NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 13, 2000

11:21 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

ACTING PRESIDENT MEIER: In the absence of clergy, may we bow our heads in a moment of silence.

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 12, the Senate met pursuant to adjournment. The Journal of Sunday, June 11, was read and approved. On motion, Senate adjourned.

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

Senator Kuhl.

SENATOR KUHL: Yes, Mr.

President. I'd like to announce that there will be an immediate meeting of the Senate Finance Committee in the Majority Conference Room, Room 332.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Saland, on page number 14 I offer the following amendments to Calendar Number 547, Senate Print Number 3812, 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 Kuhl.

SENATOR KUHL: Are there any substitutions at the desk?

ACTING PRESIDENT MEIER: Yes, there are, Senator. Would you like them read?

SENATOR KUHL: Please make the substitutions.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 40, Senator Goodman moves to discharge, from the Committee on Rules, Assembly Bill Number 1157 and substitute it for the identical Senate Bill Number 663, Third Reading Calendar 1346.

On page 40, Senator Marchi moves to discharge, from the Committee on Finance, Assembly Bill Number 2581 and substitute it for the identical Senate Bill Number 2150, Third Reading Calendar 1353.

And on page 41, Senator Velella moves to discharge, from the Committee on Transportation, Assembly Bill Number 4181 and

substitute it for the identical Senate Bill Number 3598, Third Reading Calendar 1357.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Kuhl.

SENATOR KUHL: Mr. President, may we now adopt the Resolution Calendar, with the exception of Resolution Number 4794.

ACTING PRESIDENT MEIER: All in favor of adopting the Resolution Calendar, with the exception of Resolution 4794, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Senator Kuhl.

SENATOR KUHL: May we now have the noncontroversial reading of the calendar.

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

THE SECRETARY: Calendar Number 43, by Senator Alesi, Senate Print 3485B, an act to amend the State Administrative Procedure Act, in relation to adjudicatory proceedings.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator Saland, Senate Print 2752A, an act to authorize the city school district of the City of Poughkeepsie.

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, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 574, by Senator Stafford, Senate Print 3843, an act to amend the Executive Law and the Arts and Cultural Affairs Law, in relation to including.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 767, by Senator Goodman, Senate Print 5671B, an act to amend the Real Property Tax Law and the Administrative Code of the City of New York, in relation to mailing requirements.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 51. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 995, by Senator Bonacic, Senate Print -

ACTING PRESIDENT MEIER: Just a second. Can we have just enough quiet so we can hear the Secretary read, please.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 995, by Senator Bonacic, Senate Print 7127B, an act to amend Chapter 915 of the Laws of 1982 amending the Public Authorities Law.

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, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1005, by Senator Skelos, Senate Print 6153A, an act to amend the Civil Rights Law, the Criminal Procedure Law, and the Executive Law, in relation to a change of name.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1043, by Senator Skelos, Senate Print 6777B, an act to amend the Public Service Law, in relation to the authority of a telegraph or telephone corporation.

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, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1098, by Senator Spano, Senate Print 7766A, an act to amend the Executive Law, in relation to obtaining nationwide criminal history records.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1152, by Senator Balboni, Senate Print 7161A, an act to amend the Banking Law, in relation

to the maintenance of assets.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect 120 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1251, by Senator Goodman, Senate Print 7911, an act to amend the Civil Practice Law and Rules, in relation to forfeiture proceedings.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1332, by Senator Meier, Senate Print 7816, an act to amend -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1340, by Senator Hoffmann, Senate Print 6688B, an act to amend the Family Court Act, the Social Services Law, and the Penal Law, in relation to abandoned infants.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 10 -

SENATOR HOFFMANN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1351, by Senator Bonacic, Senate Print 1731D, an act to amend the Vehicle and Traffic Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Libous, Senate Print 2093A, an act to amend the Vehicle and Traffic Law, in relation to the expiration of parking violations.

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, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1353, substituted earlier today by Member of the Assembly Vann, Assembly Print Number 2581, an act to amend Chapter 154 of the Laws of

1921 relating to the Port Authority.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law by the State of New Jersey.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator Stafford, Senate Print 2375A, an act to amend the Lien Law, in relation to notice of lien.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3 -

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

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

THE SECRETARY: Calendar Number 1355, by Senator McGee, Senate Print 2895B, an

act to amend the Public Authorities Law and the Transportation Law, in relation to creating the Chautauqua, Cattaraugus, Allegany and Steuben southern tier.

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

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, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1356, by Senator LaValle, Senate Print 3057A, an act to amend the Criminal Procedure Law, in relation to designating certain employees.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1357, substituted earlier today by Member of the Assembly Brennan, Assembly Print Number 4181, an act to amend the Vehicle and Traffic Law, in relation to adjudication.

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, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator LaValle, Senate Print 5925C, an act to amend the Education Law and the Economic Development Law, in relation to purchasing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Marchi, Senate Print 6239, an act to authorize the City of New York to reconvey its interest in certain real property.

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

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, 51.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1360, by Senator Marchi, Senate Print 6353, an act authorizing the City of New York to reconvey its interest in certain real property.

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

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, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1361, by Senator Marcellino, Senate Print 6670, an act to amend the Education Law, in relation to transporting children.

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, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1362, by Senator Seward, Senate Print 6679A, an act to amend the Insurance Law, in relation to authorizing domestic life.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect in 90 days.

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 1363, by Senator Nozzolio, Senate Print 6703, an act to amend the Penal Law, in relation to aggravated harassment of an employee by an

inmate.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1364, by Senator Morahan, Senate Print 6825 -

SENATOR PATERSON: Lay that aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1365, by Senator Seabrook, Senate Print 6857, an act authorizing the City of New York to release its interest in certain real property.

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

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 1366, by Senator Hannon, Senate Print 6893A, an act to amend the Lien Law, in relation to extending the duration of certain liens.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1367, by Senator Alesi, Senate Print 6985A, an act in relation to redistributing 1999 bond volume allocations.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 17. 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 1368, by Senator Markowitz, Senate Print 6995, an act authorizing the City of New York to reconvey its interest in certain real property.

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

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

1369, by Senator Meier, Senate Print 7091, an act to authorize Kevin Collins, a police officer employed by the police department of the town of New Hartford.

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, 53.

ACTING PRESIDENT MEIER: The bill is passed.

I'm sorry. Senator Duane.

SENATOR DUANE: Thank you very much. I'd like unanimous consent to change my vote on Calendar Number 1098 from negative to affirmative, please.

ACTING PRESIDENT MEIER: Without objection, so ordered.

The Secretary will continue to read.

THE SECRETARY: Calendar Number

1370, by Senator Maziarz, Senate Print 7256, an act to amend the Estates, Powers and Trusts Law and the Not-for-Profit Corporation Law, in relation to public notice.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Seward, Senate Print 7295, an act to amend the Insurance Law, in relation to the issuance of stop-loss policies.

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, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1372, by Senator Seward, Senate Print 7327B, an act to amend the Insurance Law, the Not-for-Profit Corporation Law, the Tax Law and others, in relation to the organization, licensing and regulation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 14. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1373, by Senator Spano, Senate Print 7533B, an act to amend the Social Services Law, in relation to establishing voluntary enhanced standards.

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.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Leibell, Senate Print 7540A, an act to amend the Town Law, in relation to the diminishment of the Continental village water district.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Spano, Senate Print 7606A, an act to amend the Banking Law.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR KUHL: Lay the bill aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1376, by Senator Bonacic, Senate Print 7618B, an act in relation to the alienation of certain parkland in the Town of Thompson, Sullivan County.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1377, by Senator Bonacic, Senate Print 7854A, an act to authorize the Village of Saugerties to lease the waterfront parkland.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator Johnson, Senate Print 7927A, an act authorizing the assessor of the Town of Babylon to accept an application.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Padavan, Senate Print 7947, an act to amend the Criminal Procedure Law, in relation to statements.

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

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

SENATOR KUHL: If you would recognize, Madam President, Senator DeFrancisco.

ACTING PRESIDENT McGEE: The chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, I just would like to record that had I been in the chamber on 6/7/2000, I would

have voted yes on -- excuse me, no on Senate Calendar Number 842, Senate Bill Number 3903.

ACTING PRESIDENT McGEE: The record will so reflect.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. May we return to motions and resolutions.

And would you now at this time please have the Secretary read the title to Resolution 4794 and then move to its adoption.

ACTING PRESIDENT McGEE: Motions and resolutions.

The Secretary will read the title of Resolution 4794.

THE SECRETARY: By Senator Seabrook, Legislative Resolution Number 4794, recognizing 15 honorees upon the occasion of commemorating the 37th anniversary of African Liberation Month.

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

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed,

nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. May we now have the controversial reading of the calendar, commencing with Calendar Number 1332 and continuing in order thereafter.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1332, by Senator Meier, Senate Print 7816, an act to amend the General Municipal Law, in relation to prize awards for certain games of chance.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR DOLLINGER: Explanation, please, Madam President.

ACTING PRESIDENT McGEE: Senator Meier, an explanation has been requested.

SENATOR MEIER: Thank you, Madam President.

This bill amends the General Municipal Law to permit the value of prizes offered by authorized organizations conducting a raffle to increase from $100,000 to $150,000.

ACTING PRESIDENT McGEE: Thank you, Senator Meier.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, will the sponsor yield to a question?

ACTING PRESIDENT McGEE: Senator Meier, will you yield for a question?

SENATOR MEIER: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR DOLLINGER: Just so I better understand this, could you describe for me the current process by which a prize up to $100,000 is approved by the board? I assume it is still -- is it approved by the board up to 100,000, or -

SENATOR MEIER: Madam President, I don't believe the prize is approved.

But the process would be if an authorized organization were going to hold a raffle, they would apply through the local permit granting officer, normally the town or city clerk, and then those papers in turn are filed with the Racing and Wagering Board.

ACTING PRESIDENT McGEE: Senator Dollinger.

SENATOR DOLLINGER: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT McGEE: Senator Meier, do you continue to yield?

SENATOR MEIER: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR DOLLINGER: Do I understand that now under the current process the Racing and Wagering Board has to approve the application? Or it's just filed with the board?

SENATOR MEIER: My understanding, Madam President, is that it's -- the approval is in the local official, and it's filed with

the Racing and Wagering Board.

SENATOR DOLLINGER: Okay. I think I know enough to make up my mind, Madam President.

Just on the bill, briefly.

ACTING PRESIDENT McGEE: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I voted against a bill yesterday that would have allowed the waiver of admission prices in the bingo games. Not because I'm against bingo as a form of raising money for churches, I just think that we're stepping away from our regulation of games of chance. I think that puts us -- our constituents at a more significant risk of either being defrauded, quite frankly, or being taken advantage of in the gaming process.

We're now going to have, in essence, small raffles and small lotteries growing up around the state for goods up to $150,000, all without apparent government oversight other than through local officials, who I assume do it as a matter of habit.

And I assume we don't have

significant standards about determining whether they're bonded gifts or whether they're required that there be insurance or what kind of odds and disclosure is made at the time you buy these chances.

As I'm sure Senator Meier knows, in national games of chances there's extensive disclosure. It is written in teeny-weeny print on the back of the McDonald's tickets that you buy. But I'm not so sure that there's that kind of disclosure that occurs in these raffles.

I continue to think that moving away from the regulation of games of chance in any form is a bad idea. This is just the kind of thing that six months from now, a year from now, six years from now somebody will say "I was defrauded, there was never a prize." And I think in the long run, moving from regulation of games of chance will become an idea that gets worse and worse in people's minds.

I'm going to vote against the bill. I understand why the charities and donated houses -- which is one of the issues that's

raised in the memo -- why that issue may have some legitimacy, but I think we should refrain from getting out of the business of regulating games of changes. Otherwise, our constituents will be the big losers.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1332 are Senators Dollinger, Padavan, and Paterson. Ayes, 54. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. May we now take up Calendar Number 1379, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number

1379, by Senator Padavan, Senate Print 7947, an act to amend the Criminal Procedure Law, in relation to statements at the time of a plea.

SENATOR DUANE: Explanation.

ACTING PRESIDENT McGEE: Senator Padavan, an explanation has been requested.

SENATOR PADAVAN: Thank you, Madam President.

This bill simply adds to existing law by affording victims or members of their family the opportunity to be heard when a plea of not responsible by reason of insanity is accepted by a court, allowing at that point in time an opportunity for these victims or their family members to be heard.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1340, by Senator Hoffmann, Senate Print 6688B, an act to amend the Family Court Act, the Social Services Law, and the Penal Law, in relation to abandoned infants.

SENATOR KUHL: Lay it aside temporarily, please.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1363, by Senator Nozzolio, Senate Print 67 -

SENATOR KUHL: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

SENATOR KUHL: Madam President.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: It probably should be said at this time that there are a number of members who have bills on the calendar and who are not present when the bill is called.

We are, as you know, in the next-to-last day of session, and that in fact

it may be necessary not to reissue or readjust or reacquaint ourselves as a chamber with the bills if they're passed over the first time. So, as Senator Padavan has just reminded me, these may not be revisited.

So it is a strong suggestion, coming from the Majority Leader, that if members have bills on the active list that they be present when the bills are called, to debate them if necessary.

Now, with that having been said, Senator Morahan is present to debate the bill. So would you have the Secretary please call up Calendar Number 1364, please.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, would the Acting Majority Leader yield for a very brief question.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: This is a rare occasion. But yes, I will, Senator Paterson.

SENATOR PATERSON: Senator, why don't we cure this problem and ameliorate it

by putting the bills on the floor of the members who are here.

(Laughter.)

SENATOR KUHL: I think the rest of the calendar is noncontroversial, Madam President. No, I'm just kidding.

(Laughter.)

ACTING PRESIDENT McGEE: The Secretary will read 1364.

THE SECRETARY: Calendar Number 1364, by Senator Morahan, Senate Print 6825, an act to amend the Public Authorities Law, in relation to making technical and clarifying changes.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT McGEE: An explanation has been requested, Senator Morahan.

SENATOR MORAHAN: Yes. In Rockland County, the sewer and solid waste district provides service to the Palisades Interstate Park in the Bear Mountain area and throughout the county. They have been

unsuccessful in collecting service charges from that organization based on the way the law is written.

It's a sizable amount of money, and the county has asked that we change the law and change a word within the law, it's a technical correction, to add "governmental entity" as well as "person," so that they would have standing in order to collect the funds that are due and payable.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, would Senator Morahan yield for a question?

SENATOR MORAHAN: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: By changing the definition -- it's not as much changing a word, from what I understand, Senator Morahan, it's changing the definition of a person to include a government entity; is that correct?

SENATOR MORAHAN: That's correct.

It says "corporation" -- let me just read that for you: "A natural person, partnership, association, joint venture, a corporation, exclusively of a public corporation" -- which we've taken out -- "and/or governmental entity."

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

ACTING PRESIDENT McGEE: Senator Morahan, will you continue to yield?

SENATOR MORAHAN: Yes, I do, Madam President.

ACTING PRESIDENT McGEE: Thank you.

The Senator yields.

SENATOR PATERSON: Madam President, which change in the original enactment would necessitate us going back and changing the definition now?

SENATOR MORAHAN: I don't understand the question.

SENATOR PATERSON: In other words, what has happened since the original enactment that makes us want to make this

change? Are there any new facilities that the -- that are going to be affected or developed through this?

SENATOR MORAHAN: Well, what has happened, to my understanding, is the formation of the Solid Waste Authority in Rockland County. They've been unable to collect the funds due and payable. And that's being supplemented now, or augmented, by the taxpayers.

SENATOR PATERSON: Madam President, there's no way to collect them without making a change in the definition?

Because it seems that the Legislature was pretty specific about these definitions. And it's not that -- it's not that this particular issue really affects anything as much as I don't know what opening the door actually is when it comes to this kind of situation like a waste management authority in Rockland County.

ACTING PRESIDENT McGEE: Are you directing a question to Senator Morahan?

SENATOR PATERSON: Yes, I'm sorry, Madam President.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Would you rephrase the question, Senator?

SENATOR PATERSON: What I'm saying is that though I understand why you drafted this bill, isn't there another way to accomplish this without changing the definition of a person to include a government entity? Because I don't know what the boundaries of the change of that definition might actually be.

SENATOR MORAHAN: I understand the question, Senator. And I think it's a good question.

However, I have found no other way of relief, according to counsel, other than to do as the county has asked to make this particular change. Both their counsel and our counsel have discussed this, and this is where we are. They don't see any other relief.

Every other effort to collect the monies has failed. And the PIP has consistently used the defense, if you will, that "government entity" is not included in

what is in the language now.

And therefore, it had to be included for the county to be successful or the county Solid Waste Authority to be successful in collecting the money that's due.

SENATOR PATERSON: Thank you, Senator. Last section.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Stachowski.

SENATOR STACHOWSKI: Madam President, could I have unanimous consent to be recorded in the negative on Calendar 1366.

SENATOR KUHL: No objection.

ACTING PRESIDENT McGEE: The record will show.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. May we now return to the reports of standing committees. I understand there's a report of the Senate Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT McGEE: Reports of standing committees.

The Secretary will read.

SENATOR KUHL: Madam President.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Before you start that process, I'd like to remind the members of the Judiciary Committee that there will be a Judiciary Committee meeting in the Majority Conference Room at 12:00 noon, in five minutes from this moment, 12:00 noon.

ACTING PRESIDENT McGEE: Members of the Judiciary Committee are reminded that there will be a meeting in the Majority Conference Room at 12:00 noon.

The Secretary will read.

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

As a member of the Board of Trustees of the State University of New York, Patricia A. Elliott-Stevens, of Rochester.

ACTING PRESIDENT McGEE: Senator Stafford.

SENATOR STAFFORD: Madam President, it's certainly a pleasure to yield to Senator LaValle for this very, very fine nomination.

ACTING PRESIDENT McGEE: Senator LaValle.

SENATOR LAVALLE: Thank you, Madam President. And, Senator Stafford, thank you for giving me the opportunity as chairman of the Higher Education Committee to say some words about Patricia Stevens, who is currently a trustee of the State University and is being renominated.

Trustee Stevens has done an outstanding job in the short time that she has served as a trustee. But the most telling thing is that she has gone through every phase, I believe, of the State University, beginning with attendance at Monroe Community College, then receiving her baccalaureate

degree from Brockport and two master's degrees from Brockport. And also her doctorate in - she's a doctoral candidate at SUNY Buffalo, UB.

She in both times, as I had indicated to the Finance Committee, when she appeared before the Higher Education Committee was just a terrific candidate in terms of answering questions and engaging the committee.

I am very confident that she will continue her excellent attendance record of 100 percent. But more importantly, as chair of the subcommittee on community colleges, something that is near and dear to the members of this house as well as the Legislature, that she will stay connected with the Legislature and that we will continue to do good things for our community colleges and therefore be helpful to those students who want affordable education in their own community at their community college.

So, Mr. Chairman, Madam President, I move the nomination of Trustee Patricia Elliott-Stevens.

ACTING PRESIDENT McGEE: Thank you, Senator LaValle.

The question is on the confirmation of Patricia A. Elliott-Stevens as a member of the Board of Trustees of the State University of New York. All in favor answer aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The confirmation is affirmed.

And we have with us today Patricia A. Elliott-Stevens. And, Patricia Stevens, we congratulate you on your reappointment as a trustee on the board of the State University of New York.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As a member of the Industrial Board of Appeals, Theodore R. Kupferman, Esquire, of New York City.

SENATOR KUHL: Move confirmation, please.

ACTING PRESIDENT McGEE: The question is on the confirmation of Theodore Kupferman as a member of the Industrial Board of Appeals. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Rochester-Genesee Regional Transportation Authority, Stephen A. Horstman, of Rochester.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Yes, Madam President.

