NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 5, 2000

3:12 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: With us this afternoon to do the invocation is Monsignor George J. Cascelli, director of the Italian Apostolate in the Archdiocese of New York, in New York City.

MONSIGNOR CASCELLI: Thank you.

It is an awesome responsibility to assume representation of people who put their trust in you. We may very well offer prayers to God, not that God will intervene in spite of our efforts, but that the Lord will give us the courage to supersede personal goals and to fulfill the trust of those who brought you to this chamber.

The call of the people is a sacred trust, and that has been given to you. And so we pray.

Lord, grant to those assembled here the grace of Your spirit, that their deliberations may be filled with the value of human dignity, zealously protected for all and not just a few; the value of honesty and integrity in their thoughts and in their actions; the value of wisdom, to search out the truth; and the value of courage, to effect the good. In that way, they will carry out Your command of universal love.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 4, the Senate met pursuant to adjournment. The Journal of Saturday, June 3, 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 McGee.

SENATOR McGEE: Thank you, Madam President.

Madam President, amendments are offered to the following Third Reading Calendar bills.

Sponsored by Senator Skelos, page number 14, Calendar Number 466, Senate Print 902E;

Sponsored by Senator Seward, page number 23, Calendar Number 749, Senate Print 7082;

Sponsored by Senator Spano, page number 34, Calendar Number 963, Senate Print 1258A;

Sponsored by Senator Nozzolio, page number 37, Calendar Number 1011, Senate Print 7380;

Sponsored by Senator Velella, page number 37, Calendar Number 1013, Senate Print 7397;

Sponsored by Senator LaValle, page number 38, Calendar Number 1048, Senate Print Number 7251A;

Sponsored by Senator Volker, page number 44, Calendar Number 1134, Senate Print A4097;

Sponsored by Senator LaValle, page number 45, Calendar Number 1163, Senate Print 2046B;

Sponsored by Senator LaValle, page number 46, Calendar Number 1165, Senate Print 3024A;

Sponsored by Senator Lack, page number 46, Calendar Number 1176, Senate Print 7648;

Sponsored by Senator Wright, page number 46, Calendar Number 1188, Senate Print 1880B;

Sponsored by Senator Bonacic, page number 47, Calendar Number 1197, Senate Print 5199A;

Sponsored by Senator Saland, page number 33, Calendar Number 948, Senate Print 6351;

Sponsored by Senator Seward, page

number 47, Calendar Number 1218, Senate Print 2861;

Sponsored by Senator Stafford, page number 50, Calendar Number 1249, Senate Print 7841;

Sponsored by Senator LaValle, page number 48, Calendar Number 1224, Senate Print 4000.

Mr. President, I now move that these bills retain their place on the order of the Third Reading Calendar.

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

Senator Trunzo.

SENATOR TRUNZO: Mr. President, will you please put a sponsor's star on Calendar Number 1239, Senate Bill 6845.

ACTING PRESIDENT MEIER: A sponsor star will be placed on Calendar 1239.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

Senator Trunzo stole part of my

lines.

But as long as we've done that, on behalf of Senator Larkin, place a sponsor star on Calendar Numbers 434 and 435.

ACTING PRESIDENT MEIER: So ordered.

SENATOR MARCELLINO: On behalf of Senator Libous, please remove the sponsor star from Calendar Number 203.

ACTING PRESIDENT MEIER: So ordered.

SENATOR MARCELLINO: Mr. President, I wish to call up my bill, Senate Print Number 6929, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 678, by Senator Marcellino, Senate Print 6929, an act in relation to authorizing.

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

ACTING PRESIDENT MEIER: The Secretary will call the roll on

reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Alesi, I wish to call up his bill, Print Number 3485A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 43, by Senator Alesi, Senate Print 3485A, an act to amend the State Administrative Procedure Act.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Skelos, I wish to call up his bill, Print Number 5434A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1024, by Senator Skelos, Senate Print 5434A, an act to amend the Vehicle and Traffic Law.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR MARCELLINO: Mr. President, I now offer the following

amendments.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR MARCELLINO: Thank you, sir.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Mr. President, on page 34 I offer the following amendments to Calendar Number 956, Senate Print Number 6803, and ask that the 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 BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Yes, there are, Senator.

SENATOR SKELOS: If we could make

them at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 13, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 8515A and substitute it for the identical Senate Bill Number 5709A, Third Reading Calendar 435.

ACTING PRESIDENT MEIER: The substitution is ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the noncontroversial calendar at this time.

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

THE SECRETARY: Calendar Number 189, by Senator Rath, Senate Print 2942A, an act to amend the General Municipal Law and others, relating to the rate of interest to be paid.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 240, by Senator Saland, Senate Print 3987A, an act to amend the Family Court Act and the Criminal Procedure Law, in relation to family offenses.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Kuhl, Senate Print 3242A, an act to amend the General Municipal Law, in relation to authorizing the Elmira City School District.

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, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 601, by Senator Trunzo, Senate Print 6992, an act to amend Chapter 549 of the Laws of 1994 amending the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 615, by Member of the Assembly Matusow, Assembly Print Number 9516, an act to amend the Education Law, in relation to library policy.

SENATOR DUANE: Lay it aside,

please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 621, by Senator Spano, Senate Print 6550A, an act to amend the Retirement and Social Security Law, in relation to ordinary death benefits.

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 724, by Senator Spano, Senate Print 1257, an act to amend the Social Services Law, in relation to requiring investigation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 813, by Senator Larkin, Senate Print 21A, an act to amend the Criminal Procedure Law, in relation to security services.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 821, by Senator Skelos, Senate Print 3069C, an act to amend the Civil Practice Law and Rules, in relation to commencement.

