opportunity of those records escaping into the public.

And I wondered what Senator Saland thought about that.

SENATOR SALAND: I'm not aware of any widespread abuse of those instances in which otherwise confidential records are

permitted to be accessed. That's done with child protective laws. There are certain categories of people who can have access to those records. I'm not aware of any scandals or misapplication of that law.

And what this is basically about is trying to verify a claim that's been made by a victim when at times the information that is needed to verify is contained in a record that may be sealed, whether it be a record that's been sealed pursuant to CPL, in a criminal proceeding, or pursuant to the Family Court Act.

SENATOR PATERSON: Mr. President, if the sponsor would continue to yield.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, what is the procedure that would enable someone to actually have the records released to the public?

SENATOR SALAND: The records would not be released under this to the public. The record would be assumably subpoenaed by the -- sorry, there would be an application for an order to have access to the record. Probably at some point a subpoena would be issued to the agency where these records were deposited, and that agency would have the opportunity to object, if it chose to object, based upon whatever reasons it would choose to.

And the court would make the decision whether or not the records should be released.

SENATOR PATERSON: Mr. President, if Senator Saland would just yield for just a quick follow-up question here.

I would assume that it's the court that releases the records.

SENATOR SALAND: I would -- that is routinely the process that is gone through in other instances where there is a sealed record. This merely would permit the Crime Victims Compensation Board to have access to those records.

SENATOR PATERSON: Mr. President, if the sponsor could continue to yield.

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

He yields.

SENATOR SALAND: Thank you, Mr. President.

ACTING PRESIDENT MEIER: That's okay, I knew you would.

SENATOR PATERSON: Therefore, Mr. President, it would appear that what would be the protection against my concern about the records being in the hands of different agencies, that Senator Saland has answered it. He's saying that the court, in the end, is the final arbiter of whether or not the records should be released.

So that even if we went beyond what Senator Saland is proposing -- and perhaps he has a future bill where he feels that for the protection of a victim or for some pertinent information, if even another agency in addition to the one he's recommending in this legislation were to want to peruse the records, that that would come as a result of

an action of the court; is that correct?

SENATOR SALAND: I can't tell you what the future will bring us, Senator Paterson. But I can't even contemplate under what other circumstances I might be presenting any proposal to disclose otherwise sealed records.

But certainly in this case it's not my intention that these records be made public, that they go through a process by which a determination would be made by a court as to whether or not the records would be released to the Crime Victims Board. And once released, if released, there would be a confidentiality requirement imposed.

SENATOR PATERSON: Thank you, Senator Saland.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: Under Section 375.1 of the Family Court Act, and 381.3, there is pretty clearly set forth the proposition that the court is the one that seals the records and would unseal the records

of juveniles.

And yet I can think of three example where the records were released to the public or to the press through the actions of individuals within agencies or, in some cases, we don't know who released those records.

The most recent case followed the March 16th death of Patrick Dorismond of New York in what may have been an accidental police shooting or an excessive use of police force. Nonetheless, in that particular case the Mayor of New York City took responsibility for having those records released and said that Mr. Dorismond did not have a private right once he expired.

And yet from the conversation with Senator Saland and the conversations I've had with everybody else who has any legal training -- and even those who did not but can read -- the fact is that it does appear that it is really only within the purview and that to release those records must be some action taken in front of a court.

In this particular case an executive and a police commissioner decided

that because they didn't like the tone in which the media was portraying a particular individual, that they would go in and release those records through employees of the Office of Court Administration, who they've never named, saying that they thought that they wanted to do that because they wanted the world to know that this individual was not a choir boy. When in fact, when he was in church as a juvenile, he was a choir boy and was not ever convicted of any misdemeanor or felony, and as an adult was only convicted of a violation.

This is why when we seal records we have to be scrupulously careful that we do not allow the records to in any way trickle into hands where political actions or actions that respond to the whim or the individual desire of any individual in some way contravene what really is the intention of the court.

Otherwise, there would be no reason to seal documents. And though we might actually seal them, it really would mean absolutely nothing to the families and to the individuals.

There's a public policy that commands us to seal documents when we feel that there is a philosophy that at the time juveniles might be in a particular situation where there would be no further scrutiny on this particular case because there hasn't been documented behavior rising to a threshold where we would see that there would be any further purpose in examining this person's record.

But unfortunately, while this attitude seems to still be in the atmosphere -- that whenever there's a high-profile case and we can take these kind of actions -- I have to oppose this legislation.