It's my pleasure to stand up and second the nomination and move the confirmation of Stephen Horstman, of Rochester, on behalf of Senator Stafford, who has been called out of the room to another committee meeting.

Senator Stafford wanted me to make sure that the members knew that in fact Mr. Horstman had met with the Transportation Committee and was very well received by that committee and also met with the Finance Committee just a short time ago and was well received there.

Mr. Horstman is from Rochester, New York. He is an engineer who has worked with Kodak. And we believe he will provide a valuable service to the Rochester-Genesee Transportation Authority.

So it's with a great deal of pleasure and pride that I move his confirmation at this time.

ACTING PRESIDENT McGEE: The question is on the confirmation of Stephen A. Horstman, of Rochester, as a member of the Rochester-Genesee Regional Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nomination is confirmed.

We have visiting with us in the chambers today Stephen A. Horstman. And with him is Diane Loving, his wife.

Our congratulations to you, Mr. Horstman. And on behalf of the State of New York Senate, we welcome you here.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As members of the Small Business Advisory Board, Vincent J. Stanley, of Rochester, and Ross M. Weale, of South Salem.

ACTING PRESIDENT McGEE: The question is on the confirmation of Vincent J. Stanley and Ross M. Weale as members of the Small Business Advisory Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The

nominations are confirmed.

The Secretary will read.

THE SECRETARY: As members of the State Environmental Board, David Johnson Miller, of Ballston Lake, and Gail S. Port, of Forest Hills.

ACTING PRESIDENT McGEE: The question is on the confirmation of David Johnson Miller and Gail S. Port as members of the State Environmental Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Senator Oppenheimer.

SENATOR OPPENHEIMER: I believe I'm required to state that Gail Port is in my husband's law firm, and therefore I have to abstain.

ACTING PRESIDENT McGEE: The record will so indicate.

The appointees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission, Benjamin M. Paulino, of Kings Park.

ACTING PRESIDENT McGEE: The question is on the confirmation of Benjamin Paulino as a member of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Advisory Council on Agriculture, Philip Herrington, of Troy.

ACTING PRESIDENT McGEE: The question is on the confirmation of Philip Herrington, of Troy, as a member of the

Advisory Council on Agriculture. All in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As members of Advisory Council on Alcoholism and Substance Abuse Services, Joette Deane, of Oswego, and Richard G. Dobell, of Endwell.

ACTING PRESIDENT McGEE: The question is on the confirmation of Joette Deane, of Oswego, and Richard Dobell, of Endwell, as members of the Advisory Council on Alcoholism and Substance Abuse Services. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The appointees are confirmed.

The Secretary will read.

THE SECRETARY: As Major General of the New York State Organized Militia, George Garrett, of Freehold, New Jersey.

ACTING PRESIDENT McGEE: The question is on the confirmation of George Garrett as Major General of the New York State Organized Militia. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The appointee has been confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors of the New York School for the Blind, Anna Neuberg Korus, of Fairport.

ACTING PRESIDENT McGEE: The question is on the confirmation of Anna Neuberg Korus, of Fairport, as a member of the Board of Visitors of the New York State School for the Blind. All in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nominee is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors of the Agricultural and Industrial School at Industry, Patricia A. Tantillo, of West Henrietta.

ACTING PRESIDENT McGEE: The question is on the confirmation of Patricia A. Tantillo, of West Henrietta, as a member of the Agricultural and Industrial School at Industry. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nominee is hereby confirmed.

Senator Kuhl.

SENATOR KUHL: Yes, Madam

President. Earlier Senator Oppenheimer had asked permission to essentially excuse herself from voting on the nomination of Gail Port.

And I think the record should reflect that permission was granted and she abstained from that vote on that confirmation.

ACTING PRESIDENT McGEE: The record will so show.

SENATOR KUHL: Now can we return to the order of motions and resolutions. And I believe that there's some motions to be taken up.

ACTING PRESIDENT McGEE: Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Yes, thank you, Madam President.

On behalf of Senator Leibell, on page 19 I offer the following amendments to Calendar 741, Senate Print 3384A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT McGEE: The amendments are received and adopted. The bill will retain its place on the Third Reading

Calendar.

SENATOR KUHL: Madam President.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Yes. Could we now take up Calendar Number 1363, by Senator Nozzolio.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1363, by Senator Nozzolio, Senate Print 6703, an act to amend the Penal Law, in relation to aggravated harassment.

SENATOR OPPENHEIMER: Explanation.

ACTING PRESIDENT McGEE: Senator Nozzolio, an explanation has been requested.

SENATOR NOZZOLIO: Thank you, Madam President.

The purpose of this legislation is to include police officers and their detainees as those employees and offenders covered under the provisions of what we call the aggravated harassment of an employee by an inmate statute.

Basically, any police officer that is detaining or attempts to detain an individual who uses their bodily fluid as weapons, that in effect that becomes -- that conduct gives rise to the course of a felony.

That we must protect our law enforcement officers at every opportunity, and this opportunity defends those employees who are upholding the law and trying to enforce the law yet are faced with an attack by someone that they're detaining.

Now, that attack, whether it be somebody using any of their bodily fluids to insult that officer, becomes much more than an insult, it becomes downright dangerous. In this day of HIV and transmission by the extension of bodily fluids to an individual, whether -- that that certainly gives rise to the course of a felony.

And that that's why we're trying to ensure that correction officers who have this protection have that same protection afforded to other law enforcement officers.

SENATOR OPPENHEIMER: Explanation satisfactory.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT McGEE: The bill is passed.

SENATOR KUHL: Madam President.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Could you call up Calendar Number 1340, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1340, by Senator Hoffmann, Senate Print 6688B, an act to amend the Family Court Act, the Social Services Law, and the Penal Law, in relation to abandoned infants.

ACTING PRESIDENT McGEE: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I'm very, very proud today to be able to rise in the Senate chamber and speak in favor of this very -

ACTING PRESIDENT McGEE: Excuse me just one moment. Senator Hoffmann, just one moment.

Senator Bruno.

SENATOR BRUNO: Yes. Senator Hoffmann, would you suffer an interruption?

SENATOR HOFFMANN: I'd be happy to yield for Senator Bruno.

SENATOR BRUNO: Thank you.

And Senator Hoffmann will speak to this legislation that we are going to be taking up at this time. I would like to just speak generally on this legislation and how it affects people's lives.

Senator Hoffmann many, many years ago recognized that there was a great injustice being done with newborns here in New York State and throughout the country, and put together legislation that would create, in essence, a safe haven for newborn babies. And

that if a young mother turned in a newborn baby in good health, that that mother would not be prosecuted.

My son Ken Bruno, who is the district attorney in Rensselaer County, becoming aware of that and what was taking place in the country, put together a group, I believe, of nine other district attorneys in the Capital Region to create what they've referred to as "Safe Haven."

Well, we just got notified - they're doing that on a voluntary basis - that the very first baby, a newborn, was turned in this morning at Samaritan Hospital with a 20-year-old mother, and the mother and the baby are doing well.

And, you know, we in this Legislature deal with a lot of issues, and many of them are important. But this legislation -- and I can't commend Senator Hoffmann enough for her vision over the past years in taking a leadership position in this -- this saves a life. And, potentially, the life of a young mother who won't be facing prosecution and potentially ending up for many

years of her life behind bars. It's a win for her, it's a win for society, and it's a win for a newborn baby who has a chance at life.

So I think all of us can be proud, very proud of my son Ken and his leadership locally, very proud that Senator Hoffmann had the initiative so many years ago and the persistence to stay with this.

So I would encourage everyone here in this chamber to be supportive.

Thank you, Madam President, and thank you, Senator Hoffmann.

ACTING PRESIDENT McGEE: Thank you, Senator Bruno.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Senator Bruno, for those kind words.

It's difficult not to be emotional about this measure as we pass it, and the timing is really kind of mind-boggling. It was just minutes ago that I received the call from Ken Bruno saying that they had received their first infant under Operation Safe Haven. And the sense of personal gratification, knowing that a life has been saved, is very,

very difficult to put into words at this time.

But the timing is perhaps fortuitous, because it will keep us focused on our need to be certain that the other house understands that this language that we have today is in fact the language that works. I want to take a moment to explain why this bill is different from bills that have happened in other states.

There's been a great deal of commotion in the last few months because these things seem to happen in a rash. They've been happening for years and years. My personal history goes back 19 years to 1981, when, as a member of the Syracuse City Council, I had to deal with a series of abandoned infants, all found dead, in my own little council district back in Syracuse.

I put together a task force at that time, and we assessed the problem in terms of how we were failing as a society to anticipate this need.

There are several points that come clear that are absolutely indisputable. One of them is the fact that the young mothers -

and they generally are young mothers -- the young mothers who would consider abandoning an infant are frightened, they are in denial, they feel that they will be persecuted or punished in a way that they cannot comprehend.

They are not thinking in anything close to a clear frame of mind. They are going through all of the hormonal changes that happen normally within childbirth anyhow, without having any preparation about what will happen to their bodies and to their emotional well-being in the process of giving birth.

They have resisted going to a hospital and receiving any kind of prenatal care throughout that pregnancy. Their denial is so complete, up to and including the birth process, that they suffer childbirth alone. And then they are determined that nobody can find out what it is that happened, and they are literally focused on destroying the evidence of that pregnancy rather than dealing with a living human life that they have created.

Now, for most people this is inconceivable. And the irony here is that our

legal system, which is structured to protect infants and to prosecute aggressively anybody who would ever harm an infant, puts us in a collision course with the actual circumstances of the abandoned babies as we have experienced them in this country in recent months and decades.

What we have here is a bill that brings into harmony the needs of that mother, no matter how disturbed her thinking is at the time of birth, with the desire to save that infant. Very simply put, we must meet that woman on her own terms in order to save the life of the infant. And I think that's a pretty good trade-off.

Here's the way we will do it in New York State if this measure is enacted by the Assembly and signed into law by the Governor, and I have every confidence that it will be. And it has not been an easy course to get here, because the district attorneys of this state have had the responsibility of prosecuting to the letter of the law anything that would amount to neglect or abandonment or child abuse.

So we have now had the good fortune of having the most progressive district attorney on our side that I have ever encountered in my life. And I'm not saying it just because his father is in the Senate chamber. I have the deepest respect for Joe Bruno -- for Ken Bruno. I do for his dad too.

But for Ken Bruno, this is a very special moment, because he provided the leadership to help the district attorneys - not just in the Capital District, but statewide -- understand that we needed a bill that would give these young women the guidance to deposit a baby safely without a specific list of locations where that baby may be placed.

It is not in any way logical to assume that a young mother who would never go to any institutionalized healthcare during her pregnancy, and would not even go to a hospital or reach out for medical assistance at childbirth, it's inconceivable to think that this woman would then voluntarily go through a long checklist of safe places to place a baby and do that in every instance.

If she is that determined to protect her anonymity, we cannot direct her to a specific location. We cannot mandate that it be a specific location. All we can do is say yes, there are many, many locations to which you can come, we will welcome you, and we will not ask questions if you need that anonymity. We will not ask questions if you deliver us that infant safely up to 3 days old.

The hospitals of this state and the district attorneys of this state have agreed now to provide this kind of service. But we know that there will be cases where mothers are not going to go to a hospital, they are determined to find a way to leave that baby where nobody will know that they in fact have left the baby.

The stories are legion. A young woman with four children under the age of 4 years old, whose husband just left her to live with another woman, had a baby; no one knew she was pregnant. This young mother went and purchased $86 worth of baby clothes, diapers, and formula, and left the baby in a parking

lot at a shopping center, parking where she could see that somebody picked up the infant within a few minutes.

She was eventually identified, and the intelligent thinking of the prosecutors prevented her from being charged with any crime. But she was not thinking with a clear mind, or she would have gone to a hospital in the first place and arranged a surrender.

A 14-year-old girl who delivered an infant, a full-term infant near her home beside the railroad tracks, abandoning her baby, this infant dead not too far from the railroad tracks. Nobody knew. No one understood. Nobody had any idea that this 14-year-old girl was pregnant.

We wonder how these things can happen, how we can fail as a society to recognize this, how can parents not know that their children are pregnant. There are no easy answers. But the most important fact that people must remember when they're dealing with this is that you cannot recognize how totally disturbed that mother's frame of mind is, and you cannot force her into a corner

that says you can only go to Point A or Point B or Point C in order to leave your infant safely.

Our bill simply says that if the infant is left in a manner which indicates an intent to surrender the child, and the child is safe, that there will be no charges brought against that mother. It's called an affirmative defense. And we are -- we have the very finest bill in the nation in front of us.

Several other states have attempted to do this with only irregular success. Alabama has the same time period, 72 hours rather than 3 days, and lists surrender at a licensed hospital, emergency department only. And it also requires that the mother is going to reimburse the hospital for the infant care.

Colorado, 72 hours or younger, surrender to an on-duty firefighter or hospital staff member.

Connecticut, 30 days old, surrender to an on-duty firefighter or hospital staff member, emergency room.

Florida, hospital, fire, police

station.

Kansas, fire station, county health hospital.

Michigan, 72 hours, hospital, police, fire department.

Minnesota, 72 hours, surrender at a hospital.

South Carolina, less than 30 days, surrender at a hospital or hospital outpatient facility.

West Virginia, less than 30 days, healthcare facility.

New York's law, if the other house will join us in this, would be the landmark in the nation because it recognizes that these women must have that guarantee and that we will accept their intent -- if that infant is found live and well, we will accept their intent to have provided for that infant safely, we will not ask any questions, and we will, as we showed today, save the lives of many infants.

ACTING PRESIDENT McGEE: Thank you, Senator Hoffmann.

Read the last section.

SENATOR HEVESI: Madam President.

ACTING PRESIDENT McGEE: Senator Schneiderman -- Hevesi, I'm sorry.

SENATOR HEVESI: Would the sponsor yield to one brief question, please.

ACTING PRESIDENT McGEE: Senator Hoffmann, will you yield for a question?

SENATOR HOFFMANN: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR HEVESI: Thank you.

Senator Hoffmann, I wholeheartedly support this legislation. I think it's terrific, and I encourage everyone to vote for it.

I have one quick question for you pertaining to investigations pursuant to abandonment.

SENATOR HOFFMANN: Excuse me, I'm unable to hear, Madam President.

ACTING PRESIDENT McGEE: Shhh.

SENATOR HOFFMANN: Thank you.

SENATOR HEVESI: A quick question for you regarding whatever investigations might now take place when a child is abandoned

by a social service agency or a district attorney in order to determine how it came to be that child was left somewhere.

What would happen if this legislation is enacted -- and I hope it is enacted -- would the same social service agency or district attorney's office still be required to try and find out how this child came to be abandoned?

SENATOR HOFFMANN: Thank you, Senator Hevesi. The district attorney's office would have the option of determining that the infant had been abandoned safely, and it would not need to file a report that would require the social service investigation.

SENATOR HEVESI: Okay. Thank you.

ACTING PRESIDENT McGEE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. The concept on this bill I think is really outstanding. We could save lives, and we can be in a position to hopefully help people that are in very difficult situations in childbirth that maybe others don't know about. And the

condition of anonymity is so very important.

I think the reason why all those other states give specific locations I think is pretty obvious to me. Because what is in this bill is an affirmative defense, which means if you're charged with a crime, if you're charged with whatever crime the DA wants to charge you with, you can affirmatively show, as the woman dropping the child off, that you had intent to place the child safely and so forth.

The problem I have with this bill -- and I know there's not a same-as in the other house, and I hope that this can be resolved, because the concept is outstanding. The problem I have, the definition that you have to prove as the accused -- that's an affirmative defense here -- what you have to show is that you had intended that the child be left in a safe place and safe from physical injury and cared for in an appropriate manner. The defendant -- and left the child with an appropriate person at an appropriate, suitable location and promptly notified an appropriate person.

In a strictly legal sense -- and as a lawyer, I look at these things in that way -- if someone is charged and I have to prove an affirmative defense, what is an appropriate person? Where is a suitable location? What is an appropriate notice?

And I guess what I'm saying is I think the reason why they're more specific in other states is that they want women to go forward and do this rather than losing the child.

But if you have a defense, it's a defense that's so vague as to what's appropriate, I think it's going to be very difficult in a situation for a woman to really know when she's going to be safe from prosecution and when that affirmative defense is really going to be provable: Was it an appropriate person that I left with?

And I've got a feeling the way this will be interpreted is that if the child is safely left someplace and lives, they probably won't be prosecuted. But if the woman thought it was an appropriate place and something happens to the child, then that person will

probably be prosecuted. It's difficult to show the intent, it's difficult to show what's appropriate.

So I guess what I'm saying is I understand the need to be broader than saying one location or another location. But I just think this may be too broad, that it might put a woman in jeopardy and they might not take the chance to drop the child off because they might not feel that they can prove this particular defense.

So I would hope that the bill passes, and I'll support it. I just hope that in the negotiations to try to get something a little bit more specific. Maybe not a specific location, but to work on the words so that the affirmative defense is clearly understandable.

ACTING PRESIDENT McGEE: Senator Hoffmann.

SENATOR HOFFMANN: I rise to clarify something that Senator DeFrancisco raised. And I think that his comments help illustrate why we have lawyers and nonlawyers in this chamber working on this.

And to be very candid about it, it is the lawyers, who have always interpreted the law narrowly and with the finite detail that compels them to understand it, that have prevented us from passing such a measure in years past. I would have loved to have sat in the gallery and watched a measure like this pass 19 years ago when I was first dealing with this problem.

And at that time, here's what I was forced to do. I would meet privately with the district attorneys in the Central New York area, meet with the hospitals, and ask them if they would agree to a policy of nonprosecution in the case of a safe abandonment of an infant.

And informally, the district attorneys would say -- after some discussion, they would say: "Yes, I guess we can do that, but only on a case-by-case basis, and we just have to be sure the infant is safe, but I'm not going to promise in each case we will do that."

On the strength of that commitment, uneven as it was -- and it changed from county

to county and from election to election with new district attorneys. But uneven as that was, we had enough information to go out and do a public relations campaign to try to encourage these young mothers to put their infants in a safe location. And this was an ongoing effort for more than twenty years.

I have the storyboards for public service announcements that show where we tried to reach out on a preventative basis. But you have to be able to catch these girls at a time that they're receptive to the information in a way that they can receive it. And they have already shown a total rejection of institutional care for their own personal well-beings and for the well-being of their unborn infants, and they clearly reject institutional oversight over their lives.

They don't understand that a law that says this place is okay, this place is okay, and this other place is not okay is what they have to abide by. They are operating outside the parameters of the law and outside the parameters of institutional healthcare.

So we have to rely on the good

judgment of district attorneys like the one here in Rensselaer County who has done such a masterful job of creating Operation Safe Haven, to know when it is an appropriate relinquishment of an infant so there should not be any prosecution.

Let me show you what we did with our public service announcements, because one of the aspects of this bill that I think we have not spent enough time on is the requirement that we will be creating a -- we are going to be amending the Social Service Law and providing an education program. I'm sure next year we'll have to do an appropriation to complement it.

But we want to be able to communicate far and wide that this option will exist. And hopefully when young girls know that the option to abandon their infant exists, they will come forward at an earlier stage and they will seek that prenatal care. Once they understand that we are supportive and that we will not prosecute them, we will not punish them for this pregnancy as long as the infant is safe, hopefully they will take

advantage at an earlier stage.

We did -- back in Syracuse we did a series of public service announcements through Contact, our crisis hotline. The screen opened up, and it said "What is pregnancy denial?" And there's a close-up picture of a teenage girl saying "I can't be pregnant." The words flash on the screen: "It's refusing to believe that you are pregnant."