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: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 832, by Senator Seward, Senate Print 6323, an act to amend the Criminal Procedure Law, in relation to designating security officers.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 847, by Senator Maltese, Senate Print 795, an act to amend the Executive Law, in relation to removing the limitation on crime victims' awards.

SENATOR DOLLINGER: Lay the bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 849, by Senator Maltese, Senate Print 3941, an act to amend the Correction Law, in relation to authorizing the Commissioner of Correctional Services.

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1087, by Senator Morahan, Senate Print 5773B, an act enacting the Greenwood Lake Commission.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect upon the enactment into law by the State of New Jersey of legislation having an identical effect.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1215, by Senator Sampson, Senate Print 7913, an act authorizing the City of New York to grant a retroactive partial tax exemption.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1216, by Senator Velella, Senate Print 1426, an act to amend the Penal Law, in relation to criminal nuisance in the first degree.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1217, by Senator Padavan, Senate Print 1501, an act to amend the Vehicle and Traffic Law and the Administrative Code of the City of New York, in relation to the conversion.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1219, by Senator Kuhl, Senate Print 3124A, an

act to authorize the City of Hornell, County of Steuben, to offer an optional twenty-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1220, by Senator Marchi, Senate Print 3138A, an act to amend the Retirement and Social Security Law, in relation to employee contributions.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1221, by Senator Kuhl, Senate Print 3247, an act to amend the Retirement and Social Security Law, in relation to the partial direct deposit.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1222, by Senator Volker, Senate Print 3424, an act to amend the Criminal Procedure Law, in relation to motion to vacate judgment.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1223, by Senator Saland, Senate Print 3828, an act to amend the State Finance Law, in relation to the eligibility of the New York Business Development Corporation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1225, by Senator Breslin, Senate Print 4187, an act authorizing the assessor of the Town of Bethlehem to accept an application for exemption.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1226, by Senator LaValle, Senate Print 4910, an act to amend the Criminal Procedure Law, in relation to designating code enforcement officers.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the

bill aside.

THE SECRETARY: Calendar Number 1227, by Senator Goodman, Senate Print 4993A, an act to amend the State Finance Law, in relation to requirement of good standing for contractors.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1228, by Senator Maziarz, Senate Print 5200, an act to amend the Civil Rights Law, in relation to prohibiting the publishing or broadcasting.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1229, by Senator Alesi, Senate Print 5212, an act to amend the Insurance Law, in relation to the minimum remuneration.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1230, by Senator Leibell, Senate Print 5450, an act to amend the Public Officers Law, in relation to waiving the residency requirement.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1231, by Senator Johnson, Senate Print 5503, an act to amend the Penal Law, in relation to expanding the list of predicate offenses.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER:

Immediate meeting of the Rules Committee in the Majority Conference Room.

The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1232, by Senator Skelos, Senate Print 5504, an act to amend the Civil Practice Law and Rules and the Family Court Act, in relation to creation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

SENATOR DOLLINGER: Lay that bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1233, by the Senate Committee on Rules, Senate Print Number 5938A, an act to amend the Administrative Code of the City of New York, in relation to credit in the police pension

fund.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1234, by Senator Farley, Senate Print 6237B, an act to amend the Education Law, in relation to prohibiting the use of Social Security numbers.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DOLLINGER: Lay that bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1235, by Senator Seward, Senate Print 6302, an

act to amend Chapter 457 of the Laws of 1999 amending the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1236, by Senator Rath, Senate Print 6492, an act to amend the Criminal Procedure Law, in relation to authorizing the removal of certain actions.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1237, by Senator Padavan, Senate Print 6587, an act to amend the Vehicle and Traffic Law, in relation to prohibiting holders of learner's permits.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1238, by Senator Kuhl, Senate Print 6588, an act to provide for the enrollment of certain deputy sheriffs of Chemung County.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1240, by Senator Larkin, Senate Print 6962, an act to amend the Criminal Procedure Law, in relation to designating members of the New York Guard as peace officers.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1241, by Senator Hoffmann, Senate Print 7549, an act to amend the Public Officers Law, in relation to residency qualifications.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1242, by Senator Kuhl, Senate Print 7561B, an act to authorize the Department of Correctional Services or the Commissioner of General Services to sell or lease.

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1243, by Senator Balboni, Senate Print 7580, an act to amend the Judiciary Law, in relation to statements to be filed.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1244, by Senator McGee, Senate Print 7622, an act authorizing the City of Olean to

discontinue the use of certain lands.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1245, by Senator Stafford, Senate Print 7643, an act in relation to revising a certain claim in the Court of Claims.

SENATOR DOLLINGER: Lay the bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1246, by Senator Spano, Senate Print 7705, an act to amend the Criminal Procedure Law, in relation to seasonal park rangers.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1247, by Senator Saland, Senate Print 7723, an act to amend the Family Court Act, in relation to the extension of orders of protection.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1248, by Senator DeFrancisco, Senate Print

7797, an act to amend the Vehicle and Traffic Law, in relation to the regulation of traffic.

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: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Morahan, Senate Print 7876, an act in relation to persons who may practice a profession within the state.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect September 15.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1252, by Senator Velella, Senate Print 7948, an act to amend the Criminal Procedure Law and the Penal Law, in relation to aggravated criminal conduct.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

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

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

ACTING PRESIDENT MEIER: The Secretary will read the controversial

calendar.

THE SECRETARY: Calendar Number 189, by Senator Rath, Senate Print 2942A, an act to amend the General Municipal Law and others, relating to the rate of interest to be paid.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator Rath, an explanation has been requested of Calendar Number 189 by Senator Dollinger.