With, in a sense, my apologies to Senator Saland, who I think his intention is quite right in a lot of ways, because this would guarantee greater protections and greater information to the victims of crimes, who we must be most interested in, rather than the potential perpetrators.

But because apparently there is still a significant element in our government

that feels -- still feels comfortable stating that an individual's rights expire when they die, and not recognizing that this had nothing to do with the individual's rights but has to do with family records that are in the possession of the court, I have to vote no on this particular bill.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in negative on Calendar Number 31 are Senators Gonzalez, Montgomery, Paterson, Rosado, A. Smith, and M. Smith. Ayes, 54. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Mr. President, I would like the record to reflect that had I

been in the Senate chamber yesterday, May 3rd, 2000, I would have voted in the negative on Calendar Number 647, Senate Print 2059.

ACTING PRESIDENT MEIER: Senator, the official attendance record has you marked as absent for yesterday's session. The record will reflect that had you been in attendance, you would have voted in the negative on that calendar number.

SENATOR HEVESI: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 760.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 760.

THE SECRETARY: Calendar Number 760, by Senator Saland, Senate Print 7137, an act to amend Chapter 505 of the Laws of 1985.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Saland, an explanation has been requested of

Calendar 760 by Senator Duane.

SENATOR SALAND: Mr. President, this is an extender of a program that permits closed-circuit television to be used where a court determines that a child is a vulnerable child witness. By definition, that means a child of 12 years or less. And as I mentioned earlier, it's applicable in sex offense cases.

This is an extender that would extend the law from the current November 1 of 2000 to September 1 of 2001, and marks one in a series of extenders with respect to this legislation.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Would the sponsor yield, please?

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you.

I'm wondering if the sponsor could

tell me what the original dates of the pilot program were.

SENATOR SALAND: Well, as I look at Senate 7137, it says "an act to amend Chapter 505 of the Laws of 1985." So I'm assuming it's 1985.

And I would point out that this house has passed legislation on more than one occasion permanentizing this. I certainly find that to be absolutely reasonable. I would welcome the other house doing the same thing.

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

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm wondering if the sponsor could tell me when the results of the original pilot program were published and distributed.

SENATOR SALAND: I could not.

SENATOR DUANE: Through you, Mr. President, if the sponsor would -

SENATOR SALAND: I would also add to that, however, to the extent that it has been used, I would find it hard to believe that anybody under the circumstances would not welcome or embrace the idea of removing a traumatized child who is the subject of or party to a sex offense -- not being removed out of the public glare of the offender, of now what could be television coverage, and into a closed-circuit environment.

SENATOR DUANE: Through you, Mr. President.

I'm wondering if the sponsor could mention when he heard myself or anyone else in this chamber say that they were opposed to this use of videotaping or closed-circuit television in these cases.

SENATOR SALAND: I was not attempting to impugn anybody, but merely to say that whatever the data would be -- and there may well be data that's currently there -- the data is almost rendered

irrelevant. Because if on one occasion and one occasion alone a child was spared the further traumatization of having to endure public testimony, it's been a marvelous success.

And I'm aware, as I'm sure you are as well, that this has been used effectively on more than one occasion.

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

ACTING PRESIDENT MEIER: Senator Saland, do you yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm wondering if the sponsor would provide me with his definition of a pilot program.

SENATOR SALAND: I'd be more than happy to. But what you might want to do is get the blue-back out and perhaps go back and look through the history. This certainly predates me.

And again, we've -- we have offered

to permanentize this. I think it's well beyond being a pilot program. And in fact we have, if you would want to check the record, offered to permanentize this by passing legislation in this house.

It's well past the stage where it should be permanentized, but we're doing the best we can here accepting what will be given to us.

SENATOR DUANE: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: Time and time again on the floor of this body we vote on pilot programs, extending pilot programs. The -- I'm now in my second year of my first term in this body. I've never seen any study or any results from any pilot program that's been talked about on the floor of this.

I'm wondering whether or not a pilot program is just a myth of the Senate, a myth of the way that state government works. I think that if we're going to call things pilot programs, that we are owed results of

those pilot programs.

I support the use of closed-circuit television for child witnesses in these cases. I think it's an excellent idea. But I object to time and time again things being referred to not just as it applies to children and families or things in that realm, but across the board in criminal justice cases. And, for that matter, in economic development.

I have never seen the results of any of these so-called pilot programs. And I'm hoping that before we vote on any more of them, we'll actually get to see the results of what these pilot programs are supposed to have done.