The voice of the girl says "My parents would kill me." The words on the screen say: "It's hiding what's going on inside your body." The girl says, "I'm just gaining weight." The words on the screen say: "It's not getting the medical attention you need."

The teenage girl says, "I don't need to see a doctor. I just have a stomachache." The words on the screen say: "It's giving birth all alone." Then there's a black screen, the sound of a baby crying.

The scene cuts to a girl curled up on a bed. And the voice-over says: "Don't let this happen to you or anyone you know. Get confidential help." And then there's the

phone number for the crisis hotline.

There's another public service announcement that dealt with the anger of the family and the repudiation of the pregnancy. An extreme close-up of an angry father shaking his fist, saying, "If you ever get pregnant, I'll kill you." A look of surprise as the voice-over speaks: "Threats like this can actually kill your daughter. Don't threaten your daughter into pretending she's not pregnant."

Then there's a voice-over saying: "Because if she refuses to believe she's pregnant, she won't get the proper medical attention, and that could lead to death for her and her baby." The voice-over says: "You wouldn't want that to happen, would you? If you suspect your daughter is refusing to believe that she's pregnant, encourage her to call Contact for confidential help. It's okay, call" -- and then the phone number.

Now, this is the kind of outreach we have to do for the early intervention. But it's an imperfect world, and some young girls will reject it no matter how kindly and

patiently we try to reach out to them this time. And we don't know where they are willing to go or to whom they are willing to go. Some of them have an idea that if they put a baby with a neighbor or on a neighbor's doorstep or at a church door and make a phone call, the infant will be okay.

There was a young girl in New Jersey who gave birth in a college dormitory, put the baby in a Dumpster and then made a phone call, and emergency services came and rescued the baby from the Dumpster. The infant survived, and to this day is fine.

Ironically, that mother, once she had received medical care and later psychiatric care, sought and achieved custody of that infant.

We can't anticipate what every situation will be. But we have before us a bill that will allow the district attorneys of this state to show the good judgment to not prosecute when a young girl has done the most sensible thing she can think of under that state of mind.

ACTING PRESIDENT McGEE: Read the

last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: To explain my vote.

Early on in the last comments that Senator Hoffmann made, she indicated that lawyers sometimes get involved in these things. Well, whether anyone likes it or not, this statute is going to be interpreted by lawyers and it's going to be interpreted by judges. And if a judge or a lawyer interprets a place where a woman determined to drop a child as not an appropriate place, that person will still go get convicted of something.

The fact of the matter is for a law to be enforceable, it can't be too vague. It's got to be a definable set of circumstances. And there's a great risk in my mind that this law may be constitutionally

vague.

My only suggestion wasn't to suggest it's not a good idea, that all the instances Senator Hoffmann raised were not really important situations that we have to deal with. It's simply that if you want a law, you've got to make it not too vague or it's not going to become enforceable.

And I'm just asking that that statute, that part of the statute, only that little part of the statute, the affirmative defense, be reviewed carefully in the final negotiations on the bill.

I vote yes.

ACTING PRESIDENT McGEE: Senator DeFrancisco is recorded in the affirmative.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I just want to say a word about this bill and congratulate Senator Hoffmann and Senator Bruno on it. Actually, District Attorney Bruno was a very large part in this, in bringing it about.

I just want to say how good news

spreads. The district attorney of Schenectady County, where I live, is also ready to participate in this and wants to be part of this program.

And I think it is the right thing to do to stop these tragedies from happening throughout the state. And I'm confident that you're going to see county after county taking part in this.

ACTING PRESIDENT McGEE: How do you vote, Senator?

SENATOR FARLEY: I vote yes.

ACTING PRESIDENT McGEE: Senator Farley in the affirmative.

Results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Thank you, Madam President. I was hoping that with unanimous consent I could be recorded in the negative on Calendar Number 1363.

ACTING PRESIDENT McGEE: Senator Duane will be recorded in the negative on

Calendar Number 1363.

SENATOR HEVESI: Madam President.

ACTING PRESIDENT McGEE: Senator Hevesi.

SENATOR HEVESI: I also rise to request unanimous consent to be recorded in the negative on Calendar 1366, Senate Print 6893A.

ACTING PRESIDENT McGEE: Without objection, Senator Hevesi will be recorded in the negative.

SENATOR HEVESI: Thank you.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Yes, Madam President. May we return to the order of reports of standing committees. I understand there's a report from the Judiciary Committee at the desk. I ask that it be read.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nominations.

As a justice of the Supreme Court

for the Second Judicial District, Anne G. Feldman, of Brooklyn.

ACTING PRESIDENT McGEE: Senator Lack.

SENATOR LACK: Thank you, Madam President.

I rise to move the nomination of Anne G. Feldman, of Brooklyn, as a justice of the Supreme Court for the Second Judicial District. Judge Feldman's nomination was received from the Governor, her credentials were examined by the staff of the committee, she was found to be eminently satisfactory. She appeared before the committee earlier this afternoon, was unanimously moved from the committee to the floor.

And I'm most happy to yield for purposes of a second to Senator Connor.

ACTING PRESIDENT McGEE: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I've been privileged to know Anne Feldman for many years now. I think we first met in 1971 or '72, in connection with a

campaign, and when she was counsel to Congressman Lowenstein.

Subsequently, she worked for the Regional Planning Association, for the Public Education Association, where I again had contact with some of the work she was doing then in terms of litigation. Prior to working for Congressman Lowenstein, Anne had worked for the NAACP and had practiced law. She is a graduate of Yale Law School.

She was first elected to the Civil Court of the City of New York in the year that I was first elected to the Senate, in 1978. Within three years, was designated an acting Supreme Court justice. Served in that position till her appointment in 1990 to the Court of Claims, where she was again assigned to Kings County Supreme Court.

Her reputation in the County of Kings in the Supreme Court is frankly that she has been one of the finest justices in that court. She is noted for her knowledge of the law, for her fairness to everyone in the courtroom, and for being, frankly, a tough judge when it's called for.

And she is someone who I am delighted both personally and also professionally to second the confirmation of Anne Feldman. She has been for over twenty years, for some 22 years, a credit to the bench. She will continue to be so in her new capacity as a Supreme Court justice. And actually nothing will change, because she's been doing that for the last 19 years.

So, Madam President, I'm delighted and honored to move the confirmation of Anne G. Feldman, of Kings County, to the Supreme Court, Kings County.

ACTING PRESIDENT McGEE: The question is on the confirmation of Anne Feldman, of Brooklyn, as a justice of the Supreme Court for the Second Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Anne G. Feldman is hereby confirmed as a justice of the Supreme Court for the Second Judicial

District.

Joining us in the chamber today is Judge Anne G. Feldman. And we congratulate you. And on behalf of the Senate, we congratulate you on your appointment.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As a judge of the Monroe County Court, Elma A. Bellini, of Webster.

ACTING PRESIDENT McGEE: Senator Lack.

SENATOR LACK: Thank you, Madam President.

I rise, once again, to move the name of Elma A. Bellini, of Webster, as a judge of the Monroe County Court. We received the nomination from the Governor. Her credentials were examined by the staff of the committee. She was found to be eminently satisfactory. She appeared in person earlier today before the committee, was unanimously moved from the committee to the floor.

And I'm most happy to yield for

purposes of a second to Senator Nozzolio.

ACTING PRESIDENT McGEE: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. Thank you, Senator Lack. I especially want to thank the chairman of the Judiciary Committee for his prompt attention to this very important matter.

It's a pleasure to rise on behalf of Elma A. Bellini, a constituent of mine, as she is accepting and receiving the nomination of judge of the Monroe County Court.

On behalf of the entire Monroe delegation to the State Senate, we welcome this very important appointment, one who is extremely qualified -- and I daresay uniquely qualified -- to serve in the capacity of judge, one who had worked and labored aggressively as a public defender, one who clerked before with an eminent -- preeminent judge of the Seventh Judicial District in his capacity as administrative judge, now who's serving on the Appellate Division, former Senator L. Paul Kehoe.

But Ms. Bellini, in combining these

two aspects of her legal career, as a public defender and as a clerk to a very important judge, has more than prepared herself for this very important responsibility. That she is extremely well-respected in the community, that we in Monroe are extremely proud that she has received this nomination from Governor Pataki.

And I urge my colleagues to join in the nomination and to support it.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Maziarz.

SENATOR MAZIARZ: Madam President, I'll yield to Senator Alesi.

ACTING PRESIDENT McGEE: Senator Alesi.

SENATOR ALESI: Thank you, Senator Maziarz. And I look forward to your comments and appreciate the comments of my colleague who so eloquently described the qualities of Elma Bellini.

And I would like to add my congratulations to her, compliment the Governor for an excellent choice, and wish you

the very best.

ACTING PRESIDENT McGEE: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I want to add my second of this nominee, thank Senator Lack for the fine job of the Judiciary Committee, and really congratulate Governor Pataki on a great choice for Monroe County Court judge.

I've not known Elma a very long time, but in the very brief period of the last two years I've seen her work and interact with a lot of people. Her background, certainly working for former Senator Kehoe, and her work in the public defender's office, more than uniquely qualify her for this position.

And I proudly go on record as seconding this nomination.

Thank you, Madam President.

ACTING PRESIDENT McGEE: The question is on the confirmation of Elma A. Bellini as a judge of the Monroe County Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, say nay.

(No response.)

ACTING PRESIDENT McGEE: Elma A. Bellini is hereby confirmed as a judge of the Monroe County Court.

Judge Bellini is in the chambers today. And joining the judge is her husband, Jim Stevenson; daughter, Danielle; stepson, Kevin; and her father, Philip Bellini.

On behalf of the New York State Senate, may I congratulate you on your appointment.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As a judge of the Nassau County Court, Arthur M. Diamond, of New Hyde Park.

ACTING PRESIDENT McGEE: Senator Lack.

SENATOR LACK: Thank you, Madam President.

It's my privilege once again to rise to move the nomination of Arthur M.

Diamond, of New Hyde Park, as a judge of the Nassau County Court. Judge Diamond appeared before the committee earlier today, his credentials have been examined by the members of the committee, he was unanimously voted from the committee to the floor.

And I'm happy to yield for purposes of a second to Senator Fuschillo.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

It is an honor for me to rise and second the nomination of somebody I have known for a number of years. He is up in the gallery with his family.

Judge Diamond had served previously in the county court with distinction. And I think, most notably, his temperament is one of his greatest assets. And I'm confident that he will once again bring that to the bench.

He has certainly earned the respect of his fellow colleagues, and I want to compliment the Governor on his nomination and wish him all the best in his continued career

on the bench.

Congratulations, Judge.

Thank you, Madam President.

ACTING PRESIDENT McGEE: The question is on the confirmation of Arthur M. Diamond, of New Hyde Park, as a judge of the Nassau County Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Arthur M. Diamond is hereby confirmed as a judge of the Nassau County Court.

Judge Diamond is in the chambers with us today, joined by his wife Jody.

On behalf of the New York State Senate, I congratulate you on your appointment.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will read.

SENATOR KUHL: Madam President.

ACTING PRESIDENT McGEE: Senator

Kuhl.

SENATOR KUHL: I'd like to announce that there will be an immediate Rules Committee meeting in the Majority Conference Room, Room 332.

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: As a justice of the Supreme Court for the Eighth Judicial District, John P. Lane, of Williamsville.

ACTING PRESIDENT McGEE: Senator Lack.

SENATOR LACK: Thank you, Madam President.

I stand to move the nomination of John P. Lane, of Williamsville, as a justice of the Supreme Court for the Eighth Judicial District. Judge Lane's nomination was received from the Governor, his credentials were found to be excellent, he appeared personally before the committee earlier today, he was unanimously moved from the committee to the floor.

And it is with great privilege that I yield for purposes of a second to Senator Rath.

ACTING PRESIDENT McGEE: Senator Rath.

SENATOR RATH: Thank you, Senator Lack. Madam President, honorable judges, Judge Lane.

It gives me a great deal of pleasure to second the nomination of John P. Lane to be a Supreme Court judge in the Eighth Judicial District. I had the opportunity when Judge Lane was sworn in -- or I should say approved by the Senate in 1996 as he was going to the Court of Claims.

And there is no finer moment than when you sit back and you stop to realize how fortunate you are to have someone you know so well serving in a place and a responsibility that is so crucial to where we go forward as a society.

Judge Lane is -- his qualifications are beyond question, as Senator Lack said. Admitted to the bar in 1993, served as an assistant district attorney, a town attorney

for years and years in the town of Amherst. Judge Lane's experience, not only in the legal world but also in the practical world of town attorneyism, if there is such a word, it's beyond question.

I'd like to point out also that Judge Lane served as a trustee of the Buffalo and Erie County Public Library because he wanted to give something back to his community.

And at one time I asked him to serve please with Solomon-type wisdom on a reapportionment commission, equally balanced, bipartisan -- both the Democrats and the Republicans chose our very best, Solomon-type wisdom lawyers to head this project up. And now Judge Lane, then Counselor, as I will always call him, served with distinction at that request for me.

And then, of course, teaching at the law school at UB. I don't think any better person that could be going on the Supreme Court in the Eighth Judicial District.

I am delighted to second your nomination. I look forward to seeing you

serve through your term. Judge Lane, congratulations to you and Jenny.

ACTING PRESIDENT McGEE: Senator Volker.

SENATOR VOLKER: Madam President, I have known John Lane for a long time - probably 30, 35 years or longer. He was a personal friend of my father's, has been a pillar of the legal community in Erie County and Western New York for as long as I can remember. Made probably one of the best Court of Claims judges that you could ask for, in conjunction with Chris Mega, who was previously confirmed.

I'm sorry, by the way, I wasn't there at the Judiciary meeting. That was because I was involved in some other duties involved with the Senate.

But obviously I commend the Governor for John's appointment. He deserves to serve and to continue to serve, and he wants to continue to serve.

Probably there are no better judges than we're seeing today, and John Lane is certainly at the top of the class. He's a

fine gentleman, a good judge, and I know that he'll make us all proud.

I'm happy to second his nomination.

ACTING PRESIDENT McGEE: The question is on the confirmation of John P. Lane, of Williamsville, as a justice of the Supreme Court for the Eighth Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: John P. Lane is hereby confirmed as a justice of the Supreme Court for the Eighth Judicial District.

He is with us in the chamber today with his wife, Jenny.

And on behalf of the State of New York and the New York State Senate, I congratulate you on your appointment.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will continue to read.

THE SECRETARY: As a judge of the

Niagara County Court, Sara S. Sperrazza, of Niagara Falls.

ACTING PRESIDENT McGEE: Senator Lack.

SENATOR LACK: Thank you, Madam President.

I rise, once again, to move the nomination of Sara S. Sperrazza, of Niagara Falls, as a judge of the Niagara County Court. Her nomination was received from the Governor, her credentials were examined by the staff of the committee. They were found to be excellent and in order. She appeared in person before the committee earlier today, was unanimously moved by the committee to the floor.

And I'm most happy to yield for purposes of a second to Senator Maziarz.

ACTING PRESIDENT McGEE: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

For the record, I want to note the presence of my colleagues from the Assembly who represent Niagara County, Assemblyman Dave

Seaman and Assemblyman Rob Daly.

Madam President, Governor Pataki is to be congratulated for a really good nominee. I've known Sara Sheldon Sperrazza for many, many years. I've seen her work as a prosecutor in Niagara County, always, always putting the victims of crimes at ease and always really making sure that the victims were well-represented and well-informed during a very traumatic period of their life.

Sara comes highly recommended from Niagara County Court Judge Peter Broderick, whom she worked with during her years in the district attorney's office.

She was recently elected a town justice, a part-time town justice in the Town of Wheatfield, and in that very brief period that she has been there has shown what I think is the necessary judicial temperament to really prove that she is going to be an excellent County Court judge for the County of Niagara.

She is joined here today -- I know it's very special for her to have both of her parents here today, and her two children, who

I know that she cares about very deeply. And I know that we have several friends here today, and one is her soon-to-be colleague on the Family Court bench in the County of Niagara, Judge John Batt, who went through this same process not too long ago. And several friends who are here.

So, Madam President, Sara Sperrazza is going to make an excellent judge for the County of Niagara. Governor Pataki is again to be congratulated. And I wholeheartedly second her nomination and urge my colleagues to give her unanimous consent.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Thanks, Senator Maziarz.

The question is on the confirmation of Sara Sperrazza, of Niagara Falls, as a judge of the Niagara County Court. All in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Judge

Sara Sperrazza is hereby confirmed as a judge of the Niagara County Court.

(Applause.)

ACTING PRESIDENT McGEE: As Senator Maziarz has stated, the judge is accompanied by her children, Whitney and Tyler; her parents, Florence and Nickolas Sheldon; and friends Sue Ventresca, Michael Kowal, Rocky Bruno, and the Honorable John Batt.

On behalf of New York State and the New York State Senate, we congratulate you on your appointment. Thank you.

The Secretary will read.

THE SECRETARY: As a justice of the Supreme Court for the First Judicial District, Christopher J. Mega, of Brooklyn.

ACTING PRESIDENT McGEE: Senator Lack.

SENATOR LACK: Thank you, Madam President.

It's with great pleasure that I rise to move the nomination of our former colleague Chris Mega as a justice of the Supreme Court.

For those of you who don't remember him, he's sort of sitting up there in a pose that he's not usually accustomed to.

I have the distinction of being the last of the Republican Mohicans, as it were. Chris and I both came into the Senate in the class of 1979. There were ten Senators in that class, four Democrats and six Republicans. When Charlie Cook left, that left me as the last bastion of that particular class.

But Chris was not only always a good colleague, but a good friend. This is the second time that he's appearing before the Senate, as it were, for a judicial confirmation, and both times we've all only wanted to wish him good luck and Godspeed - the first, of course, was when Governor Cuomo nominated him to the Court of Claims, which he later became presiding judge of, and now as a justice of the Supreme Court.

Chris and two of our other nominees today, Judge Lane and Judge Feldman, prove quite frankly that the constitutional prohibitions for judges other than Supreme

Court justices serving beyond the age of 70 has long outlived its usefulness. All three of them appearing before the committee this morning, and certainly by the type of work they have done, as judges and otherwise, prove that that is one constitutional provision that should be changed and hopefully will be in terms of reorganization of the courts.

But Chris was not only a close colleague and close friend to all of us in the Senate Majority, and to many of the members of the Minority, but in many cases sitting in our conference he also served as the conscience of the conference. There were many times in which issues would come up before the conference in which, yes, members would discuss it, but when Chris was involved in an issue, he would passionately discuss it, and you could tell how much he believed and was part of the ongoing efforts in the Senate for all sorts of programs, from criminal justice to social reforms, that go way beyond his district in Brooklyn.

Chris, I just want to personally wish you congratulations and as many years as

possible of serving on the Supreme Court, of course with Madelyn by your side. I can't think of anything that's nice enough for you for all of us to do than, quite frankly, confirm this nomination today.

And it's with great pleasure that I yield for purposes of a second to the Senate Majority Leader, Senator Bruno.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President. Thank you, Senator Lack.

And I am very proud to be seconding the nomination for all of our good friend Chris Mega. And on a personal note, we served here with Chris for a lot of years.

And the Governor has forwarded, in his wisdom and good judgment, a number of very qualified people to serve in a judicial way in various judgeships. Having forwarded Chris really just personifies the Governor's interest in doing what is best for the people of this state and certainly in that district.

Because Chris, with his public service here in public office, his service in

the city, his service as the presiding judge in the Court of Claims, with his wife Madelyn by his side for so many years, being his support, and with his family -- and I'm also proud that I believe his daughter and son-in-law and grandchild or children live in my district, in Saratoga, which is just great. Which means that Chris is in the area a great deal.