SENATOR RATH: The bill in front of you is a bill that will help our municipalities by changing the rates that are necessary. And the threshold will now be the average accepted auction price of the 52-week Treasury bill.

The interest rates on judgments are now capped at 9 percent against municipalities, and the rate will be adjusted and tied to the auction price of the T bills.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President, if the sponsor will yield just to one question.

As I understand this bill, Senator Rath, this has a cap on the exposure at 9 percent.

SENATOR RATH: Right.

SENATOR DOLLINGER: But if the Treasury bills floated above that, if we reached a point like we did in the early 1980s when interest rates were extremely high, that cap would reduce the exposure of the municipality; isn't that correct? So it wouldn't -- it doesn't float.

SENATOR RATH: Right. It is capped at 9 percent.

SENATOR DOLLINGER: Okay. Through you, Mr. President, just briefly on the bill.

I've voted against this bill in the past. I'm going to vote against it again. It seems to me that the municipalities of this state should be entitled to either one or the other. They should either have it pegged to the Treasury bill and let it float wherever it goes with no cap -- which means if it were down low in a period of low inflation and low interest rates, they should get the benefit of

that.

But conversely, if the interest rate goes above 9 percent and the government, in essence, the municipalities that Senator Rath is talking about get protection because they can hold on to their money longer and the litigant who's successfully sued them is then capped on their interest return, they'll have no incentive whatsoever to settle during the appeals process. And it seems to me that's bad for the litigation system and it's not fair.

I'd be willing to go with a cap, go with a straight rate, or go with an absolute float on the Treasury bills. But it seems to me it's not fair to put a cap on it when that cap will only disadvantage those who litigate with municipalities.

And at least in my experience, litigating with municipalities is enormously difficult to start. It will even be worse if there's a further incentive in the system for them not to settle during the appeal process.

And I would suggest one or the other would be fair. But to have this hybrid

system isn't fair to litigants who persevere and succeed in claims against municipalities, especially on issues involving eminent domain, in which, in my judgment, too often municipalities hold on to the cash till the last possible second, waiting for the homeowner who no longer has their land to capitulate.

So I'm going to vote no and would urge my colleagues to do the same, Mr. President.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: When I was on the City Council in Syracuse many years ago, we -- I remember distinctly the interest rate used to be 3 percent. And those -- it was a wonderful thing for municipalities in that if they lost a certiorari case, they couldn't care less how long it took for the case to get done, because they were really borrowing money by a 3 percent rate. Because it was much cheaper than they could borrow money for and actually pay the litigant what they were entitled.

And similarly, the same logic applies to putting a cap on interest. As Senator Dollinger mentioned, if interest rates go up to 18 percent or 17 percent, as they did in the eighties, the cities are getting a windfall.

The part of the bill that makes eminent sense is let everything float. Then it's fair for everybody. You're paying basically the going rate. But why put a cap -- or a floor would be the other way, to put a floor would be equally unfair. So I just think the floating concept makes a lot of sense, but capping the rate is just unfair to everyone other than the municipalities.

So I'm going to vote no on this.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 189 are

Senators Connor, Coppola, DeFrancisco, Dollinger, Duane, Sampson, Schneiderman, A. Smith, and Stavisky. Also Senator Seabrook. Ayes, 46. Nays, 10.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 615, by Member of the Assembly Matusow, Assembly Print Number 9516, an act to amend the Education Law, in relation to library policy.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator Farley, an explanation has been requested of Calendar 615 by Senator Dollinger.

SENATOR FARLEY: Thank you, Mr. President.

Senator Dollinger, this is a bill that would require public libraries to develop some policies for Internet use for its patrons. Many of the libraries already do this. It's -- there can be some misuse of the Internet access, particularly for children. And this bill would direct all libraries to address these issues at the local level.

Incidentally, the Library Development Board will be able to provide assistance needed to help them develop this policy. It's basically to -- that if parents do not want their children to -- this could be noted on their library card or something to that effect, and that they would not be able to access certain inappropriate offerings on the Internet.

There's no known opposition that I know to this.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would the sponsor yield, please.

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

SENATOR FARLEY: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm wondering if the sponsor knows whether or not this law is in conflict with the American Library Association's bill of rights.

SENATOR FARLEY: I don't think it

is. I don't know, but I don't think it is.

Because many of our public libraries already have this policy in place. And we are the mecca, if you will, of libraries throughout the United States. New York is always leading the way when it comes to libraries.

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

SENATOR FARLEY: And the libraries develop their own policies too.

ACTING PRESIDENT MEIER: Senator Farley, do you yield for another question?

SENATOR FARLEY: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you, Mr. President. I just wanted to clarify that the American Library Association has not weighed in one way or the other on this legislation.

SENATOR FARLEY: Not to my knowledge, they haven't. I think I would have heard.

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

to yield.

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Has the New York State Library Association or the union representing librarians in the state weighed in on this legislation?

SENATOR FARLEY: I don't have any that I know of, no -- there's been no objection.

The chairman of the -- chairperson of the Library Committee in the Assembly is the sponsor of it. And as far as I know, there has been no opposition.

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

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

SENATOR FARLEY: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm wondering if the sponsor is aware that, for instance, the

American Civil Liberties Union believes that any kind of filtering is a de facto form of censorship.

SENATOR FARLEY: There's no censorship here. It just asks that the local libraries develop a policy for Internet use. There's no censoring. Basically, I think the major thrust of this is for children.

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

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

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: But one of the goals of the policies would be having to do with what would be accessible on the Internet to a user; is that correct?

SENATOR FARLEY: Yes. But it depends -- go ahead.