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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I would request at this time unanimous consent to be recorded in the negative on Calendars 881 and 882, please.

ACTING PRESIDENT MEIER: Without objection, Senator Schneiderman will be recorded in the negative on Calendar 881 and 882.

SENATOR BRUNO: Mr. President, can we ask for an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT MEIER: There will be an immediate meeting of the Finance Committee in Room 332.

SENATOR BRUNO: Stand at ease, please.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 7:20 p.m.)

(Whereupon, the Senate reconvened at 7:21 p.m.)

ACTING PRESIDENT MEIER: Senator

Paterson.

SENATOR PATERSON: Mr. President, I'd like to announce a conference of the Minority in Room 314 at 7:45 p.m. Conference of the Minority in Room 314 at 7:45 p.m.

ACTING PRESIDENT MEIER: There will be a meeting of the Minority Conference in Room 314 at 7:45 p.m.

(Whereupon, the Senate stood at ease at 7:22 p.m.)

(Whereupon, the Senate reconvened at 7:38 p.m.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to the reports of standing committees. And I believe there's a report from the Finance Committee at the desk.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 6292A, Senate Budget Bill, an act to authorize the Dormitory Authority of the State of New York;

6293A, Senate Budget Bill, an act to provide for the utilization of utility assessment funds;

6402B, Budget Bill, an act making appropriations for the support of government, General Government Budget;

And 6403B, Senate Budget Bill, an act making appropriations for the support of government, Transportation, Economic Development and Environmental Conservation Budget.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: All bills directly to third reading.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 883.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 883.

THE SECRETARY: Calendar Number 883, Senate Budget Bill, Senate Print 6402B,

an act making appropriations for the support of government, General Government Budget.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There's a message of necessity at the desk.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

The Secretary will read the last section.

SENATOR DOLLINGER: Mr. President.

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

SENATOR DOLLINGER: Mr.

President, I believe there's an amendment at the desk.

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR DOLLINGER: I'd ask that the reading of the amendment be waived and that I be heard on it briefly.

ACTING PRESIDENT MEIER: Reading is waived, and you're recognized to explain the amendment.

SENATOR DOLLINGER: Thank you, Mr. President.

This is very simple. This is an additional appropriation out of the surplus of $13 million for the City of Rochester, to make up the gap between what's been appropriated under the current budget and the $29 million needed to close the city's budget gap.

It's been a subject of some debate. It's not included in this budget, and I believe it should be.

I move the amendment, Mr. President.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in

favor signify by saying aye.

SENATOR BRUNO: Party vote in the negative.

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

On the bill. Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we now call up Calendar 884.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 884.

THE SECRETARY: Calendar Number 884, Senate Budget Bill, Senate Print 6293A, an act to provide for the utilization of utility assessment funds.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message of necessity at the desk.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MEIER: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR STACHOWSKI: Excuse me. Can you recall the roll call on that?

ACTING PRESIDENT MEIER: Roll call is withdrawn.

SENATOR STACHOWSKI: Okay, go ahead. Sorry.

ACTING PRESIDENT MEIER: The request to withdraw the roll call is withdrawn.

The Secretary will call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, the Minority is going into conference, so I would suggest that we stand at ease till 8:10. And our expectation is that we will finish shortly thereafter.

ACTING PRESIDENT MEIER: There will be a Minority Conference meeting.

The Senate will stand at ease until 8:10.

(Whereupon, the Senate stood at ease at 7:45 p.m.)

(Whereupon, the Senate reconvened at 8:27 p.m.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, would you at this time recognize Senator Duane.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you. Mr. President, with unanimous consent, if I could be recorded in the negative on Calendar Number 884, S6293A.

Oh, I'm sorry, in the affirmative. In the affirmative, I'm sorry. Change from negative to affirmative.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the affirmative.

Senator Mendez.

SENATOR MENDEZ: I want to advise the members that there will be a conference tomorrow of the Minority in Room 314, 9:30 in the morning.

ACTING PRESIDENT MEIER: There will be a meeting of the Minority Conference, 9:30 tomorrow morning.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Mr. President, I would request unanimous consent to be recorded in the negative on 6402B.

ACTING PRESIDENT MEIER: Without objection, Senator Schneiderman will be recorded in the negative on Calendar 883.

Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to come before the Senate, I would move that we stand adjourned until tomorrow at 10:00 a.m. sharp.

Thank you very much.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until tomorrow at 10:00 a.m. sharp.

(Whereupon, at 8:30 p.m., the Senate adjourned.)