And I'm always so happy to know that and to see him, and really wanted to be in the chamber and just wish him well as he assumes this responsibility and these duties which are just so important to that constituency.

And really, by your example, you provide the leadership for many of us who are in public service as to what public service really means.

So thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: Thank you, Madam President.

I also rise to second the

nomination of Chris Mega. I congratulate him; I congratulate his wife, Madelyn.

Certainly I think the members of this house probably do not know that Chris Mega and I have been on the same side more often than we have not, both -- in our years as community leaders in Brooklyn, we have fought the same battles, we have done the same things for the good of our community. I've known him as my state Senator; now he has come to me as his state Senator.

So certainly we have done our political battles too, we have engaged in our political battles. And in those battles, as I've said in committee today, he was a most formidable opponent in those battles and certainly someone that the community certainly continues to respect and look up to.

So given the fact that he's such a formidable opponent in those battles, I think besides his wife and his family and the nominee himself, I'm probably the happiest person today to be voting and confirming this nomination.

Thank you, Madam President.

(Laughter.)

ACTING PRESIDENT McGEE: Thank you.

The question is on the confirmation of Christopher J. Mega, of Brooklyn, as a justice of the Supreme Court for the First Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Christopher J. Mega, of Brooklyn, is hereby confirmed as a justice of the Supreme Court for the First Judicial District.

Joining us today in the chamber is Judge Mega, along with his charming wife, Madelyn.

On behalf of the New York State Senate, I congratulate you on your appointment, Judge Mega.

(Applause.)

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Madam President, I'd like to ask for a conference of the Majority in Room 332 at about 1:25. The Rules Committee is meeting now; they're about to report, it's my understanding. And I think we need a few minutes to set up the room.

But I would ask my colleagues to join us there at 1:25, and we would expect to resume the proceedings here hopefully in about 45 minutes. Thank you.

ACTING PRESIDENT McGEE: Thank you, Senator Bruno.

There will be a Majority conference in the Majority Conference Room at 1:25.

Senator Dollinger.

SENATOR DOLLINGER: Yes, Madam President. I'd wish to call up Calendar Number 833, Assembly Print 768.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 833, by Member of the Assembly Hooper Hill, Assembly Print Number 768, an act to amend the Criminal Procedure Law.

SENATOR DOLLINGER: I now move to

reconsider the vote by which this Assembly bill was substituted for my bill, Senate Print Number 6652, on May 3rd.

ACTING PRESIDENT McGEE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR DOLLINGER: Madam President, I now move that Assembly Bill Number 768 be committed to the Committee on Rules and that my Senate bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT McGEE: So ordered.

SENATOR DOLLINGER: And, Madam President, I now offer the following amendments.

ACTING PRESIDENT McGEE: The amendments are received and adopted.

SENATOR DOLLINGER: Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator Dollinger.

Senator Kuhl.

SENATOR KUHL: Yes, Madam

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

ACTING PRESIDENT McGEE: Reports of standing committees.

The Secretary will read.

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

Senate Print 3798A, by Senator Marcellino, an act authorizing the transfer;

5905, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules;

6140B, by Senator Morahan, an act to authorize the County of Rockland;

6174B, by Senator Saland, an act to amend the Parks, Recreation and Historic Preservation Law;

6212, by Senator Hoffman, an act to amend the General Obligations Law;

6309, by Senator Lachman, an act authorizing the City of New York;

6457, by Senator Larkin, an act to amend the Alcoholic Beverage Control Law;

6471, by Senator LaValle, an act to amend Chapter 20 of the Laws of 1998;

6768, by Senator Maltese, an act to amend the Retirement and Social Security Law;

6947, by Senator Volker, an act to amend the Vehicle and Traffic Law and the Transportation Law;

7045, by Senator Marchi, an act to amend the Facilities Development Corporation Act;

7230, by Senator Kruger, an act authorizing the City of New York;

7334, by Senator LaValle, an act to amend Chapter 615 of the Laws of 1999;

7466A, by Senator Velella, an act to amend the Criminal Procedure Law;

7511B, by Senator Wright, an act to amend the State Finance Law and the General Business Law;

7602, by Senator Spano, an act to amend the Local Finance Law;

7620A, by Senator McGee, an act to amend the Real Property Tax Law;

7621A, by Senator McGee, an act to amend the Real Property Tax Law;

7623A, by Senator McGee, an act to amend the Real Property Tax Law;

7644, by Senator Stafford, an act to amend the General Municipal Law;

7684, by Senator Skelos, an act to amend the Judiciary Law and the Criminal Procedure Law;

7897A, by Senator Wright, an act to amend the Real Property Tax Law and the Education Law;

7917A, by Senator Volker, an act in relation to creating;

7918A, by Senator Kuhl, an act to amend the Education Law;

And 7943, by Senator Trunzo, an act to amend the Public Authorities Law.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Move to accept the report of the Rules Committee.

ACTING PRESIDENT McGEE: The motion is to accept the report of Rules Committee. All in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The report is accepted.

Senator Kuhl.

SENATOR KUHL: Now may the Senate stand at ease until the completion of our Senate Majority Conference, which is in about one minute in the Majority Conference Room.

ACTING PRESIDENT McGEE: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 1:25 p.m.)

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

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Madam President, is there any housekeeping at the desk? Do we have substitutions to be made? If we could make the substitutions at this time.

ACTING PRESIDENT McGEE: Okay.

The Secretary will read the substitutions.

THE SECRETARY: On page 8, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 9867A and substitute it for the identical Senate Bill Number 6433A, Calendar Number 290.

On page 9, Senator Lack moves to discharge, from the Committee on Rules, Assembly Bill Number 9554 and substitute it for the identical Senate Bill Number 6555, Third Reading Calendar 302.

On page 12, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 3713 and substitute it for the identical Senate Bill Number 5463, Third Reading Calendar 443.

On page 17, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 9891A and substitute it for the identical Senate Bill Number 6864A, Third Reading Calendar 677.

On page 17, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 9532A and substitute it for the identical Senate Bill Number 6540A,

Third Reading Calendar 686.

On page 19, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 1213D and substitute it for the identical Senate Bill Number 1469D, Third Reading Calendar 754.

On page 20, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 11082 and substitute it for the identical Senate Bill Number 7724, Third Reading Calendar 764.

On page 22, Senator Goodman moves to discharge, from the Committee on Rules, Assembly Bill Number 5417 and substitute it for the identical Senate Bill Number 5697, Third Reading Calendar 805.

On page 24, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 5463A and substitute it for the identical Senate Bill Number 4322A, Third Reading Calendar 872.

On page 28, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9727A and substitute it for the identical Senate Bill Number 6803A,

Third Reading Calendar 956.

On page 30, Senator Balboni moves to discharge, from the Committee on Rules, Assembly Bill Number 8861A and substitute it for the identical Senate Bill Number 7700A, Third Reading Calendar 1017.

On page 33, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 9492 and substitute it for the identical Senate Bill Number 6490, Third Reading Calendar 1080.

On page 36, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8905 and substitute it for the identical Senate Bill Number 7389, Third Reading Calendar 1137.

On page 39, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 9603 and substitute it for the identical Senate Bill Number 6598, Third Reading Calendar 1294.

And on page 44, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 8513B and substitute it for the identical Senate Bill

Number 5705B, Third Reading Calendar 434.

ACTING PRESIDENT McGEE: Substitutions so ordered.

Senator Skelos.

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

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Racing and Wagering Committee in the Majority Conference Room.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator Trunzo, on page number 10 I offer the following amendments to Calendar Number 375, Senate Print Number 6724, and ask that said bill will retain its place on the Third Reading Calendar.

ACTING PRESIDENT McGEE: Amendments received. The bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator Marcellino.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: If we could take up the supplemental active list, beginning with Calendar Number 248.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 248, by Senator Nozzolio, Senate Print 6282E -

SENATOR SKELOS: Lay it aside temporarily, at the request of the Minority.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 715, by Member of the Assembly Gottfried, Assembly Print Number 3573A, an act to amend the Public Health Law and the Insurance Law, in relation to physical therapy services referrals.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 10. This act shall take effect in two years.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

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.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 957, by Senator Velella, Senate Print 6891A,

an act authorizing the City of New York to reconvey its interest in certain real property.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 997, by Senator Skelos, Senate Print 6800C, an act to amend the Workers' Compensation Law, in relation to the collection of contributions.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1000, by Member of the Assembly Lentol, Assembly Print Number 1578B, an act to amend the Penal Law, in relation to trespass and loitering.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator Skelos, Senate Print 7066C, an act to amend the Public Health Law, in relation to the sale of bidis.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1249, Senator Stafford moves to discharge, from the Committee on Rules, Assembly Bill Number 11009A and substitute it for the identical Senate Bill Number 7841A, Third Reading Calendar 1249.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1249, by the Assembly Committee on Rules, Assembly Print Number 11009A, an act legalizing and ratifying certain acts and proceedings of the Salem Central School District.

ACTING PRESIDENT McGEE: Read the

last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to Senate Supplemental Calendar Number 56A.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1380, by Senator Marcellino, Senate Print 3798A, an act authorizing the transfer into retirement plan for any police department employee.

ACTING PRESIDENT McGEE: 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 McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator DeFrancisco, Senate Print 5905, an act to amend the Civil Practice Law and Rules, in relation to the scope of disclosure.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1382, by Senator Morahan, Senate Print 6140B, an act to authorize the County of Rockland to finance a -

SENATOR GENTILE: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1384, by Senator Hoffmann, Senate Print 6212, an act to amend the General Obligations Law, in relation to -

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1385, Senator Lachman moves to discharge, from the Committee on Rules, Assembly Bill Number 9205 and substitute it for the identical Senate Bill Number 6309, Third Reading Calendar 1385.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1385, by Member of the Assembly Cohen, Assembly Print Number 9205, an act authorizing the City of New York to reconvey its interest.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take -

SENATOR GENTILE: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1386, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 9345 and substitute it for the identical Senate Bill Number 6457, Third Reading Calendar 1386.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1386, by Member of the Assembly Gromack, Assembly Bill Number 9345, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Will you kindly call up Calendar Number 1385, please.

It was inadvertently laid aside.

ACTING PRESIDENT McGEE: 1386 is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 1385, substituted earlier today by Member of the Assembly Cohen, Assembly Print Number 9205, an act authorizing the City of New York to reconvey its interest.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1387, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 9482 and substitute it for the identical Senate Bill Number 6471,

Third Reading Calendar 1387.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1387, by Member of the Assembly Harenberg, Assembly Print Number 9482, an act to amend Chapter 20 of the Laws of 1998.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1388, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 9724 and substitute it for the identical Senate Bill Number 6768, Third Reading Calendar 1388.

ACTING PRESIDENT McGEE:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1388, by Member of the Assembly Lentol, Assembly Print Number 9724, an act to amend the Retirement and Social Security Law, Chapter 511 of the Laws of 1988 amending the Retirement and Social Security Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Volker, Senate Print 6947, an act to amend the Vehicle and Traffic Law and the Transportation Law, in relation to authorizing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Marchi, Senate Print 7045, an act to amend the Facilities Development Corporation Act, in relation to eliminating approvals.

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1391, Senator Kruger moves to discharge, from the Committee on Rules, Assembly Bill Number 10307 and substitute it for the identical Senate Bill Number 7230, Third Reading Calendar 1391.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1391, by Member of the Assembly Seddio, Assembly Print Number 10307, an act authorizing the City of New York to reconvey its interest in certain real property.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1392, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 10800 and substitute it for the identical Senate Bill Number 7334, Third Reading Calendar 1392.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1392, by the Assembly Committee on Rules, Assembly Print Number 10800, an act to amend Chapter 615 of the Laws of 1999 amending the Education Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1393, by Senator Velella, Senate Print 7466A, an act to amend the Criminal Procedure Law, in relation to the powers of certain special patrolmen.

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT McGEE: Lay the bill aside.

THE SECRETARY: Calendar Number 1394, by Senator Wright, Senate Print 7511B, an act to amend the State Finance Law and the General Business Law, in relation to establishing.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 30 days.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1395, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 9621 and substitute it for the identical Senate Bill Number 7602, Third Reading Calendar 1395.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1395, by Member of the Assembly Pretlow, Assembly Print Number 9621, an act to amend the Local Finance Law, in relation to bonds and notes.

ACTING PRESIDENT McGEE: 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 McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator McGee, Senate Print 7620A, an act to amend the Real Property Tax Law, in relation to providing a tax exemption.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1397, by Senator McGee, Senate Print 7621A, an act to amend the Real Property Tax Law, in relation to providing a tax exemption on real property.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1398, by Senator McGee, Senate Print 7623A, an

act to amend the Real Property Tax Law, in relation to providing a tax exemption.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1399, by Senator Stafford, Senate Print 7644, an act to amend the General Municipal Law, in relation to taking of billboards.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator Skelos, Senate Print 7684, an act to amend the Judiciary Law and the Criminal Procedure Law, in relation to providing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1401, by Senator Wright, Senate Print 7897A, an act to amend the Real Property Tax Law and the Education Law, in relation to the taxable status.

SENATOR COPPOLA: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1402, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11161A and substitute it for the identical Senate Bill Number 7917A, Third Reading Calendar 1402.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1402, by the Assembly Committee on Rules, Assembly Print Number 11161A, an act in relation to creating the tobacco asset securitization trust fund act.

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

The Secretary will read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Kuhl, Senate Print 7918A, an act to amend the Education Law, in relation to the use of certain federal carryover funds.

SENATOR GENTILE: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1404, by Senator Trunzo, Senate Print 7943, an act to amend the Public Authorities Law, in relation to modifying the base amount table.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we have the reading of the controversial calendar on the supplemental active list, Calendar Number 248, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 248, by Senator Nozzolio, Senate Print 6282E, an act to amend the Correction Law and the Social Services Law, in relation to enacting the New York State Youth Organization Child Abuse Prevention Act.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR GENTILE: Explanation.

ACTING PRESIDENT McGEE: Senator Nozzolio, an explanation has been requested.

SENATOR NOZZOLIO: Madam President, who requested the explanation?

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR NOZZOLIO: Thank you, Madam President. I'd be pleased to explain the measure.

This bill gives the Department of Criminal Justice Services statutory authority to place the sex offender registry, the Megan's Law registry which has been supported in this house, to place this registry on the Internet. And it requires all organizations who have participants under the age of 18 years old to check their volunteers against this registry.

Of course, this is now a registry that will be accessible to at no cost to anyone, other than the ability to get onto the Internet, because its availability is there. This measure is one that requires those volunteer organizations to cross-check their own volunteer list.

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: If the sponsor would just yield for a question.

ACTING PRESIDENT McGEE: Senator Nozzolio, will you yield?

SENATOR NOZZOLIO: I'd be happy to yield, Madam President.

ACTING PRESIDENT McGEE: The

Senator yields.

SENATOR GENTILE: Senator, I'm just curious if this bill exonerates those organizations that fail to live up to their responsibilities.

SENATOR NOZZOLIO: Yes, Madam President, this measure does have teeth. That if there is a violation of the requirements that the registry be checked, an application may be made to the Attorney General's office for an injunction and potential civil penalties against those that fail to comply.

SENATOR GENTILE: If the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Madam President, I'd be glad to yield.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR GENTILE: So there are penalties, not an exoneration, for those groups that fail to meet their responsibilities?

SENATOR NOZZOLIO: There are

penalties, Senator Gentile, for noncompliance, yes. Civil penalties, not criminal penalties.

SENATOR GENTILE: Thank you.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 120th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT McGEE: The bill is passed.

Senator Montgomery.

THE SECRETARY: In relation to Calendar Number 248, ayes, 58. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we have the controversial reading of Supplemental Calendar Number 56A, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1382, by Senator Morahan, Senate Print 6140B, an act to authorize the County of Rockland to finance a certain project.

SENATOR GENTILE: Explanation, please.

ACTING PRESIDENT McGEE: Senator Morahan, an explanation has been requested.

SENATOR MORAHAN: Thank you, Madam President.

This bill has a home rule message from Rockland County. It would authorize the county to issue serial bonds for the purpose of financing capital expenditures and equipment for a Rockland County distance learning project for the County of Rockland schools.

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

Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1384, by Senator Hoffmann, Senate Print 6212, an act to amend the General Obligations Law, in relation to the liability of persons involved in equine activities.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR GENTILE: Explanation.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT McGEE: Senator Hoffmann, an explanation has been requested by many people.

SENATOR HOFFMANN: Thank you, Madam President.

This bill, which has passed the Senate previously on several occasions, addresses the need for an equine safety code act.

And it also incorporates the concept of inherent risk legislation for the

equine industry, much the same way we have incorporated inherent risk legislation for the ski industry, the presumption being that people who undertake an activity like horseback riding or skiing understand that there are certain risks.

And if they follow the prescribed safety procedures outlined by the operators of a facility -- in this case, the people who operate riding stables or other aspects of the horse industry -- exclusive of the racing and wagering industry, I might add -- that they undertake the risks at their own discretion.

At least 39 other states have incorporated legislation to address the inherent risks involved in equine activities.

And I'm happy to note that on the average, more than 10 percent of the national competitions involving the horse industry are hosted by New York State each year. This is a major part of our tourism and recreation business, and it's appropriate for us to bring into better balance the legal aspects with the insurance aspects, because it right now is a major cost of doing business for people in the

equine industry to pay for ever-escalating insurance.

We have been asked repeatedly by people in the horse industry to do something to help them. This house has responded favorably. I'm confident it will do so again today.

The opposition seems to be in the other house, and the principal opponents of the inherent risk legislation for the equine industry are our old friends the Trial Lawyers Association. I would like to note that they have made a couple of comments in their bill memo. If some of my colleagues are reading from their memo, I'd like to just bring to your attention.

At the bottom of page 1 in their opposition memo, they have a statement that begins with "Negligent behavior in the equine industry, as in any other industry, can cause serious injury or death, and people who are harmed should not be deprived of their rights under law."

And then they cite an example. "For example, a rodeo contestant who pays an

entry fee to compete could be seriously injured or killed if," and then it lists two situations, number one being "arena staff open the chute door prematurely," or, two, "rodeo management employs inadequate or incompetent pickup riders or clowns."

And I would note that it's interesting to see the trial lawyers being concerned about the rodeo industry and the pickup riders or clowns.

But having said that, I do want to make clear that their objections are not accurate. And if you would turn to the bill itself, on page 3, line 20 -- actually, line 21 addresses very pointedly the objection of the trial lawyers regarding the rodeo industry and pickup riders and clowns.

And you can see that their argument is not accurate, because -- I'm quoting from the bill -- it says, on line 21, "Nothing in Section 18-304 of this article shall prevent or limit the liability of an equine activity sponsor or an equine professional if the equine activity sponsor or equine professional," and then it lists several

different categories which are clearly on point to the concerns of the trial lawyers. For instance: "Provided the equipment or tack or knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury.

"Two, provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the particular equine based on the participant's representations of his ability."

Now, this is clearly on point to activities of pickup riders and rodeo clowns and would certainly address the concerns raised by the trial lawyers.

In all seriousness, my friends, this is an industry of which we are enormously proud in New York State. And I'm not talking exclusively about rodeos, I'm talking about the national equestrian competition that we now host from end to end of this state. We

have a statewide system of horse trails. We have one of the finest systems of equestrian riding in the Brookville Forest in Senator McGee's district over in Cattaraugus County, in the Catskills, in the Adirondacks, and it is growing.

And the people who come to New York State and want to enjoy our equine industry should know that they can continue to do so, that the industry will grow and thrive and will not be subject to punitive and highly discriminatory insurance rates.

We should do what 39 other states have done and pass this very, very important piece of inherent risk legislation today.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

Senator Gentile.