SENATOR DUANE: And then - through you, Mr. President. But that would mean there would be some sort of filtering or

censoring of what is available on the Internet to certain users of the Internet at a terminal in a library.

SENATOR FARLEY: No. If there's a group, Senator Duane, that is opposed to censorship, it is the libraries of this -- of the United States. They are abhorrent to censorship. And I don't think that they have this in mind.

I think that you and I think every member of this chamber would agree that there's certain material that is not appropriate for children that is available on the Internet. And generally speaking, the policy is that if a parent wishes their child not to access certain material on the Internet, it could be noted on their library card or something to that effect.

This is a local policy. And as I said, many of your public libraries already have this. The thrust of this bill is that all public libraries should have some sort of a policy for use of the Internet.

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

yield.

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

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Is the sponsor aware that librarians generally and through their official organizations do not care to be the people who are the ones watching what it is that children are and are not going to on the Internet, that in fact it's their desire not to be the police of the Internet in libraries?

SENATOR FARLEY: That's exactly why we've written in the bill that the board of trustees will be setting up these policies. We're not asking the librarians. The board of trustees of the libraries.

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

ACTING PRESIDENT MEIER: Do you yield, Senator Farley?

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Has the sponsor just said that librarians are explicitly not supposed to be consulted when the policies are being drawn up?

SENATOR FARLEY: I never said that. I just said that this would require that the board of trustees of these libraries set up a policy. If they wish to consult with the librarians, I'm sure that they will.

And to try to set something up - incidentally, as I said earlier, that the Library Development, they will provide assistance to any library policy and help them set up a policy that is workable throughout this state, that is already working.

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

ACTING PRESIDENT MEIER: Senator Farley, do you yield?

SENATOR FARLEY: I'm still yielding.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR DUANE: Thank you. If it's -- I can't imagine that we would need a policy to maintain not having a policy regarding filtering on the Internet. And so is it not the sponsor's intention that libraries look at putting filters on access to the Internet for some of the users of the Internet?

SENATOR FARLEY: Apparently where it's appropriate.

I'm not -- this legislation does not direct what the policy will do. We've just said that they should have a policy. Maybe a local library, a local public library could come up with saying that we will have no policy for restricting use of the Internet to anybody. That could be their policy, apparently.

But I think this is -- as I said, I can't think of any group that is more opposed to censorship than the library community. And -- but I'll tell you, the library community, in my judgment, seems to be very open to setting up a policy for Internet use,

particularly to protect young children.

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

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

SENATOR FARLEY: I'm still yielding.

SENATOR DUANE: Thank you.

In a scenario where a group of trustees decide that in their libraries they wouldn't want minors under the age of 16 to have access to explicit information on family planning or sex education, is it the sponsor's intention that such a library board would be able to make such a rule?

SENATOR FARLEY: Senator Duane, it is not my prerogative nor yours -- or at least this legislation doesn't make it such - that we will micromanage such a policy.

I think the policy that you're talking about I doubt very much is any that is in place anywhere, nor would it be.

SENATOR DUANE: But through you, Mr. President, if the sponsor would continue

to yield.

ACTING PRESIDENT MEIER: Senator Farley, will you yield?

SENATOR FARLEY: Yes, I'll yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: But there is a possibility that a board of trustees could make such a determination, and then we would all be powerless to turn over that particular policy made by a board of trustees.

SENATOR FARLEY: There's a possibility of anything, that it may snow today. But I don't think that's very likely, what you're saying.

SENATOR DUANE: Thank you.

Mr. President, on the bill. Thank you.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: I'm very concerned about starting on the slippery slope of permitting this kind of filtering to occur in our library system. I'm very sure that librarians do not want the job of policing

what people are looking at on the Internet. They do not feel that that's their job. Rather than restricting access to information, their whole mission is to provide information to people who are seeking it.

In addition, what some may consider appropriate information may not be the same as what other people consider to be appropriate information.

And so, for instance, there may be people that don't want young people to have access to information on family planning information, because the words involved in describing family planning may be deemed too explicit to get through a filtering system. And in fact, oftentimes slang words are words which are deemed not appropriate for young people, and yet they are in common usage when it applies to issues of human sexuality.

Also, there's plenty of evidence that, for instance, explicit AIDS information or very nonexplicit information on issues dealing with the lesbian, gay, bisexual and transgendered community do not get through filtering. And yet everything that has to do

with heterosexuality, which is just another form of sexuality, is possible to look at on the Internet.

Interestingly, very recently someone put together a lot of the language that is on, for instance, Focus on the Families' webpage and some other religious and conservative webpages, put it all together on a separate webpage and tried to get it through a filter, and it was turned down.

So I think whether you're looking at this from the point of view of the right or the left or civil liberties or not, this is a slippery slope that we're embarking on. And I very much think that we should not pass this legislation without having more in-depth discussions with librarians, professional librarians and their representatives, and also those who defend the civil liberties of people who live in our state.

So I would encourage my colleagues at this point to vote no on this legislation until we make sure that the safeguards of people having access to knowledge are just that, safeguards.

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Lachman.

SENATOR LACHMAN: Yeah, Mr. President, I rise now to seek unanimous consent to be recorded in the negative on Calendar Number 189. Thank you.

ACTING PRESIDENT MEIER: Without objection, Senator Lachman will be recorded in the negative on Calendar Number 189.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 621, by Senator Spano, Senate Print 6550A, an act to amend the Retirement and Social

Security Law, in relation to ordinary death benefits.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator Spano, Senator Dollinger has requested an explanation of Calendar 621.

SENATOR SPANO: Thank you, Mr. President.