SENATOR GENTILE: Yes, Madam President, if the sponsor would just yield for a question.

ACTING PRESIDENT McGEE: Senator Hoffmann, will you yield for a question?

SENATOR HOFFMANN: I'd be happy

to.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR GENTILE: Senator, I'm wondering what would happen in the case of a stable owner who does not adequately supervise his employees. What would happen under this legislation?

SENATOR HOFFMANN: I think that's clearly addressed within Section 18-303, Senator.

SENATOR GENTILE: Could you explain, for the edification of all of us, what that might be?

SENATOR HOFFMANN: I just stated before, it says that nothing -- in Section 18-304 -- shall prevent or limit the liability provided, and then it lists. And one of the points clearly stated in there is inadequate supervision and not addressing fairly the competency of the individual rider for the animal or the activity involved.

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: If the sponsor

would continue to yield.

ACTING PRESIDENT McGEE: Senator Hoffmann, will you continue to yield?

SENATOR HOFFMANN: Yes, I will.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR GENTILE: Senator, in looking at the legislation it doesn't indicate anywhere about training or supervising employees. Given that, it seems that we're reading more into this legislation than is actually there.

SENATOR HOFFMANN: Through the chair, Madam President. Actually, the legislation does make it clear that the horse owners and professionals are held responsible for providing safe equipment and making a reasonable match of horse and rider based on the rider's stated ability. I think that that clearly implies the element of training.

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: If the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator

Hoffmann, do you continue to yield?

SENATOR HOFFMANN: I do.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR GENTILE: Is it true, Senator, that the word "supervision of employees" was not used in that section you just read to us?

SENATOR HOFFMANN: Well, we can go back and read the entire section and see if there are pieces of language on which we agree.

But I think it's clear wherever we state in here that professionalism of the equine industry is held to an extremely high standard. And that we are looking for responsible participation both by the riders and by the people engaged in the equestrian industry, and it is a pairing.

Now, these are clearly the points of contention on which the trial lawyers have based their memorandum, and they are looking for anything to indicate that there is a weakness within the industry.

I believe that 39 other states have

found that the industry polices itself very well. We have many, many other standards on the horse industry in the state, including those under ag and markets laws, we have requirements under our other recreation statutes in this state, all of which address the responsibilities of people who own horses and use them for any kind of business practice or who own horses and use them for their own practices.

We're very proud of our equestrian activities in this state. And the responsibilities that appear other places in law are not necessary to be enumerated in any more detail than they are in this extremely long piece of legislation. This is, let's see, 26 lines there, 55, 55 there, another 24 there. This is more than enough printing, in my opinion, to guarantee adequate supervision in the equine industry in New York State.

It's well spelled out there, Senator. I'm sure -- if you read that very carefully, I'm sure that it will reassure you that, as it has me and many other members to this chamber before, that the equine industry

does have an inherent risk, but the safety of the individuals ultimately is the responsibility of those individuals in the first place, given proper guidance by the people who are engaged in the equine industry.

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: On the bill.

ACTING PRESIDENT McGEE: Senator Gentile, on the bill.

SENATOR GENTILE: It would seem to me, Madam President, that we've used a lot of words in this bill to basically come down to the bottom line, whereby those who are injured cannot lay claim to recourse in a lawsuit.

And it would also seem evident to me that under common law doctrines of negligence that are well established in this state that we already have a protection for those owners of these types of businesses whereby a rider's own negligence, which contributes to a harmful accident and in no way reflects on the business owner's operation, would factor into any kind of

subsequent lawsuit that would result from that -- from any type of injury.

So it seems to me, Madam President, that we have adequate safeguards already in the law and much of this language here really is geared toward prohibiting claims that may very well be meritorious.

ACTING PRESIDENT McGEE: Thank you, Senator Gentile.

SENATOR HEVESI: Madam President.

ACTING PRESIDENT McGEE: Senator Hevesi.

SENATOR HEVESI: Thank you. Will the sponsor yield for some questions?

ACTING PRESIDENT McGEE: Senator Hoffmann.

SENATOR HOFFMANN: Yes, Madam President, I'll yield.

ACTING PRESIDENT McGEE: The Senator yields, Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President.

Senator Hoffmann, I very much appreciate your preemptory strike against the trial lawyers, and -

SENATOR HOFFMANN: You're welcome.

SENATOR HEVESI: And assuming you are correct in your assertion that their example would not preclude a lawsuit based on negligence, I'm wondering -- because the nature of this bill suggests that there is an activity or a situation which exists today for which somebody in the equestrian industry would be legally responsible that after this legislation has passed they are no longer responsible for.

And I was wondering if you could give an example or two of the type of situation that an individual would no longer be able to bring suit against someone in the equestrian industry if this legislation is enacted.

SENATOR HOFFMANN: No, I couldn't right off the bat.

SENATOR HEVESI: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Hevesi, on the bill.

SENATOR HEVESI: Madam President,

I voted for this bill last year, in favor of it. I'm going to vote no against it this year, and that answer is one of the reasons why.

Because I believe that if you are unable to articulate the type of situation that the bill is specifically intending to preclude, then it is probably more broad in scope and probably as a result compromises someone's right to file an action for which negligence has obviously been present.

So I'm going to vote no on this legislation. And I would advise my colleagues to take a second look -- those of whom voted for this last year, as I did, to take a second look at this bill to make sure we don't compromise anybody's right to recover damages based on someone else's negligence.

I vote no.

ACTING PRESIDENT McGEE: Senator DeFrancisco.

SENATOR DeFRANCISCO: The stated purpose for the bill is to make it less expensive for a business dealing with equine activities to do business. And the way that

this bill wants to do that is basically by making insurance less expensive, therefore reducing the amount of risks where an insurance company would pay claims.

So just by the basic reason for the bill, it's obvious that there are going to be certain situations where someone otherwise would be able to sue if there was negligence, they won't be able to under these occasions.

To give a specific example of the laundry list that Senator Hoffmann listed where you can -- nothing in this section shall prevent or limit the liability of equine activity sponsors, et cetera, if the activity or the sponsor commits an act of omission that constitutes willful and wanton disregard for the safety of the participant.

Well, if they're specifically saying that you can sue when it's willful and wanton disregard, they obviously are excluding negligent conduct. So if they're negligent, somebody gets hurt, that's one of the ways the insurance company is going to be able to give a cheaper policy. You don't have to prove negligence anymore.

My feeling, quite frankly, is -- I have no ill-feeling against equine activities or any other kind of activities, but there is a standard way that we do business in the State of New York in dealing with claims where people get hurt. There is literally no reason to exclude equine activities from the common concepts of negligence.

And therefore, I'm going to vote again against this bill.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1384 are Senators Breslin, Connor, DeFrancisco, Dollinger, Duane, Gentile, Hevesi, Kruger, Markowitz, Montgomery, Morahan, Onorato, Paterson, Rosado, Sampson, Schneiderman, A. Smith, M. Smith, Stachowski, and Senator Stavisky. Ayes, 41. Nays, 20.

ACTING PRESIDENT McGEE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: May I have unanimous consent to vote in the negative on a bill that was passed earlier today, Calendar 248, Senate Bill Number 6282E.

ACTING PRESIDENT McGEE: Without objection, so recorded.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. I'd like to ask for unanimous consent to vote in the negative on Calendar Number 1000.

ACTING PRESIDENT McGEE: Without objection, so noted.

The Secretary will read.

THE SECRETARY: Calendar Number 1386, substituted earlier today by Member of the Assembly Gromack, Assembly Print Number 9345 -

SENATOR FUSCHILLO: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1390, by Senator Marchi, Senate Print 7045, an act to amend the Facilities Development Corporation Act, in relation to eliminating approvals.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT McGEE: An explanation has been -

SENATOR MARCHI: By whom?

ACTING PRESIDENT McGEE: Senator Marchi, an explanation has been requested by Senator Hevesi.

SENATOR MARCHI: Yes, Madam President.

Last year the mental health financing program was changed to eliminate loans from the State Treasury as the instant source of money to fund contracts by the Dormitory Authority for facilities OMH, OMRDD, and OASSAS. Instead, such contracts are now funded directly from the proceeds of the Authority's mental health services facilities improvement revenue bonds.

That's the present administration of the construction program of the City University, the State University of New York dormitories, Department of Health, Department of Education, and the Office of State Comptroller.

Since the funds from the State Treasury are no longer utilized, the Comptroller's own review funding contracts are have no relevance. Therefore, the FDC act requirements approving the contract form should be eliminated. No state funds or interest is affected by the authority.

None of the other construction programs undertaken by the Dormitory Authority for state agencies using bond proceeds have such a requirement. So elimination of the approval of the form does not affect any of the Comptroller's rights to audit the Dormitory Authority.

And likewise, since the Comptroller no longer makes contract payments, there is no need to prescribe certification to be included in the request to the Comptroller for contract payments.

ACTING PRESIDENT McGEE: Senator Hevesi.

SENATOR HEVESI: Madam President, if the sponsor would yield for one brief question.

ACTING PRESIDENT McGEE: Senator Marchi, do you yield?

SENATOR MARCHI: Yes.

ACTING PRESIDENT McGEE: The sponsor yields.

SENATOR HEVESI: Thank you for that explanation, Senator. I understand what the legislation does.

I'm just curious as to whether or not the Attorney General and/or the State Comptroller have been asked whether or not they agree that this is an idea that is in their best interest.

SENATOR MARCHI: My belief is that they have, but I -

SENATOR HEVESI: And that they have no objections?

SENATOR MARCHI: -- I don't want to say flatly, no.

SENATOR HEVESI: They have no

objections?

SENATOR MARCHI: But this merely reflects the changing nature of the issuance of payments. And since it's replicated in these other activities, I think that it just follows.

SENATOR HEVESI: Thank you.

ACTING PRESIDENT McGEE: Read the last section.

Senator Paterson.

SENATOR PATERSON: Madam President, if we could suspend the roll call and allow me to ask Senator Marchi a couple of questions.

ACTING PRESIDENT McGEE: Senator Marchi, do you yield for some questions?

SENATOR MARCHI: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Senator, did the element of time that the Comptroller's office and the Attorney General's office were using to review these contracts enter into the situation?

Did that impede the progress of business and opportunity by the fact -- I guess I'm looking for what was the reason, other than the replication, to cut two statewide elected officials out of the process.

SENATOR MARCHI: Well, except that they were -- the question of where the money was issued was changed to the Authority's mental health services facilities improvement revenue bonds. And since all of the other activities that are in that category follow this format, there's no other reason.

SENATOR PATERSON: Thank you, Senator Marchi.

Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Paterson, on the bill.

SENATOR PATERSON: Madam President, I'm inclined to vote against the legislation because, in spite of the replication of effort, if we were going to eliminate the effort, I would eliminate it from the other agencies, not from the Attorney General's office and the Comptroller's office.

However, on information and belief based on the results of the question to Senator Marchi posed by Senator Hevesi, I'll vote for the legislation, with the understanding that it appears that the Attorney General, Mr. Spitzer, and the Comptroller, Mr. McCall, are in agreement with the decision to eliminate their participation in the contracting process.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BALBONI: Senator Hevesi, to explain his vote.

SENATOR HEVESI: Thank you.

Mr. President, with the greatest of respect to Senator Marchi, who believes that the Comptroller and the Attorney General are supportive of this legislation, just to be on the safe side, I'm going to vote no on this until I've had a chance to speak with them.

I don't want to risk that I supported something that removed some of their statutory responsibility to audit funds and to continue their diligence and fiscal oversight.

There is one other issue I would like to bring up, since this legislation relates to the Dormitory Authority. Early on this year there was a terrible, terrible tragedy in New Jersey, at Seton Hall, where a number of students were killed, partly as a consequence of that state's lack of fire safety advances and enhancements.

And it brought to light the problems that we have here in New York State, where there are many, many residential facilities on SUNY campuses -- and there is even one on a CUNY campus -- and other independent and private universities that have residential facilities, dormitories that are not fully fire safety equipped with sprinklers.

And as everyone knows, and I've spoken about this on the Senate floor before, there has never, in the history of this country, been a multiple fire fatality in any

structure that is fully equipped with a sprinkler system.

And we had some discussions, I've had some correspondence with the head of SUNY about this. And I'm a little bit concerned because we are at the end of the session, there are two days left, and there some discussions -- I've spoken with Senator LaValle about this, and I believe he has legislation which would require the Dormitory Authority to examine this issue, require a study, and possibly provide funding for at least SUNY facilities to be fully sprinkler-equipped. That seems to have gone nowhere.

And I'm very concerned that we're going to see a tragedy here at some point in the near future that could have been easily remedied, though it costs a lot of cash to do it. It's an expensive proposition, but this is something that we absolutely have to move in the direction of.

New Jersey moved very swiftly, in the wake of their tragedy, to make sure that all of their facilities would be brought up to

speed. We need to do that exact same thing here in New York State. We've got two days left in this session. I hope that that legislation is brought before us for a vote.

We cannot wait on this, we cannot compromise on this one bit. Somebody is going to die as a result. It's not speculation, that's a fact, if we don't bring all these buildings up to code, to bring them up to - not up to code, but up to acceptable standards for new structures at SUNY.

Because there was a cutoff date, and that's why any facilities that were built prior to a certain date were never required to be brought up to the current code of building these facilities. We have an area right now where there are no protections for these students.

And frankly, I don't think the parents who are sending their kids to SUNY facilities realize this. And we need to make them realize this, and we need to correct this before somebody is terribly injured or killed.

So I hope that that message resonates loudly with some folks on the other

side of the aisle and that we move in that direction.

I'm going to vote no on this piece of legislation, though if the Attorney General and Comptroller acquiesce to it, I will have voted incorrectly on the bill. But I'd rather err on the side of caution.

Thank you. I vote no.

ACTING PRESIDENT BALBONI: Senator Hevesi, you shall be recorded in the negative.

Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Mr. President, just to explain my vote, to dovetail on the point that Senator Hevesi made.

From my point of view, whether the Attorney General and the Comptroller think this is the right idea or not, I think it's a bad idea. And let me tell you why.

The one thing that we ought to have, since the Attorney General defends everyone in this state, is that we ought to have a standardized agreement that the

Attorney General, our lawyer, the Dormitory Authority's lawyer, and the lawyer for all our state agencies and all our state governments, we should have a contract that is acceptable in form and content to them, because they're going to litigate under that contract.

They ought to know what all the terms mean, and they ought to be confident that whether they're using the Dormitory contract or UDC contract or in any other agency, that they know what those clauses mean and that they have a standard of uniform interpretation.

That would only help us protect the taxpayers' interest, to have our lawyer have approval of the form of all these agreements.

And it would seem to me to be equally true with respect to the Comptroller. He's got a system of finances. He knows how the payments are made. Whether we're making payments through the Dormitory Authority or through the Thruway Authority or through OGS, they all ought to be according to the same accounting practices and the same financial principles.

I think it makes great sense that the Comptroller approve these agreements, the Attorney General approve them. And frankly, even though I have great respect for both our Comptroller and the Attorney General, I would suggest that if they support this bill, they're wrong.

The thing to do is standardize practice, make it easier for our contractors, easier for us to defend the State of New York. That's the best way to do it. And the way to do that is to have the Attorney General approve the form of contracts so he's familiar with them all, have the Comptroller approve the finances of them so he's familiar with them all. It will promote better practice in this state.

The right vote is no.

ACTING PRESIDENT BALBONI: Senator Dollinger shall be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1390 are Senators Dollinger, Duane, Gentile, Hevesi,

Montgomery, Onorato, Schneiderman, and Stavisky. Also Senator Coppola. Also Senator Rosado. Ayes, 51. Nays, 10.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1390, Senator Stachowski also recorded in the negative. Ayes, 50. Nays, 11.

ACTING PRESIDENT BALBONI: Now the bill is passed.

Senator Coppola.

SENATOR COPPOLA: I just want to be recorded, Mr. President, in regards to 1384 in the negative, please.

ACTING PRESIDENT BALBONI: Senator, you're asking for unanimous consent to be recorded in the negative?

SENATOR COPPOLA: Unanimous consent, please.

ACTING PRESIDENT BALBONI: Without objection.

Senator Lachman.

SENATOR LACHMAN: Mr. President, I rise to seek unanimous consent to be

recorded in the negative on Calendar Number 1384. Thank you kindly.

ACTING PRESIDENT BALBONI: Without objection, so ordered.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Mr. President. I would also request unanimous consent to be recorded in the negative on Calendar Number 1332.

ACTING PRESIDENT BALBONI: Without objection, so ordered.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 1340.

ACTING PRESIDENT BALBONI: Without objection, so ordered.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 1393, by Senator Velella, Senate Print 7466A, an act to amend the Criminal Procedure Law, in relation to the powers of certain special patrolmen in the City of New York.

SENATOR HEVESI: Explanation, please.

SENATOR FUSCHILLO: Lay it aside temporarily.

ACTING PRESIDENT BALBONI: Lay the bill aside temporarily, please.

THE SECRETARY: Calendar Number 1401, by Senator Wright -

SENATOR FUSCHILLO: Lay it aside temporarily.

ACTING PRESIDENT BALBONI: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Mr. President, I have the wrong number that I gave you for my no vote. Can I retract that?

ACTING PRESIDENT BALBONI: Yes, you may, Senator.

SENATOR MONTGOMERY: All right. I'm voting yes on 1340 and no on 1363.

ACTING PRESIDENT BALBONI: Without objection, Senator Montgomery will be marked as having voted no on that bill. Thank you, Senator.

Let the record reflect that Calendar 1401 has been laid aside temporarily.

The Secretary will read.

THE SECRETARY: Calendar Number 1403, by Senator Kuhl, Senate Print 7918A, an act to amend the Education Law, in relation to certain federal carryover funds.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT BALBONI: Senator Kuhl, an explanation has been requested.

SENATOR KUHL: Thanks, Mr. President. I didn't hear who requested the explanation.

ACTING PRESIDENT BALBONI: Senator Hevesi, Senator Kuhl.

SENATOR KUHL: Okay, fine. Just so I know.

This is essentially a chapter amendment to a bill that we had passed earlier this year.

ACTING PRESIDENT BALBONI: Ladies and gentlemen, please give your courtesy to the speakers.

Thank you, Senator Kuhl.

SENATOR KUHL: Earlier this year, Chapter 6, we passed a bill that essentially

dealt with the state receiving funds relative to the -- what's called the Individuals with Disabilities Education Act, IDEA.

We neglected at that time to provide for funds that had been received by the state in the year 1998-1999 and also the year 1999-2000 and projecting into the future.

So this bill sets out a process by which those funds are received and carried over, if in fact they were not expended during those prior years.

And it also provides for one other particular aspect, and that is where applications weren't actually made, it provides for the money to go on a direct passthrough to the providers.

So that's the essence of what this bill does.

ACTING PRESIDENT BALBONI: Thank you, Senator Kuhl.

Senator Hevesi.

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

ACTING PRESIDENT BALBONI: Senator Kuhl, do you yield for a question?

SENATOR KUHL: Certainly.

ACTING PRESIDENT BALBONI: The Senator yields.

SENATOR HEVESI: Senator, thank you for the explanation. I appreciate that.

I have a concern as to the specific language of the bill, that it potentially may penalize a local district in a punitive type of way if they have failed to request the money in the first place, that the funds then would have to come out of that local district. Can you address that concern?

SENATOR KUHL: Well, I think the -- if you had a specific situation, certainly I'd be willing to do that.

But if you look at page 2 of the bill, or at least the bill copy that I have, it talks about failure to apply. And the language specifically says that any school district that fails to apply for its full allocation of funds, pursuant to the appropriation sections, okay, and it will allow for the school district to actually - let's see. It says the commissioner shall nevertheless be required to make

suballocations to public or private agencies pursuant to the section.

So I don't know what you're referring to about the school district being penalized. Because what it does is provide if they fail to make the application, then the money goes right straight through to the providers who actually provide the service.

SENATOR HEVESI: Thank you, Mr. President. If the sponsor would yield to one additional question.

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

SENATOR KUHL: Surely.

ACTING PRESIDENT BALBONI: The Senator yields.

SENATOR HEVESI: Thank you. If I can refer your attention to Section 7, there's specific reference to the use of local funds: That the Commissioner shall nevertheless be required to make suballocations to public or private agencies, pursuant to this section, using local funds.

That's the section I'm referring to, and I'm concerned about the impact that

that might have.

SENATOR KUHL: The intent, Senator, is to make sure that the providers get paid, in the first step. But this does not preclude the school district from making an application in which they would be reimbursed at that point if it was necessary for them to front the money.

SENATOR HEVESI: Okay. Thank you, Mr. President. Thank you.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BALBONI: The bill is passed.

Senator Seabrook, why do you rise?

SENATOR SEABROOK: Yes, Mr. President. With unanimous consent, and being absent out of the chamber, I'd like to be recorded in the negative on Calendar 1384 and

Calendar 1390.

ACTING PRESIDENT BALBONI:

Without objection, so ordered.

Senator Fuschillo, why do you rise?

Whoops, excuse me just a second.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I also would like to be recorded in the negative, with unanimous consent, on Calendar 1384 and 1390. Thank you.

ACTING PRESIDENT BALBONI:

Without objection, so ordered.

Senator Smith.

SENATOR MALCOLM SMITH: With unanimous consent, I request to be recorded in the negative on 1384 and 1390 also.

ACTING PRESIDENT BALBONI:

Without objection, so ordered.

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT BALBONI:

Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Please lay aside for the day Calendar Number 1401.

ACTING PRESIDENT BALBONI:

Calendar Number 1401 is laid aside for the day.

SENATOR FUSCHILLO: Mr. President, please call up Calendar Number 1386.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 1386, substituted earlier today by Member of the Assembly Gromack, Assembly Print Number 9345, an act to amend the Alcoholic Beverage Control Law, in relation to licenses to manufacture and sell.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT BALBONI: Senator Larkin, an explanation has been asked for by Senator Paterson.

SENATOR LARKIN: Good afternoon, Senator.

Mr. President, back in 1996 when the restaurant brewer statute was passed, there was an admitted technical oversight by the State Liquor Authority. It was not the intention of the State Liquor Authority to prohibit a restaurant owner from also owning a

brew pub. The chairman at that time, Casale, related to both the central staff it was not the intention.

However, there was some discrepancies about it. But it was found out that there was a technicality needed to correct it.

So now what we're doing is removing the restrictions from persons licensed to operate as a restaurant brewer from having a direct or indirect interest in other premises in the state where alcoholic beverages are sold.

ACTING PRESIDENT BALBONI: Senator Paterson, is that satisfactory?

SENATOR PATERSON: Yeah, I guess so, Mr. President.

ACTING PRESIDENT BALBONI: Terrific. Thank you.

Senator Markowitz.

SENATOR MARKOWITZ: I'd like unanimous consent, please -

ACTING PRESIDENT BALBONI: Senator, could you just give us one minute. Let's conclude the business on this bill, if

we might.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BALBONI: The bill is passed.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you. On Calendar Number 1390, I'd like to be recorded in the negative.

ACTING PRESIDENT BALBONI: Without objection, so ordered.

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT BALBONI: Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Would you recognize Senator Mendez, please.

ACTING PRESIDENT BALBONI: Oh, Senator Mendez. Nice to see you.

SENATOR MENDEZ: Thank you. I

would like unanimous consent to be recorded in the negative on Calendar Number 1390. Thank you.

ACTING PRESIDENT BALBONI: Without objection, Senator, so ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Are there any substitutions at the desk?

ACTING PRESIDENT BALBONI: Yes, apparently there are.

SENATOR FUSCHILLO: May we please have them read.

ACTING PRESIDENT BALBONI: Please read the substitutions.

THE SECRETARY: On page 15, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8665 and substitute it for the identical Senate Bill Number 5985, Third Reading Calendar 622.

On page 19, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 9597B and substitute it for the identical Senate Bill Number 6680B, Third Reading Calendar 746.

And on page 19, Senator Goodman

moves to discharge, from the Committee on Rules, Assembly Bill Number 811A and substitute it for the identical Senate Bill Number 782A, Third Reading Calendar 731.

ACTING PRESIDENT BALBONI: Without objection, the substitutions are ordered.

Senator Duane.

SENATOR DUANE: I'd like to have unanimous consent to vote in the negative on 1386, please.

ACTING PRESIDENT BALBONI: Without objection, so ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, can the Senate stand at ease for a few minutes.

ACTING PRESIDENT BALBONI: Great idea. Sure.

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

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

ACTING PRESIDENT BALBONI: Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Mr. President, if we could have some order in the chamber.

ACTING PRESIDENT BALBONI: The Senate will come to order.

SENATOR FUSCHILLO: Please call up Calendar Number 1393, by Senator Velella, please.

ACTING PRESIDENT BALBONI: The Secretary will read.

SENATOR FUSCHILLO: Mr. President, before Senator Velella speaks, can I just ask for some order in the chamber once again.

ACTING PRESIDENT BALBONI: The Senate is back in session. Please give your attention to Senator Velella.

The Secretary will read.

THE SECRETARY: Calendar Number 1393, by Senator Velella, Senate Print 7466A, an act to amend the Criminal Procedure Law, in relation to the powers of certain special patrolmen in the City of New York.

SENATOR HEVESI: Explanation, please.

ACTING PRESIDENT BALBONI:

Senator Velella, an explanation has been asked for by Senator Hevesi.

SENATOR VELELLA: Yes, Senator Hevesi. This bill -- currently, under the - New York City special patrolmen have powers as set forth in Section 2.20 of the Criminal Procedure Law only when acting pursuant to their special duties.

However, there is an exemption which exists for categories of special patrolmen such as campus police, campus public safety officers, school safety officers, parking control specialists, taxi and limousine inspectors, urban park rangers, and evidence and property control specialists.

This legislation will allow traffic enforcement agents to also have those same powers, whether or not they are acting pursuant to their special duties.

ACTING PRESIDENT BALBONI:

Senator Hevesi, why do you rise?

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

ACTING PRESIDENT BALBONI:

Senator Velella, do you yield to a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT BALBONI: The Senator yields.

SENATOR HEVESI: Thank you.

Senator, thank you for the explanation. I read the bill. I must confess, before seeing this memo I was not familiar with the term "New York City special patrolmen."

So before I cast my vote on this particular bill, could you tell me what are the powers and duties of a New York City special patrolman that we are now going to extend to traffic agent, level 3 and 4?

SENATOR VELELLA: If you're concerned this would allow them to possess weapons when off duty, the answer is no, which was my main concern when I first had. It was not that they will be special peace officers that can walk around the city of New York with guns and have any kind of special provision therefor.

If you look at the bill on the front page, lines 4 through 8 talk about the

fact that nothing in the law would allow them to carry or possess a licensed weapon unless they are licensed by the New York City Police Department, pursuant to a regular carry permit that would be applicable for anyone else.

SENATOR HEVESI: Mr. President, would the sponsor continue to yield?

SENATOR VELELLA: They don't carry guns now, whether on or off duty.

And the reason that this was suggested to us was that some of those officers have been the victim of retribution at their homes, at their private residences, when they're off duty.

And the fact that they would have this special patrolmen designation -- which doesn't confer a great deal of power on them. But the fact that they would have that designation gives them some level of confidence, as it does with the campus police and all the others listed in here. They would just be on a par with them and have whatever powers it is that they have.

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

ACTING PRESIDENT BALBONI:

Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT BALBONI: The Senator yields.

SENATOR HEVESI: Can you give us an idea, Senator Velella, of what those powers are? Can they arrest people, can they serve warrants? I'm just -- I'm very unfamiliar with this.

SENATOR VELELLA: No, they don't have powers to conduct arrests, other than what a citizen's arrest might be if the felony is being committed in your presence. They would have to detain someone until a peace officer or a law enforcement officer arrived on the scene to actually execute an arrest. So they don't have that power.

It's a designation under the law which would allow them to call themselves special officer, with no special superpowers. However, it gives a level of professionalism to them, and a sense of confidence, so that when they are on campus, or as a traffic enforcement officer, they would have some

degree of being a special officer and able to tell the general public that they are a special officer, they wear a uniform, they have a badge -- not a police badge, but a special officer badge, and it gives them a degree of respect in the general community.

SENATOR HEVESI: Just one final question, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BALBONI: Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes.

SENATOR HEVESI: Are they currently classified as peace officers, traffic agents level 3 and 4?

SENATOR VELELLA: Only while they're performing their duties. This would allow them to carry that designation to their home, where reports are that many of them have had incidents at their home as a result of their public work.

SENATOR HEVESI: Okay. Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BALBONI:

Senator Hevesi, on the bill.

SENATOR HEVESI: Briefly.

I wish we were voting on and having a more full discussion about this entire topic, since there is a very extensive list of individuals who are already entitled to New York City special patrolmen status, including taxi and limousine inspectors and urban park rangers.

And so we may -- I would have liked to have visited this issue on a more global basis. But this is the law as it already exists. And since traffic enforcement agents in New York City are overseen by the New York City Police Department, I don't believe it would be inconsistent to bestow upon them some additional privileges that are already bestowed on people who I believe don't have that type of supervision.

So I'm going to vote yes on this, and I'll take Senator Velella's expertise in this area at face value. But again, if we're going to visit this issue at some point, I think maybe a more global reexamination is in order.

I vote yes.

ACTING PRESIDENT BALBONI: Thank you, Senator Hevesi.

Please read the last section.

Senator Paterson, why do you rise?

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

ACTING PRESIDENT BALBONI: Madam President?

Senator Velella, would you please yield to Senator Dollinger?

SENATOR VELELLA: Yes.

(Laughter.)

SENATOR PATERSON: That's it, I'm burned out. I've got to leave.

Mr. President.

SENATOR VELELLA: If you're too tired to do this, we could put it aside for another time.

SENATOR PATERSON: My question relates to how many incidents have there been that would necessitate the use of firearms, even in protection. My information was that 85 percent of the incidents came from patients

in the hospitals, and that in a very few cases where there -

SENATOR VELELLA: Senator, I believe you might be on the wrong bill.

SENATOR PATERSON: Well, that would be consistent.

(Laughter.)

SENATOR VELELLA: Let me just - this bill is for parking enforcement officers, and it would extend to them the same status that they have while on duty while they are off duty, as a result of the fact that many of them have experienced difficulties in their private lives, when they're home, when they're traveling to and from work, people have identified them, followed them, et cetera.

And they would like to have that same peace officer status or status as a special officer while off duty as they do on.

It does not allow them to carry weapons to and from work or off duty. It's not the hospital workers bill. That's the one that's coming, I think.

ACTING PRESIDENT BALBONI: Senator Paterson.

SENATOR PATERSON: Actually, I was still interested in whether or not there had been any incidents that had -- in other words, this is perhaps a fear that they have. But have there been any situations where they have been attacked and that this was a catalyst for a lot of the rest of the peace officers feeling that they needed this protection?

SENATOR VELELLA: In speaking to the representatives of the traffic enforcement officers, they have indicated to us that, thank God, there have been no fatalities.

However, there have been numerous physical confrontations, destruction of property, cars being damaged, people having had problems. No shootings or extremely violent confrontations. However, there have been a number of smaller incidents.

And with the thought that an ounce of prevention is worth a pound of cure, before one of these incidents escalates to a serious crime, we thought that if they're asking for this designation to help them protect themselves, that this might be the smart thing

to do.

SENATOR PATERSON: All right, Senator Velella, I'm convinced. Just if you would yield for one further question.

SENATOR VELELLA: Do I have to?

SENATOR PATERSON: Please.

ACTING PRESIDENT BALBONI: Senator Velella, do you yield to one more question?

SENATOR VELELLA: Okay.

SENATOR PATERSON: When is the hospital workers bill coming up?

(Laughter.)

SENATOR VELELLA: As soon as you can convince the Majority -- or the Minority members to support it in committee.

SENATOR PATERSON: Thank you.

SENATOR VELELLA: You're welcome.

ACTING PRESIDENT BALBONI: Read the last section, please.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BALBONI: The bill is passed.

Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Mr. President, there will be a meeting of the Rules Committee at 4:45 in the Majority Conference Room.

And the Senate will stand at ease.

ACTING PRESIDENT BALBONI: There will be a meeting at 4:45 of the Senate Rules Committee, in the Majority Conference Room. The Senate now stands at ease.

(Whereupon, the Senate stood at ease at 4:26 p.m.)

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

ACTING PRESIDENT BALBONI: Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Mr. President, can we come back to order. And please call on the active list Calendar 1005, by Senator Skelos.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 1005, by Senator Skelos, Senate Print 6153A, an act to amend the Civil Rights Law, the Criminal Procedure Law, and the Executive Law, in relation to a change of name.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT BALBONI: Senator, an explanation has been requested by Senator Dollinger.

SENATOR SKELOS: Mr. President -

ACTING PRESIDENT BALBONI: Please maintain the quiet decorum of the chamber. Thank you.

Senator Skelos.

SENATOR SKELOS: Mr. President, this legislation would establish a notification process by which victims, prosecutors, and the Division of Criminal Justice Services would be notified when a person convicted either of a violent felony offense or other enumerated crimes files a petition for a change of name.

The new legislation would afford all victims where the defendant was convicted of either a violent felony offense or

enumerated crimes the opportunity to voice their objections to such petitions, and such notification would also be given to prosecutors in the sentencing court.

ACTING PRESIDENT BALBONI: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, would the sponsor yield to a couple of questions?

ACTING PRESIDENT BALBONI: Senator Skelos, do you yield to a couple of questions?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT BALBONI: Proceed, Senator.

SENATOR DOLLINGER: Senator, does the bill contain any provision for what happens once the victim receives notice of this crime?

SENATOR SKELOS: Once the victim receives notice of what, of the petition?

SENATOR DOLLINGER: Of the petition, the petition made in the court, in perhaps some other location, for a name

change. Does it give the victim any right?

SENATOR SKELOS: The victim, yes, could make an objection to the change of name.

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

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

SENATOR SKELOS: Yes.

SENATOR DOLLINGER: Does the statute create standing on behalf of the victim or the victim's family to intervene in the proceeding for a name change?

SENATOR SKELOS: The victim could file an objection.

SENATOR DOLLINGER: Well, through you, Mr. President, the question is does the victim have standing to do that. Is there anything in there that addresses the issue of their right to go into court and to petition the court to have the name change voided?

SENATOR SKELOS: Not specifically in the legislation.

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

SENATOR SKELOS: Mm-hmm.

ACTING PRESIDENT BALBONI: The sponsor continues to yield.

SENATOR DOLLINGER: Are there any standards in the bill for situations in which the court, faced with a petition for a name change and an objection to that name change, are there any standards in the bill for the court to determine whether to grant the name change or deny the name change?

SENATOR SKELOS: Right now, if there's no reasonable objection, the court would go along with the name change. That's in existing law.

SENATOR DOLLINGER: Correct. Correct.

My question is through you, Mr. President, if the sponsor will continue to yield.

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

SENATOR SKELOS: Yes.

ACTING PRESIDENT BALBONI: The Senator continues to yield.

SENATOR DOLLINGER: My question

is, are there any standards in the bill so that when a judge faces the issue of a petition for a name change by a convicted criminal and an objection from the victim or the victim's family, are there any standards in this bill for what the court ought to do, how it should resolve that issue?

SENATOR SKELOS: No.

SENATOR DOLLINGER: Okay. I think that's it, Mr. President. I'd just like to address the bill for a minute.

ACTING PRESIDENT BALBONI: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Mr. President, I find myself disappointed by this bill. I'm going to vote in favor of it because it's a good thing, it starts us down the right road.

But I would be, I guess, remiss to my obligations as a Senator if I didn't stand up and say that I found it astounding that a project that I worked on, a project that I started, a concept that I developed, that I put into practice, a lawsuit that I brought, an issue that I exposed on behalf of the

mother of a murdered child, where I did basically all the work to get the idea before the public and appeared on the "Today" show in front of a national audience on, that I can get on the "Today" show but I can't get on a bill in the New York State Senate that deals with all the work that I did.

And I've heard lots of people talk in this chamber about the respect we have for each other, about the dignity of the house and how the dignity of the house is fostered by a sense of common respect. This is a bill that incorporates an idea that I worked on, that I used my legal time and effort on, that I brought to the nation's attention. And yet I can get on the "Today" show in New York, on national television, and I can't get on the bill.

I submitted two or three buck slips, asked Senator Skelos to do this, sent the message through counsel that I wanted to be on this bill, and was told the answer is no.

And I would just suggest to everybody in this chamber, when you someday

think about what the reputation of the New York State Senate is, just remember one thing: That instead of being this high-minded place where we debated the fundamental issues of today, instead, when it came down to an issue of respecting a colleague for his work, they simply reacted and said, Sorry, you can't be a part of it.

And quite frankly, I regard that as childish, I regard it as disrespectful, I regard it as so contrary to this institution as we're told it should be and we're told it once was that it positively offends me as a member.

And I know there's somebody over there who's having a quiet little laugh at my expense, saying, Boy, isn't it great, we took all that work that Rick Dollinger did, we put it in a bill, we put 22 members on the bill, but we kept him off.

Isn't that a tremendous exercise of our power, isn't that a tremendous way to govern, isn't that a tremendous thing to tell the people of the State of New York that we are that childish.

I would just suggest to my colleagues, I don't know who made these rules, I don't know who makes these decisions, but I'll tell you I find this tremendously disrespectful, I find this tremendously inconsistent with the notion of a democracy even in this chamber, and, frankly, I think everybody involved ought to be ashamed.

I'm going to vote yes, Mr. President. This bill still doesn't go far enough, it still doesn't do what victims need. It's a step in the right direction. It moves us down the road.

But, quite frankly, I think everybody involved from their perspective ought to be ashamed. For me, I'm just disappointed that this is what my service in the New York State Senate has come to and this is the way my colleagues treat me. I will never, ever forget it.

ACTING PRESIDENT BALBONI: Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, on the bill.

I'm shocked to hear this,

especially having been aware of the work that, frankly, Senator Dollinger did on the subject. And I would hope that in the future that there would be some consideration for the effort. And I can understand why he would feel the way he would.

But perhaps he would like to be a cosponsor on my bill, which is going to be the legislative piracy act, making it a misdemeanor to plagiarize another member's work.

Thank you.

ACTING PRESIDENT BALBONI: Read the last section, please.

THE SECRETARY: Section 7. This act shall take effect in 90 days.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT BALBONI: The bill is passed.

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT BALBONI: Senator Marcellino.

SENATOR MARCELLINO: If the Senate would stand at ease for a while, pending the report of the Rules Committee.

And then just to remind the members of the Rules Committee that they are scheduled to meet at 4:45 in the Majority Conference Room.

ACTING PRESIDENT BALBONI: Once again, the Senate Rules Committee will be meeting in the Majority Conference Room at 4:45, momentarily.

In the meantime, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:40 p.m.)

(Whereupon, the Senate reconvened at 5:31 p.m.)

SENATOR BONACIC: Mr. President.

ACTING PRESIDENT BALBONI: Senator Bonacic.

SENATOR BONACIC: There will be an immediate meeting of the Senate Finance Committee in the Senate Majority Conference

Room.

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

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT BALBONI: Senator Mendez, why do you rise?

SENATOR MENDEZ: I wish to be recorded in the negative on Calendar 1390. Thank you.