This bill provides an increased lump-sum death benefit to police officers and to firefighters who are eligible for service retirement under Tier 2. What it does basically is for -- it gives a greater death benefit for those who would continue to be employed after having reached retirement age. And that would bring equity between Tier 1 and Tier 2.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield for a question?

ACTING PRESIDENT MEIER: Senator Spano, do you yield?

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator, is this the same bill that passed last year that was vetoed by the Governor?

SENATOR SPANO: Yes, it is.

SENATOR DOLLINGER: Through you, Mr. President, if the sponsor will continue to yield.

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

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Is there anything in this bill that addresses the issue that was raised by the Governor in his veto message?

SENATOR SPANO: Well, this is the same bill as we -- as the Governor had vetoed last year. The reason that we want to send this bill to the Governor this year, Senator, is because of some developments as a result of the Governor's task force on public employee pension systems.

That task force issued a report that recommended a remedy that's provided by this bill. And as a matter of fact, they stated that because of the disparity between the tiers, that we should -- those disparities should be evaluated and addressed as appropriate.

The task force specifically mentions the inequity that's addressed by this bill. That's why we feel we have a better shot of signing this year.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Spano will continue to yield.

ACTING PRESIDENT MEIER: Senator Spano, do you yield?

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Is this bill still opposed by the Mayor's Office of the City of New York because of the possibility that -- or not the possibility, but the fact it would constitute an unfunded mandate to the City of New York?

SENATOR SPANO: Yes, it is.

SENATOR DOLLINGER: Okay. Just on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I thank Senator Spano for his compelling candor.

I believe it was two weeks ago that we all sat here and debated Senator Rath's bill. You remember that constitutional amendment. We were going to have the people tell us that we shouldn't have any unfunded mandates -- no more, they're terrible.

In fact, I can even remember a conversation with the presiding officer in which he got up and talked about unfunded mandates in Oneida County.

Senator Rath talked eloquently about unfunded mandates in Erie County and throughout New York State, and how these were the root of the problem. How someone said - and I think it was Senator Rath said it's an abuse of the legislative power for us to put unfunded mandates on other communities, an abuse of our power.

I suggested to Senator Rath that if the Majority in this house is continuing to abuse its power, to just shift it over to this side. We won't abuse that power again.

Because I don't think by voting for this bill that I'm going to abuse my power. I think it's the right thing to do. I believe it was the right thing to do last year when I voted for it. I think it's the right thing to do this year. I think creating that kind of balance and integrity and parity in the system is not a bad thing to do, even if our friends in the City of New York disagree with us.

But what I would prefer to have happen is that we stop having that senseless debate about unfunded mandates and recognize that we are from time to time going to tell other levels of government what to do, because it's the right thing. And let's stop having this nonsensical discussion about no more unfunded mandates, they're an abuse of power and they're a bad thing.

This is a good thing to do. It's a good thing to do as a matter of state policy. It's a good thing to tell people who have

worked hard in our system that they're entitled to this benefit. I defend our right to do it. I think it's the right thing to do.

I would just ask the Majority, please don't bring up the unfunded mandate constitutional amendment again. Let's all be big boys and play in the real world and say we're doing it and be proud of the fact we've got the power to do it and it's the right thing to do. And end this useless discussion about, oh, no, we need the people to tell us that unfunded mandates are bad. Let's be honest with each other. Let's be honest with the people of this state.

I'm voting aye, proudly.

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, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 847, by Senator Maltese, Senate Print 795, an act to amend the Executive Law, in relation to removing the limitation on crime victims' awards.

SENATOR DOLLINGER: Explanation, please.

ACTING PRESIDENT MEIER: Senator Maltese, an explanation has been requested of Calendar 847 by Senator Dollinger.

SENATOR MALTESE: Yes, Mr. President.

This bill removes the cap on the crime victims' awards and allows for a consideration of past earnings, awarding compensation for lost earnings as a result of the crime.

The bill also requires that the Crime Victims Board take into consideration a recently unemployed victim's solid record of earnings in determining the amount of compensation due to loss of earnings as the result of a crime.

The present cap on the maximum loss of earnings or support is $30,000. This

figure is woefully inadequate and insufficient for some award recipients who are victims, as well as the dependents of victims of violent crimes.

Additionally, it is only fair that the Crime Victims Board take into consideration a recently unemployed victim's solid record of earnings. Many times especially victims of spousal abuse, victims of abuse have a spotty record of employment as a result of the trauma they suffer as a result of the crime.

This bill passed the Senate in 1999 59 to zero. The Crime Victims Board, presently chaired by Joan Cusack, is doing an excellent job of reaching out to crime victims to an extent never before done in the State of New York. I think this would further effectuate their purpose and the laudatory goals of the Crime Victims Board.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, if the sponsor would just yield for a couple of questions.

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

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Through you, Mr. President.

What's the current balance available for awards to crime victims under the crime victims compensation plan?

SENATOR MALTESE: Mr. President, I'm not familiar with the balance. But if this figure were to exceed any balance available, the Senate Majority would see that that balance was sufficiently increased to compensate victims of crimes.

SENATOR DOLLINGER: Again through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT MEIER: Senator Maltese, do you yield?

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: My concern

with this proposal is -- and I understand the rationale in removing the cap, which I think is a good idea. My question is, does it raise the possibility of larger awards in a specific case and fewer awards overall?

I assume that the Crime Victims Board is constantly dealing with a set amount of funds from which they have to carve up into so many pieces. If we allow one highly employed person to take an enormous amount out of money because they've lost significant wages, will this reduce the number of people who will be able to claim from the fund? In other words, if we give more to one, will we have less for everybody else?

SENATOR MALTESE: Mr. President, I don't -- I understand the context of Senator -- the Senator's question. At the same time, the amount of the awards has never exceeded the amount available.

Also, the amount of awards is not a primary factor in the determination of the board. I've had the occasion to speak both with the members of the board and with the chairwoman, Joan Cusack, many, many times in

connection with crime awards. This bill does not alter the fact that the Crime Victims Board takes into consideration a whole host of other considerations, including even the maximum amount of the awardee's home, the maximum amount that the award would be - pardon me, the amount that the victim had been making in the past, the amount of funds that the victim has available, all these factors enter into their judgment as to what the award would be.

And therefore, it does not seem that the amount would be inordinate. As a matter of fact, what this seeks to do is alleviate to some degree these victims' problems financially when they've already been victims of crimes, the most abused and victimized of society. And this would, I think, help the people who were least able to afford the trauma and the cost of the crime that was perpetrated upon them.

SENATOR DOLLINGER: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT MEIER: Senator

Maltese, do you yield?

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Does this bill include compensation to the crime victim for lost future wages?

SENATOR MALTESE: No, Mr. President, through you, it does not. That is not one of the factors taken into consideration.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I'm going to vote in favor of this bill. I am a bit concerned, and I would just suggest to Senator Maltese that the concern is that we do appropriate a finite amount of money each year. This is not an unlimited bank, much like our claims bank in claims brought directly against the state.

But I have a concern that there could be a substantial award given out of this

fund which would reduce its availability for the future for other, smaller claimants.

And my guess is that most of the people who actually follow through and bring claims before the Crime Victims Board probably are people of some means, because they have to find out about it, they probably have to contact counsel.

We're really making the Crime Victims Board into an adjudication agency. We're trying to figure out what their past wages were, what an appropriate level of compensation to them would be. This gets into more conflicted procedures which we may have to address at some time as we try to provide them with those kinds of benefits.

But I do think that when the budget rolls around and we look at the amount of money we put into the compensation fund, we may have to keep in mind that we're substantially increasing the possibility of an individual award of a significant amount. A crime victim with a very substantial income could easily draw out a major portion of the fund in one fell swoop.

So my hope is that when we do the budget next year, we'll look at that issue in greater detail. I'll vote in favor, Mr. President.

ACTING PRESIDENT MEIER: Senator Onorato.

SENATOR ONORATO: Mr. President, will the sponsor yield to a question?

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

SENATOR MALTESE: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR ONORATO: Senator Maltese, I have some visitors coming in from all over the state, some of them in the chamber tonight, coming up to the Italian-American conference, festival, at Troy this evening.

If someone should have the audacity to commit a crime against anyone attempting to attend that festival tonight and they were seriously injured, would this law apply to them?

SENATOR MALTESE: Yes, it certainly would apply to all the distinguished personages who may be in the chamber or who may be attending the Troy festival tonight, which begins at 6:30 in Troy, New York.

(Laughter.)

SENATOR ONORATO: Thank you very much, Senator.

ACTING PRESIDENT MEIER: The preceding was an unpaid announcement.

(Laughter.)

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 849, by Senator Maltese, Senate Print 3941, an

act to amend -

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

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

THE SECRETARY: Calendar Number 1226, by Senator LaValle, Senate Print 4910, an act to amend the Criminal Procedure Law, in relation to designating.

SENATOR HEVESI: Explanation.

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

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

THE SECRETARY: Calendar Number 1228, by Senator Maziarz, Senate Print 5200, an act to amend the Civil Rights Law, in relation to prohibiting.

SENATOR DOLLINGER: Explanation, please.

SENATOR KUHL: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

1232, by Senator Skelos, Senate Print 5504, an act to amend the Civil Practice Law and Rules and the Family Court Act, in relation to creation of a statutory parent-child privilege.

SENATOR DOLLINGER: May we have an explanation.

SENATOR KUHL: Lay that bill aside for the day, please.

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

THE SECRETARY: Calendar Number 1234, by Senator Farley, Senate Print 6237B, an act to amend the Education Law, in relation to prohibiting.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Farley, an explanation has been requested of Calendar 1234 by Senator Dollinger.

SENATOR FARLEY: Thank you, Mr. President.

This is a piece of legislation that came about as a result -- I am a law professor of the State University of New York at Albany.

And in speaking to some of my class - actually, my wife spoke of this also -- they use the Social Security number -- I'll just use my university -- as an ID number.

It's on every class list. And for a semester, five or six of these class lists are printed and thrown all over. Sometimes their Social Security numbers are posted - they're not supposed to be -- with grades. And the students were practically outraged that their Social Security number was propagated all over the university by everybody.

And quite frankly, if I can get ahold of your Social Security number and maybe find out where you bank and a few other things, I can find out all kinds of things about you.

It's a thing that many of your universities, many of your colleges have stopped doing this, have stopped using the Social Security number as an ID number.

We put this legislation in earlier this year. We had to make some corrections to it, I believe this is -- yeah, this is a B

modification -- to take care of the objections of some of the schools, because there are places where they have to have Social Security numbers -- for assistantships, for fellowships, for many things like that.

So we took care of that. We also took care of almost all of the objections that some of the schools had to implementing this.

It's not a big deal. There's a number of people that work for the Senate right today that I've got their Social Security number right in my file. And so they better behave themselves. But -- I may have yours too, Rick.

But anyway, I think this is a good piece of legislation. It is supported, quite frankly, by almost everybody I've run across. And I think it's something whose time has come.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President. Just one question for the sponsor.

ACTING PRESIDENT MEIER: Senator

Farley, do you yield for a question?