ACTING PRESIDENT BALBONI: Without objection, you will be so recorded.

Senator Bonacic, rumor has it you're standing to proceed with the business.

SENATOR BONACIC: Mr. President, we'd like to return to the reports of standing committees. I believe there's a report of the Rules Committee at the desk, and I ask that it be read.

ACTING PRESIDENT BALBONI: The Secretary will read.

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

Senate Print 2147A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

2684, by Senator Leibell, an act to amend the Civil Service Law;

7369A, by Senator Leibell, an act to amend the Retirement and Social Security Law;

7848A, by Senator Stachowski, an act to amend the Public Authorities Law;

7974, by Senator Rath, an act to amend the County Law and others;

7969, by Senator Rosado, an act to authorize the City of New York;

7976A, by Senator Maltese, an act to amend the Administrative Code of the City of New York;

7987, by Senator McGee, an act to amend the State Finance Law;

7997, by Senator Coppola, an act to amend the General City Law;

8001, by Senator Fuschillo, an act to amend the Family Court Act;

8003, by Senator Balboni, an act to amend the State Administrative Procedure Act;

8009, by Senator Alesi, an act to amend the Highway Law;

8012, by Senator Alesi, an act to authorize the Town of Perinton;

8014, by Senator Bonacic, an act in relation to the apportionment payable;

8015, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

8016, by Senator Libous, an act to amend Chapter 723 of the Laws of 1989;

8020, by Senator Alesi, an act to amend the Executive Law;

8023, by Senator Rath, an act to amend the Real Property Tax Law;

8030, by Senator Trunzo, an act authorizing the assessor of the Town of Islip;

8038, by Senator Libous, an act to amend Chapter 744 of the Laws of 1992;

8052A, by Senator LaValle, an act authorizing the Office of Real Property Services;

8053, by Senator Nozzolio, an act to amend the Public Lands Law;

8061A, by Senator Farley, an act to amend the Banking Law;

8064, by Senator Balboni, an act authorizing the assessor of the County of Nassau;

8065, by Senator Goodman, an act to amend the Tax Law;

8066, by Senator Meier, an act to amend the Social Services Law;

8068, by Senator McGee, an act to amend the Criminal Procedure Law and others;

8073, by Senator Morahan, an act to amend the General Business Law;

8074, by Senator Wright, an act to direct the Department of Public Service;

8078, by Senator Padavan, an act to amend the General City Law;

8081, by Senator Libous, an act to amend the Public Authorities Law;

8082, by Senator Alesi, an act to amend the Vehicle and Traffic Law;

8083, by Senator Nozzolio, an act to amend the Criminal Procedure Law and the Penal Law;

8109, by the Senate Committee on Rules, an act to amend the Indian Law;

8111, by Senator Spano, an act to

amend the Labor Law;

8115, by the Senate Committee on Rules, an act to establish special equalization rates;

8144, by Senator LaValle, an act to amend the Education Law;

And 3340B, by Senator McGee, Concurrent Resolution of the Senate and Assembly proposing amendments to the Constitution.

All bills ordered direct to third reading.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President. I move to accept the report of Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The Rules report is adopted.

Senator Bonacic.

SENATOR BONACIC: I'd like to, Mr. President, recognize Senator Marcellino.

ACTING PRESIDENT MAZIARZ: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, if we could return to motions and resolutions for a moment.

ACTING PRESIDENT MAZIARZ: Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, thank you.

On behalf of Senator Skelos, on page 30 I offer the following amendments to Calendar Number 1006, Senate Print Number 6781A, and ask that said bill will retain its place on the Third Reading Calendar.

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

Senator Bonacic.

SENATOR BONACIC: Mr. President,

I ask that we just take a couple of moments before we proceed with taking up the Senate Supplemental Calendar Number 56B, the noncontroversial reading. Just about one minute, please.

ACTING PRESIDENT MAZIARZ: Stand at ease for a couple of minutes.

(Whereupon, the Senate stood at ease at 5:40 p.m.)

(Whereupon, the Senate reconvened at 5:42 p.m.)

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Mr. President, we are now ready to proceed with the Senate Supplemental Calendar Number 56B, please.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

SENATOR BONACIC: Thank you.

THE SECRETARY: In relation to Calendar Number 1405, Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill Number 3691A and substitute it

for the identical Senate Bill Number 2147A, Third Reading Calendar 1405.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1405, by Member of the Assembly Sweeney, Assembly Print Number 3691A, an act to amend the Retirement and Social Security Law, in relation to providing county correction officers.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Leibell, Senate Print 2684, an act to amend the Civil Service Law, in relation to including both the sheriff and the

county.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1407, by Senator Leibell, Senate Print 7369A, an act to amend the Retirement and Social Security Law, in relation to benefits payable.

SENATOR GENTILE: Lay it aside, please.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

THE SECRETARY: Calendar Number 1408, by Senator Stachowski, Senate Print 7848A, an act to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority.

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1409, Senator Rosado moves to discharge, from the Committee on Rules, Assembly Bill Number 11231 and substitute it for the identical Senate Bill Number 7969, Third Reading Calendar 1409.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1409, by the Assembly Committee on Rules, Assembly Print Number 11231, an act to authorize the City of New York to discontinue the use as parkland.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1410, by Senator Rath, Senate Print 7974, an act to amend the County Law and others, in relation to the expenditures from contingencies and tax stabilization reserve funds.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 19. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Maltese, Senate Print 7976A, an act to amend the Administrative Code of the City of New York, in relation to combining the Correction Officers Variable Supplements Fund.

SENATOR GENTILE: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside.

THE SECRETARY: Calendar Number 1412, by Senator McGee, Senate Print 7987, an act to amend the State Finance Law, in relation to establishing the Cuba Lake Management Fund.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator Coppola, Senate Print 7997,

an act to amend the General City Law, in relation to examining boards of plumbers in the City of Niagara Falls.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 14 -

ACTING PRESIDENT MAZIARZ: Senator Paterson. Senator Paterson, did you want to vote in the negative on that last bill?

SENATOR PATERSON: Me, Mr. President?

No, I just noticed that was Senator Coppola's first bill, and I just wanted to congratulate him for getting a bill through this house.

ACTING PRESIDENT MAZIARZ: That's why I was surprised when you stood up, Senator Paterson, because I knew you wouldn't want to vote in the negative.

(Applause.)

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1414, by Senator Fuschillo, Senate Print 8001, an act to amend the Family Court Act, in relation to orders of protection.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator Balboni, Senate Print 8003, an act to amend the State Administrative Procedure Act and Chapter 402 of the Laws of

1994.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1416, by Senator Alesi, Senate Print 8009, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 1417, by Senator Alesi, Senate Print 8012, an act to authorize the Town of Perinton in the County of Monroe.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1418, by Senator Bonacic, Senate Print 8014, an act in relation to the apportionment payable to the Saugerties Central School District.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1419, by Senator Hoffmann, Senate Print 8015 -

SENATOR BONACIC: Please lay it aside for the day.

ACTING PRESIDENT MAZIARZ: The bill is laid aside for the day.

SENATOR BONACIC: Thank you.

THE SECRETARY: In relation to Calendar Number 1420, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 11089 and substitute it for the identical Senate Bill Number 8016, Third Reading Calendar 1420.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1420, by the Assembly Committee on Rules,

Assembly Print Number 11089, an act to amend Chapter 723 of the Laws of 1989.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1421, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 8107A and substitute it for the identical Senate Bill Number 8020, Third Reading Calendar 1421.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1421, by the Assembly Committee on Rules, Assembly Bill Number 8107A, an act to amend the Executive Law, in relation to the duties of the Office of Science.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Rath, Senate Print 8023, an act to amend the Real Property Tax Law, in relation to exemption from taxation.

SENATOR GENTILE: Lay it aside, please.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

THE SECRETARY: Calendar Number 1423, by Senator Trunzo, Senate Print 8030, an act authorizing the assessor of the Town of Islip to accept an application.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1424, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 11324 and substitute it for the identical Senate Bill Number 8038, Third Reading Calendar 1424.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1424, by the Assembly Committee on Rules, Assembly Print Number 11324, an act to amend Chapter 744 of the Laws of 1992 amending the Mental Hygiene Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 1425, by Senator LaValle, Senate Print 8052A, an act authorizing the Office of Real Property Services and the Commissioner of Education.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1426, by Senator Nozzolio, Senate Print 8053, an act to amend the Public Lands Law, in relation to the payment of state aid.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1428, by Senator Balboni, Senate Print 8064, an act authorizing the assessor of the County of Nassau to accept an application.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1429, by Senator Goodman, Senate Print 8065, an act to amend the Tax Law, in relation to authorizing any city having a population of 1 million or more.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MAZIARZ: The bill is laid aside at the request of Senator Duane.

THE SECRETARY: Calendar Number 1430, by Senator Meier, Senate Print 8066, an act to amend the Social Services Law, in relation to increasing the standards.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 4. This act shall take effect December 31, 2000.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator McGee, Senate Print 8068, an act to amend the Criminal Procedure Law, the Penal Law, and the Family Court Act, in relation to providing for juvenile offender status.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of November.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1432, by Senator Morahan, Senate Print 8073, an act to amend the General Business Law, the Agriculture and Markets Law, and the State Finance Law, in relation to registration and regulation.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

THE SECRETARY: Calendar Number 1433, by Senator Wright, Senate Print 8074, an act to direct the Department of Public Service to prepare a report.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1434, by Senator Padavan, Senate Print 8078, an act to amend the General City Law, Chapter 772 of the Laws of 1966, relating to enabling any city having a population of 1 million or more.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1435, by Senator Libous, Senate Print 8081, an act to amend the Public Authorities Law, in relation to the financing of construction of certain facilities.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Senator Alesi, Senate Print 8082, an act to amend the Vehicle and Traffic Law, in relation to the maximum speed limit for

certain portions of highway.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1437, by Senator Nozzolio, Senate Print 8083, an act to amend the Criminal Procedure Law and the Penal Law, in relation to the issuance of family offense.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1438, by the Senate Committee on Rules, Senate Print 8109, an act to amend the Indian Law, in relation to requiring express legislative authorization.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

Senator Bonacic.

SENATOR BONACIC: To explain my vote. May I proceed?

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: I'd like to explain my vote.

I believe that the Legislature should be a partner with the Governor when it

comes to Native American compacts on non-reservation land throughout the State of New York.

I also like this legislation because it allows the people to decide in every county whether or not they want casino gambling within their county. And as a proponent of initiative and referendum since I've been in the Assembly, I think that accomplishes that.

Finally, I think as to the constitutional arguments of the Governor by himself entering into a compact with the Native Americans on non-reservation land, this will strengthen the state's position on any constitutional challenge that we may see in the courts.

For all those reasons, I'm supporting the legislation.

As to Sullivan County, where there has been a federal approval for a compact, I do believe that once the Native Americans - in this case, it's the St. Regis Mohawks -- or any Native American group that gets their act together and is ready to do business with the

State of New York on a compact, I believe that my colleagues and I will be able to be helpful in that approval process, if and when that day comes.

Thank you very much, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Padavan.

SENATOR PADAVAN: I'd like to explain my vote, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Padavan, to explain his vote.

SENATOR PADAVAN: I would share many of the observations and comments that my colleague Senator Bonacic articulated in explaining his vote. And I intend to vote for this bill as well.

However, I think it's appropriate to point out a major deficiency. If the Legislature is a partner with the Governor in making a major decision, policy decision on the establishing of casinos, that partnership is as applicable on reservations as it is off reservations.

Whether the casino is to be located on the property currently owned by an Indian

tribe or on land not that far away that is being purchased and turned over to them, absolutely no difference in terms of the socioeconomic impact on the people of that region, that area, and certainly the state.

This bill goes only so far. It should go all the way.

Now, currently, as many of you are aware, there is litigation which is at various stages in its development through the courts -- there are a number of plaintiffs, including Chambers of Commerce, a coalition from the Catskills, and certain legislators, myself included -- which addresses the broader issue. And hopefully we will prevail.

So, Mr. President, having said all of that, I vote aye.

ACTING PRESIDENT MAZIARZ: Senator Bonacic and Senator Padavan will be recorded in the affirmative.

Senator Coppola.

SENATOR COPPOLA: On the bill.

ACTING PRESIDENT MAZIARZ: Senator Coppola, on the bill.

I'm sorry, Senator Coppola to

explain his vote.

SENATOR COPPOLA: I'm a little disappointed that my bill did not come out at this point. Because the fact of the matter is we're dealing with the Indians, and I know we've had a lot of problems over the years. I would have liked to have had the localities vote and we put it out to bid in the State of New York.

But the fact of the matter is we're talking about a bill here that excludes what they call the one-armed bandits. And I guess if you look at it, I don't know how that's going to help our region at this point in time when you just have limited casino gambling.

I think the big item that attracts people to the casinos are the one-armed bandits, basically. And if you go over to Niagara Falls on the Canadian side, which you can leave -- I'm sure, Mr. President, when you leave your home and I leave mine, it's twenty minutes from our houses. And the attraction there at those casinos are the one-armed bandits. We don't have that here in this piece of legislation.

I want to make note, I don't know if this is a way to try and appease the people who have been begging for a referendum out there to do something with the competition in Canada, because it has hurt the Niagara County, it has hurt the Erie County. Because all of our revenues are going over that bridge. Which is, again, twenty minutes from our homes.

And when you have headlines like this, Oxy lays off 340 employees just last week in our area, this is a serious matter in our area. The economy is down. We're not competitive with our Canadian rivals. I don't know where this is going. And I just feel uncomfortable -

ACTING PRESIDENT MAZIARZ: Excuse me, Senator Coppola.

Senator Kuhl.

SENATOR KUHL: Mr. President, point of information.

I understood we were on a roll call vote and there were several members explaining their roll call. I don't know if the new Senator understands that there's a two-minute

limitation on explaining a roll call under the rules of the house.

And I'd ask the chair to enforce that.

ACTING PRESIDENT MAZIARZ: Senator Coppola, you know, you are new to the chamber, and I did want to give you some leeway. I know that earlier today one of your colleagues also went on for about ten minutes.

So if you could just kind of make your point and wrap it up, we would all appreciate it.

SENATOR COPPOLA: Can we withdraw the roll? I'd like to be heard on the bill.

SENATOR BONACIC: No objection.

ACTING PRESIDENT MAZIARZ: Without objection, roll call is withdrawn.

Senator Coppola, on the bill.

SENATOR COPPOLA: Thank you very much. Thank you very much.

Again, going back to the casino issue, this has been lingering out there now for four or five years. I'd like to have seen this done with a little more accuracy.

I don't think we're going to be

competitive in our area, and I feel that we should be adding the slot machines with this bill. It's important to Niagara County and to Erie County. That's all I'm saying. We're not competitive.

I wish we weren't even talking about gambling to try and be competitive with Canada. But the fact remains that they're now building another $200 million casino twenty minutes from our homes, and it's taking all of the money out of our economy and bringing it across the bridge.

It's unfortunate that there's not a sponsor to this piece of legislation. I would have liked to have asked why we couldn't include the one-armed bandits. Is there anyone that can answer my question, Mr. President? Is there anyone here that can answer why that wasn't included?

ACTING PRESIDENT MAZIARZ: Senator Larkin.

SENATOR LARKIN: Mr. President, we're on a consent calendar. Why are we debating a consent calendar? People are allowed to stand up and explain their vote.

But we're on a consent calendar. I'd like to follow the consent calendar.

ACTING PRESIDENT MAZIARZ: Senator Paterson. I'm sorry, wait a minute, Senator Paterson. Senator Bonacic was up first.

Senator Bonacic.

SENATOR BONACIC: I defer to Senator Paterson.

ACTING PRESIDENT MAZIARZ: Senator Paterson.

SENATOR PATERSON: Mr. President, I think what happened was that there was a lot of consent in the chamber and that we were all allowing ourselves to go over the two-minute time period on vote explanation.

When Senator Kuhl pointed it out, with the Majority's consent, Senator Coppola went back and spoke on the bill.

I think maybe it's just a good thing to note to all the members that the vote-explaining period is two minutes, since we all violated it. And we'll do it from here on in.

But in the case of Senator Coppola,

since he was the one who was speaking when it was called on, I thought it was only apt that we just let him explain the bill. If Senator Bonacic would like to lay the bill aside and bring it back later, that's certainly fine with us. But we can just let Senator Coppola finish right now.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: I think out of courtesy to Senator Coppola, we should lay it aside and we should proceed again on the controversial calendar.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

THE SECRETARY: Calendar Number 1442, by Senator McGee, Senate Print 3340B, Concurrent Resolution of the Senate and Assembly proposing amendments to the Constitution, in relation to gender references.

ACTING PRESIDENT MAZIARZ: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator McGee, I'm sorry.

SENATOR McGEE: To explain my vote.

ACTING PRESIDENT MAZIARZ: Senator McGee, to explain her vote. You have two minutes, Senator McGee.

(Laughter.)

SENATOR McGEE: Mine won't take quite that long, because I'm here to congratulate people, I really am.

I'm really very pleased to say that this really is the first step in an amendment to the New York State Constitution. And I want to take the opportunity to thank Senator Bruno and the Majority counsel for his efforts, their efforts in getting this amendment before us.

And I'm really very pleased to say that all the members of the New York State Senate have joined in the sponsorship of this amendment. This is the first step in an amendment to the Constitution, the New York State Constitution. As we well know, that we have to do this in two consecutive legislative

sessions.

This bill is a gender-neutral bill. And I'm very pleased that every member in the New York State Senate is on sponsorship of this bill, in addition to the fact that this is the first step to take the New York State Constitution into the 21st century. And I thank everyone very much.

And I vote in the affirmative. Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator McGee will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The Concurrent Resolution is adopted.

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

SENATOR BONACIC: Mr. President, I'd ask we proceed with the Senate Supplemental Calendar Number 56B, the controversial reading.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1407, by Senator Leibell, Senate Print 7369A, an act to amend the Retirement and Social Security Law, in relation to benefits payable.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

SENATOR GENTILE: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Gentile.

SENATOR GENTILE: I believe Senator Hevesi had some questions on this bill, but he's in the Finance Committee for a moment. So I wonder if we could just pass this for a moment until Senator Hevesi gets back.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Mr. President, I ask we lay it aside temporarily.

SENATOR GENTILE: Thank you.

ACTING PRESIDENT MAZIARZ: The bill is laid aside temporarily.

The Secretary will read.

THE SECRETARY: Calendar Number 1411, by Senator Maltese, Senate Print 7976A, an act to amend the Administrative Code of the City of New York, in relation to combining the correction officers' variable supplements fund.

ACTING PRESIDENT MAZIARZ: Senator Gentile.

SENATOR GENTILE: Mr. President, again, I believe this is a bill that Senator Hevesi had a question on. So I'd ask that we lay it aside until he returns.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Mr. President, we'd ask that we lay that aside temporarily.

ACTING PRESIDENT MAZIARZ: The bill is laid aside temporarily.

The Secretary will continue with the controversial calendar.

THE SECRETARY: Calendar Number 1420, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11089, an act to amend Chapter 723 of the Laws of 1989 amending the Mental Hygiene

Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Rath, Senate Print 8023, an act to amend the Real Property Tax Law, in relation to exemption from taxation.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the -

ACTING PRESIDENT MAZIARZ: Senator Gentile.

SENATOR GENTILE: Mr. President, again, I think this is a bill that Senator Hevesi asked me to lay aside for him.

ACTING PRESIDENT MAZIARZ:

Senator Bonacic.

SENATOR BONACIC: Mr. President, we'd ask that we lay that aside temporarily.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

SENATOR GENTILE: Thank you.

ACTING PRESIDENT MAZIARZ: The Secretary will continue with the controversial calendar.