SENATOR FARLEY: I certainly will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Does this prohibit the use of the Social Security number as part of a sequence of numbers? In other words, I understand that this bill would prohibit you from using my Social Security number as my student identification number. But does it also prohibit a college from using five digits before my Social Security number and three digits after it as a means of identifying me?

SENATOR FARLEY: I don't think so. I truly don't think so. Basically -- and that's important, that question you asked.

The legislative intent here is to stop schools from using a Social Security number as an ID number.

SENATOR DOLLINGER: But again through you, Mr. President -

SENATOR FARLEY: We used to have that on our license, you know, our driver's

license, and we've stopped doing that.

SENATOR DOLLINGER: Right. Again, Mr. President, just so I make sure I understand.

ACTING PRESIDENT MEIER: Senator Farley, do you yield for another question?

SENATOR FARLEY: I certainly do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: This would not prohibit a college from putting in four or five numbers prior to your Social Security number and then four or five numbers afterwards.

I understand your point, and I think it's a good one. But I know there are instances in which the nine-digit Social Security number is used as part of a sequence of numbers for identification purposes. And my question is whether this would ban that too. Because I would vote for a bill that bans that as well, that practice.

SENATOR FARLEY: Using any part of a Social Security number?

SENATOR DOLLINGER: Using any

part of it, even the last four digits.

SENATOR FARLEY: Well, I don't think that that's -- incidentally, that is - I hear your point. I don't think that that's necessarily part of it, as I recall. I don't have counsel right here. Just give me a second.

But no, I don't think that would stop it. Because, you know, that could - that number is totally insignificant and does not relate to your Social Security number.

SENATOR DOLLINGER: Mr. President, I'm going to vote in favor of Senator Farley's bill. I think it's a good idea.

I would just urge Senator Farley to look at any portion of the Social Security number being used for identification purposes. I've seen it used with three or four numbers in front of it and three or four numbers after it as a part of a major sequence of numbers - which is, I believe, the way it used to be used in our driver's license.

And I've also seen the last four digits of your Social Security number be

appended to another number and it becomes readily identifiable and gives out information to which the general public is not entitled.

I would just ask you to take a look and maybe, if this bill passes, becomes law through the concurrence of the other house and the Governor, to make a more expansive bill that would prohibit any portion of my Social Security number from being used for any identification from me without my express consent.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would like to ask Senator Farley a question.

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

SENATOR FARLEY: I certainly would be pleased to yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

Senator Farley, this is a very good

bill, I think. And I would just ask if you would consider at some point in time extending this even to high schools. Because I'm now finding that every piece of paper that I'm asked to fill out for my son, they're asking for his Social Security number.

So this is not only a problem at the college level and university level, but it is also problematic at the high school and secondary school level. So I would hope that you could consider -

SENATOR FARLEY: I think the bill does do that.

SENATOR MONTGOMERY: Does it do that already?

SENATOR FARLEY: It says "no public or private elementary or secondary school or college." So it does cover that.

SENATOR MONTGOMERY: Fair enough. Thank you very much. I'm all in favor of that.

SENATOR FARLEY: And let me just say as an addendum to this, I mentioned this bill to my former chairman of Banks, Denny Farrell, who is very enthusiastic over this

bill and is carrying it over there. And I suspect that this just isn't one house, this is something that's going to be signed into law.

SENATOR MONTGOMERY: I appreciate that. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1237, by Senator Padavan, Senate Print 6587, an act to amend the Vehicle and Traffic Law, in relation to prohibiting holders of learner's permits.

SENATOR DOLLINGER: May we have a brief explanation, please.

ACTING PRESIDENT MEIER: Senator

Padavan, an explanation has been requested of Calendar Number 1237.

SENATOR PADAVAN: Yes, Mr. President.

Currently the Commissioner of Motor Vehicles designates areas where driving - driver's testing takes place, which of course, as we know, is a requirement. Once passing that test, you get a license.

What this proposed legislation would require is that the schools that give this driver education training, largely commercial enterprises, do not train their drivers in the area in which they are going to be subsequently tested in.

Yes, that's the legislation.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President. Actually, I'll tell you what. I'll dispense with the questions, Mr. President.

I thank Senator Padavan for his excellent explanation. We had a discussion about this in the Rules Committee before. I'm

going to vote no. I still think that a driver, including my 16-year-old son, who got his license last Thursday, should be able to test his skills almost anywhere he wants.

And while I appreciate the neighborhood problems that give rise to Senator Padavan's concerns in Queens, I still think that drivers shouldn't be barred -- even a young driver with an adult next to them shouldn't be barred from the test area, that they should be able to drive through the test area.

Just like, frankly, we do when take a bar exam and we study for the bar exam, when we take a flying test and we go up and fly around in an airplane.

A lot of it has to do with practicing your skills. And it doesn't seem to me that it's unfair, it doesn't seem to me it's unconscionable that we would allow drivers to test their skills in the roadways that they're going to be tested on.

I appreciate the problems in Queens, and I understand that this may be burdensome to some neighborhoods. I would

suggest that the way to solve the problem is to have the Department of Transportation or the Department of Motor Vehicles move the site once a month.

But from my point of view, this just doesn't seem to be the right way to solve the problem of teaching drivers how to drive. They've got to learn on the road someday, and they might as well -- they shouldn't be barred from driving on the test area.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Mr. President, I'm just disposed to respond to Senator Dollinger's comments in this extent.

Yes, when you take your bar exam, you look at old tests and get an idea. But you don't get the test that you're going to take the day before or the week before.

Now, if a driver, a young driver - and we all have gone through this with our children -- is to be accurately and appropriately tested, he should not be driven around in that area previously, knowing where every stop sign is, where every intersection

is, where every light is, where every school crossing is, and know that by rote. Because we want that person to be able to identify those areas in any event, no matter where he or she is driving.

So what this will help is, I think, produce a better driver, and not someone who is taking the tests in the same area that he's going to be officially tested on days later. That doesn't make any sense either.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President, I'll just briefly respond.

I understand Senator Padavan's point. But these are the public streets. These are parents who have paid their tax dollars to have the public streets constructed. And under those circumstances, we're really saying to parents, You can't have your children drive on the public streets, because this is the area in which we're testing people.

I understand Senator Padavan's point. But from my point of view, these are

the public streets, parents pay to build them. If they want to teach their children how to drive there, the fact that it's a test area isn't enough to convince me that we should ban them from the streets and make it a moving violation for them to drive in that area.

Mr. President, I think this is one about which minds can differ. Whether my position is reasonable or not may be up to debate. But I think this is one where we can differ, and I'm going to vote in the negative.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1242, by Senator Kuhl, Senate Print 7561B, an

act to authorize the Department of Correctional Services or the Commissioner of General Services to sell or lease.

SENATOR KUHL: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1243, by Senator Balboni, Senate Print 7580, an act to amend the Judiciary Law, in relation to statements to be filed by judges or justices.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DOLLINGER: Explanation, briefly.

ACTING PRESIDENT MEIER: Senator Balboni, an explanation has been requested of Calendar 1243 by Senator Dollinger.

SENATOR BALBONI: Thank you, Mr. President.

This is a bill that would correct a technical deficiency in the current law by amending the Judiciary Law to reflect a change that was made in 1996 in the CPLR whereby the

requirement for certain information to be filed by referees and other appointees would have a minimum threshold level of $500 as opposed to $200.

In 1996, pursuant to an Office of Court Administration memo, carried by the eminent Dale Volker, this amendment was made and it was passed, but we did not include the amendment to Section 35A of the Judiciary Law. This is what this bill does.

Thank you.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just briefly on the bill.

This bill recognizes the fact that we substantially increase the compensation for referees in foreclosures from $200 to $500. And therefore, since we didn't ask them to report at the $200 level, we're now raising it up to $500. Which I think is a good idea.

The only reason why I rise to speak is just to say this is for lawyers who perform foreclosures. We allowed a substantial increase in the fees. I go back to an issue

which we raised in the budget, which is we have lawyers working in our family courts in the most desperate position possible, and we pay them $25 an hour.

This bill, which I'm going to vote in favor of, should remind us that we have other lawyers who are performing far more serious, far more important work for which we have never raised the statutory compensation.

And I would suggest, Senator Balboni, while this is a good idea and gives less paperwork for lawyers, we could achieve a great deal by increasing fees in other areas for lawyers.

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, 58.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr.

President. I would like unanimous consent to be recorded in Calendars Number 189 and also Calendars 1216 and 1252.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendars 1216, 1252, and 189.

The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1245, by Senator Stafford, Senate Print 7643, an act in relation to revising a certain claim.

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

ACTING PRESIDENT MEIER: The bill

is passed.

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

SENATOR KUHL: Mr. President, may we return to the order of reports of standing committees. I understand there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 1605, by Senator Alesi, an act to amend the General Business Law;

2283, by Senator Goodman, an act to amend the Transportation Law;

2699, by Senator Lachman, an act to amend the Public Authorities Law;

3822, by Senator Volker, an act to amend the Penal Law;

4021A, by Senator Nozzolio, an act to amend the Criminal Procedure Law and the

Penal Law;

4185, by Senator Velella, an act to amend the Real Property Law;

5326, by Senator Leibell, an act to amend the Military Law;

6245, by Senator Velella, an act to amend the Civil Practice Law and Rules;

6363, by Senator Seward, an act to amend the State Finance Law;

6821, by Senator Skelos, an act to amend the Civil Practice Law and Rules;

6958, by Senator Padavan, an act to amend the Penal Law;

7072, by Senator Leibell, an act to amend the Civil Practice Law and Rules;

7250, by Senator Hannon, an act to amend the Tax Law;

7261A, by Senator Seward, an act to amend the Insurance Law;

7419, by Senator Velella, an act to amend the Vehicle and Traffic Law;

7515, by Senator Goodman, an act to amend the Penal Law;

7630, by Senator Alesi, an act to amend the Criminal Procedure Law;

7645, by Senator Stafford, an act to amend the Education Law;

7680A, by Senator Rath, an act to amend the Public Authorities Law and Chapter 579 of the Laws of 1999;

7701, by Senator Balboni, an act to amend the General Business Law;

7773, by Senator Leibell, an act to amend the Election Law;

7821, by Senator Padavan, an act to amend the Highway Law;

7844, by Senator LaValle, an act to amend the Executive Law;

7867, by Senator Rath, an act to amend the Real Property Tax Law and the Agriculture and Markets Law;

7899, by Senator Morahan, an act to amend the Education Law;

And 7949, by Senator Marcellino, an act to amend the Executive Law and others.

All bills ordered direct to third reading.

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

SENATOR KUHL: Mr. President, I move we accept the report of the Rules Committee.

SENATOR DOLLINGER: No objection.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Senator Kuhl.

SENATOR KUHL: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: We have one motion, Senator.

Senator Seward.

SENATOR SEWARD: Yes. Mr. President, on page 52 I offer the following amendments to Calendar Number 995, Senate Print Number 7127A, and ask that the 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 Kuhl.

SENATOR KUHL: Yes, Mr. President, there being no further business to come before the Senate, I move we adjourn until tomorrow, Tuesday, June 6th, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, June 6th, at 3:00 p.m.

(Whereupon, at 4:30 p.m., the Senate adjourned.)