THE SECRETARY: Calendar Number 1429, by Senator Goodman, Senate Print 8065, an act to amend the Tax Law, in relation to authorizing any city having a population of 1 million or more.

SENATOR GENTILE: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Gentile.

SENATOR GENTILE: Again, Senator Hevesi asked me to lay this aside for him.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Mr. President, we'd ask that we lay that aside temporarily, please.

ACTING PRESIDENT MAZIARZ: The

bill is laid aside.

The Secretary will continue with the controversial calendar.

THE SECRETARY: Calendar Number 1438, by the Senate Committee on Rules, Senate Print 8109, an act to amend the Indian Law, in relation to requiring express legislative authorization for the entry into certain gaming compacts.

ACTING PRESIDENT MAZIARZ: Senator Coppola.

SENATOR COPPOLA: Mr. President, I'd like to ask the sponsor or someone a question.

ACTING PRESIDENT MAZIARZ: Senator Larkin, do you yield for a question from Senator Coppola?

SENATOR LARKIN: Senator Coppola, yes.

SENATOR COPPOLA: Why wasn't the slot machines included in this piece of legislation?

SENATOR LARKIN: Very simple, Senator. Two previous attorney generals, Robert Abrams and Oliver Koppell, in their

capacity as attorney generals, ruled that it was unconstitutional to put the slots in there without the express approval of the voters of the State of New York.

ACTING PRESIDENT MAZIARZ: Senator Coppola.

SENATOR COPPOLA: Mr. President, through you again, please.

ACTING PRESIDENT MAZIARZ: Senator Larkin, do you yield for another question from Senator Coppola?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Coppola.

SENATOR COPPOLA: Senator, I understand that the Governor submitted the bill last year with the machines there. Why wasn't that rendered at that time, that opinion?

SENATOR LARKIN: I don't work on the second floor, Senator. All I can tell you is that after consideration by -

(Telephone interruption.)

SENATOR COPPOLA: Is that the

Governor?

(Laughter.)

SENATOR LARKIN: I got a job offer from the casinos, Kuhl said.

After we looked at it from all aspects of it, it was very clear that -- after we looked at it, it was very clear to us that we would have a constitutional problem. Because those who don't want casinos in the state of New York, the first thing they'll do is go to court.

And as you and I know, there are six or seven people around here in opposition to any casinos in the state of New York.

So it was the opinion of the counsels and the advice of the Majority Leader that we would eliminate that portion of it, and that's exactly what we've done.

ACTING PRESIDENT MAZIARZ: Senator Coppola.

SENATOR COPPOLA: On the bill, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Coppola, on the bill.

SENATOR COPPOLA: I appreciate

the response from the Senator.

But the fact is, I have a problem. The city of Buffalo, Erie County and Niagara County are suffering economically, and we're not competitive with Canada.

And I don't think we're going to go anyplace with this bill. I think we have to be more competitive. I mean, it doesn't take a Harvard graduate to understand that there's a big black hole over there, and when you go over to the parking lot in Canada, which is 15 minutes from everybody's home in the city of Buffalo, all you see is New York State license plate numbers.

And I just don't think we're going to be competitive here. And I don't want to have this as a way out to the people who are obviously strong supporters in Niagara Falls and the city of Buffalo.

I will support the bill, obviously. It's the next best thing. But I think we're stalling. And we can't afford to stall any longer in Erie County and Niagara County. We have to be more competitive, and we're not.

Thank you. Thank you for your

patience, gentlemen.

ACTING PRESIDENT MAZIARZ: Senator Larkin.

SENATOR LARKIN: Just to bring Senator Coppola up-to-date, in January 1997, in this chamber, a bill was put forth that would have been a constitutional amendment. It was supported by the Majority Leader.

And at that time there was a quasi-agreement that there would be support on both sides of the aisle. And your side of the aisle did not deliver, Senator.

ACTING PRESIDENT MAZIARZ: Senator Paterson.

SENATOR PATERSON: Mr. President, just to bring Senator Larkin up-to-date, when that bill passed, more members of the Majority voted against it than voted for it.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: Mr. President, can we return to the original active list for the day and take up Calendar Number 1375, please.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1375, by Senator Spano, Senate Print 7606A, an act to amend the Banking Law, in relation to the operation of electronic check-cashing machines.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MAZIARZ: Can we have some order.

Senator Spano. Senator Spano, an explanation of Calendar Number 1375 has been requested by Senator Paterson.

SENATOR SPANO: Thank you, Mr. President.

This bill prohibits any person or entity from operating an electronic

check-cashing machine without being licensed by Article 9A of the Banking Law.

It doesn't apply to the banks, it only to third-party owners of machines, and it only applies where a fee of $1 or more is charged.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, some motions.

ACTING PRESIDENT MAZIARZ: Return to motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Goodman, I

wish to call up his bill, Print Number 4032, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1055, by Senator Goodman, Senate Print 4032, an act to amend the Executive Law.

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

ACTING PRESIDENT MAZIARZ: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT MAZIARZ: Amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Hoffmann, I offer the following amendments to Calendar

Number 1419, Senate Print Number 8015, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: Amendments are received, adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Mr. President, I ask we return to Calendar 1407, please.

ACTING PRESIDENT MAZIARZ: The Secretary will read Calendar 1407.

THE SECRETARY: Calendar Number 1407, by Senator Leibell, Senate Print 7369A, an act to amend the Retirement and Social Security Law, in relation to benefits payable.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MAZIARZ: Senator Leibell, an explanation has been requested by Senator Duane.

SENATOR LEIBELL: Mr. President, this legislation would provide that an

impairment of health due to heart disease resulting in disability or death of a parole officer shall be presumed to be employment-related.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 90 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 2. Senators Duane and Hevesi recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: Mr. President, I ask that we now go to Calendar 1411 and then continue in the regular order on the controversial calendar.

ACTING PRESIDENT MAZIARZ: The Secretary will read Calendar 1411 on the controversial calendar.

THE SECRETARY: Calendar Number

1411, by Senator Maltese, Senate Print 7976A, an act to amend the Administrative Code of the City of New York, in relation to combining the correction officers' variable supplements fund.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT MAZIARZ: Senator Maltese, an explanation has been requested by Senator Hevesi.

SENATOR MALTESE: Mr. President, this bill would amend the Administrative Code of the City of New York in regard to the correction officers and correction captains and the above variable supplements fund, in order to remedy certain inequities in the current law which operate to the disadvantage of the employer, the City of New York, and recipients of payments of other variable supplement funds.

Specifically, this bill would provide for a defined benefit plan for all uniformed correction members who retire from service on or after July 1, '99. I won't go into the specific benefits. As members retire, they will join the schedule already in

progress.

This bill, Mr. President, seeks to remedy some of the difficulties that the City of New York had with the variable supplements fund law created -- Chapter 657 -- that was created for correction officers and correction captains and above.

The original bill, it was estimated at the time, would have cost the city over $110 million annually. And while there was some difference of opinion as regards to the amount, varying between some $20 million to $110 million, at the same time this is an instance where -

ACTING PRESIDENT MAZIARZ: Excuse me, Senator Maltese.

Would the members please take their conversations outside of the chamber so that we can hear Senator Maltese's explanation of this very important piece of legislation for the City of New York, the great City of New York.

SENATOR MALTESE: Thank you, Mr. President.

Basically, this was a situation

where there was a problem, a bill was passed by this house and the Assembly and signed by the Governor. At the same time, the parties involved did not cease their negotiating and sitting down at the conference table.

Basically, this bill is a credit not only to Norman Seabrook, the president of the Correction Officers, but also Peter Marangella, the president of Correction Captains, Sidney Schwartzbaum, the president of the Assistant Deputy Wardens and Deputy Wardens Association, and Commissioner James Hanley of the Office of Labor Relations.

They put together an agreement on April 20, 2000, which was signed by all the parties mentioned and, of course, Commissioner Hanley, representing the City of New York. And certainly it's a credit to all of them.

There is no fiscal impact other than -- no additional cost to the City of New York. And if we accept the arguments of the City of New York, which at this time I do, this certainly is in position to save a considerable amount of money in the future for the City of New York and at the same time

remedy an inequity for the above-mentioned officers as well as the housing police and the transit police.

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

Read the last section.

THE SECRETARY: Section 33. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Rath, Senate Print 8023, an act to amend the Real Property Tax Law, in relation to exemption from taxation.

SENATOR HEVESI: Explanation, please.

ACTING PRESIDENT MAZIARZ: Senator Rath, an explanation has been requested of Calendar Number 1422 by Senator Hevesi.

SENATOR RATH: This is a

statewide bill that has three provisions.

The first will provide an incorporated association or volunteer ambulance service may receive a real property tax exemption of up to $20,000 if property that they are in charge of is used by the incorporated association itself, leased by a city, town, village, or ambulance district or school district, and is used for those purposes for which they are incorporated. At local option, this provision can go in.

The second provision is that volunteer firefighters and ambulance workers will receive a real property tax exemption of up to 10 percent of assessed value of their property, capped at $3,000 in consideration of the equalization rate. And there's also a longevity exemption there at local option, and that's tied to the years of service of the volunteer firefighters.

And the third provision allows fire companies to charge for emergency medical services if so authorized by the governing board of their jurisdiction. And this amounts to -- if -- just a minute, let me review.

Okay. And this one also provides that there has to be information on the amounts that they are billed and the amounts that they are collecting so it can be reviewed by the Comptroller.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. Would the sponsor yield to one brief question, please.

SENATOR RATH: Surely.

ACTING PRESIDENT MAZIARZ: Senator Rath, would you yield to Senator Hevesi -- after there is some quiet in the room, so that Senator Hevesi and Senator Rath can have their questions asked and answered. Thank you.

Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

Senator, thank you for that explanation. I think this is a terrific idea. I'm going to be voting for it. I just have one question for you.

My reading of the bill suggests

that this is applicable for the entire state of New York, yet the title of the act makes specific reference to this being applicable to certain cities. Can you help me out with that, please?

ACTING PRESIDENT MAZIARZ: Senator Rath.

SENATOR RATH: You know, I misspoke at the first. It's cities less than a million. I misspoke. Because to me, statewide, local governments -- and I was misthinking and misspeaking. Cities less than a million.

SENATOR HEVESI: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Rath -- after it gets quiet in here.

SENATOR HEVESI: Senator -

ACTING PRESIDENT MAZIARZ: Please. Please wait, Senator Hevesi. Wait.

We're not going to continue until it is quiet in here so that Senator Rath and Senator Hevesi can have their questions asked and answered.

SENATOR HEVESI: Thank you.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

Senator, my understanding is that there still is only one city in New York State with a population in excess of a million people. And that being the case, am I to understand that this legislation would bestow a benefit on members of volunteer ambulance corps and fire departments everywhere else except for New York City?

ACTING PRESIDENT MAZIARZ: Senator Rath.

SENATOR RATH: One moment, please.

The bill was crafted as it is because of the character of the firefighters in the New York City being professional firefighters, predominantly professional firefighters, as opposed to the volunteers in the rural areas, rurals and smaller city areas.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Rath, would you continue to yield for another question from Senator Hevesi?

SENATOR RATH: Surely.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Thank you. Thank you.

Would it surprise the sponsor to know that in New York City we have numerous volunteer firefighting organizations in areas that are somewhat remote and we have many, many volunteer ambulance organizations throughout the City of New York?

SENATOR RATH: We were advised as we were crafting this bill that there was a good deal of discussion and concern from the New York City area in regards to this, and that it would be best to move it this way.

And certainly there would be an opportunity, I would think, to add -- put in another piece of legislation that might cover the eventualities that you're speaking of that

might want to have the same opportunities as we're providing here.

SENATOR HEVESI: One final question, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Rath, would you continue to yield for one final question from Senator Hevesi?

SENATOR RATH: Surely.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Thank you. And I ask this with all sincerity, and I greatly appreciate your willingness to explore this issue of equity.

I would ask, though, that you pull this bill and resolve it before we move ahead with it so that we don't send the wrong message that we're going to disenfranchise hundreds if not thousands of people in New York City and roll the dice as to whether or not they're going to be bestowed a benefit for the same heroic and brave and dedicated sacrifices that they make every day.

Would you pull the bill, Senator?

SENATOR RATH: No, I will not,

Senator.

SENATOR HEVESI: Okay, thank you.

On the bill, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Hevesi, on the bill.

SENATOR HEVESI: Mr. President, I think that this is an excellent idea. This is something that we need to do to encourage participation in these organizations.

I'm just -- I'm somewhat aghast - and I'm glad I asked the question, but I'm somewhat aghast at the blatant disrespect shown to individuals who make this commitment in the City of New York. And this is not an omission by accident, this is an intentional omission. And I've got to highlight it. And I'm upset by it.

And I know the sponsor is terribly well-intended and is a terrific public servant and is committed to equity, and so I take at face value and with great confidence her comments that she's going to revisit this issue. But I cannot in good conscience vote for this piece of legislation.

And let that not be a reflection on

how I feel about all the other members of these fine organizations throughout the state. But at some point, you've got to stop and say, look, I can't vote for something even though it's a good idea if it is so blatantly disrespectful and disenfranchises so many people. That would just send absolutely the wrong message.

So with the greatest respect to the sponsor and all the individuals who would be covered under her bill, I'm going to be voting no on this legislation.

And I really hope, I really hope, since this is terribly worthy, I think the idea is good, the implementation is good, with this one exception of the exclusion, that we revisit this issue and do the right thing on this one for everyone in New York State. There's no good reason to leave out the people of New York City.

ACTING PRESIDENT MAZIARZ: Read the last section.

I'm sorry. Senator Gentile.

SENATOR GENTILE: Just briefly, Mr. President, on the bill.

ACTING PRESIDENT MAZIARZ: Senator Gentile, on the bill.

SENATOR GENTILE: I want to congratulate Senator Hevesi for pointing out this inequity in this legislation, because however good this legislation is, it does not address those issues in the City of New York.

And I think what may be the problem here is that there are -- members in the chamber here don't realize that there are a number of volunteer ambulance services and fire services. My district has the Bay Ridge ambulance volunteer organization, the Bensonhurst Volunteer Ambulance Association. In Staten Island we have the North Shore Rescue Squad and several other heart resuscitation volunteer groups.

Those groups are left out of this legislation. It would be remiss for me as their state senator, however good this legislation is, to vote for this and then - in hopes of somewhere down the line maybe getting another bill, a different bill that would cover them.

I believe that it's either we cover

everyone or we go back to the drawing board. So, Mr. President, I agree with Senator Hevesi, and I believe that we need to rework this bill.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of January.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1422 are Senators Connor, Duane, Gentile, Hevesi, Kruger, Kuhl, Lachman, Markowitz, Montgomery, Onorato, Paterson, Sampson, Schneiderman, M. Smith, and Stavisky. Ayes, 46. Nays, 15.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1429, by Senator Goodman, Senate Print 8065, an act to amend the Tax Law, in relation to

authorizing any city having a population of 1 million or more.

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MAZIARZ: Senator Goodman, an explanation of Calendar Number 1429 has been requested by your fellow Senator from the great City of New York, Senator Thomas Duane.

SENATOR GOODMAN: Senator Duane, what we have before us is a massive New York City tax cut package which deals with a number of technical areas that I'll try to outline for you as briefly as I can.

Mr. President, I guess we need a little quiet in the chamber, because we want to be able to be heard.

First of all, we have something here something which would reduce the mortgage recording tax, a provision which should provide relief to many first-time homebuyers from the 1 percent city mortgage recording tax and the one-half of 1 percent portion of the

state mortgage recording tax that produces revenues dedicated to the city's General Fund.

Secondly, we have a personal income tax cut. This income tax cut would be in the form of a credit which would provide a city PIT earned income tax credit benefiting low-income city workers equal to 5 percent of their federal credit.

Then we have a PIT dependent care credit. This measure would provide a city PIT dependent-care credit equal to 40 percent of the state credit. The credit provides the maximum benefit for lower-income households.

We have a PIT senior renter credit. This measure would provide a refundable city PIT credit equal to 1 percent of the rent paid by a qualified taxpayer and qualified residents up to annual rents of $8400.

Next we have a hotel tax reduction. This measure would eliminate the flat per-day tax imposed on hotel rooms. The flat tax is imposed at 2 bucks a day for rooms costing $40 or more.

And that basically is the outline of the specific things that are involved in

this.

ACTING PRESIDENT MAZIARZ: Senator Duane.

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

ACTING PRESIDENT MAZIARZ: Senator Goodman, would you yield for a question from Senator Duane?

SENATOR GOODMAN: I will yield for a question from Senator Duane, my distinguished colleague from Manhattan.

ACTING PRESIDENT MAZIARZ: Senator Duane.

SENATOR DUANE: Thank you.

Can the sponsor tell me approximately how much in the first year the first -- the mortgage recording tax will cost the city?

SENATOR GOODMAN: $10 million, sir.

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

ACTING PRESIDENT MAZIARZ: Senator Goodman, do you continue to yield?

SENATOR GOODMAN: I will.

ACTING PRESIDENT MAZIARZ: Senator Duane.

SENATOR DUANE: And will that amount remain basically the same in the out years?

SENATOR GOODMAN: No, it will not. It rises to 20 million, 20 million, and 20 million in Fiscal 2, 3, and 4.

SENATOR DUANE: Through you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Duane.

SENATOR DUANE: Could you - could the sponsor -

ACTING PRESIDENT MAZIARZ: Senator Goodman.

SENATOR DUANE: Would the sponsor just tell me why it's going to go like that, it will go 10-20-20-20?

SENATOR GOODMAN: Will the sponsor tell him what? I didn't catch the question.

ACTING PRESIDENT MAZIARZ: Could we have some quiet in the house, please.

Senator Duane, could you -

SENATOR GOODMAN: Is your question directed to the schedule -

ACTING PRESIDENT MAZIARZ: - repeat your question, please.

SENATOR DUANE: My question is, is the increase from $10 million to $20 million in the out years because of a phase-in, or is it because more first-time homebuyers are expected to be buying their homes in the out years? I may not have understood -

SENATOR GOODMAN: It's because it's anticipated that more people will be taking advantage of the tax cut.

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

ACTING PRESIDENT MAZIARZ: Senator Goodman, would you yield for another question from Senator Duane?

SENATOR GOODMAN: I will yield to another question from Senator Duane.

SENATOR DUANE: Thank you.

ACTING PRESIDENT MAZIARZ:

Senator Duane.

SENATOR DUANE: If the sponsor could also tell me how much the hotel tax will cost.

SENATOR GOODMAN: 19 million, 39 million, 39 million, and 40 million in Fiscal 1, 2, 3 and 4.

SENATOR DUANE: And my final question is does the -

SENATOR GOODMAN: You say this is your final question?

(Laughter.)

SENATOR DUANE: This is my final question.

SENATOR GOODMAN: If it's your final question, I'll give you my final answer. Is it worth a million dollars to you?

SENATOR DUANE: Maybe.

I'm wondering if the sponsor can clarify whether or not the -- whether in any way residential rental hotel rooms are impacted by this legislation.

SENATOR GOODMAN: I'm going to have to take a moment to go to the telephones and speak to my sister-in-law on this one.

Did you say rental rooms, Senator?

SENATOR DUANE: Regulated. They're like rent -- SROs.

SENATOR GOODMAN: Would you just repeat the full question? I'm sorry.

SENATOR DUANE: If this legislation in any way impacts rent-regulated hotel rooms in the city of New York with permanent tenants. SROs, et cetera.

SENATOR GOODMAN: No, sir, it does not.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Will the sponsor yield to one question, please.

ACTING PRESIDENT MAZIARZ: Senator Goodman, would you yield to one question from Senator Hevesi?

SENATOR GOODMAN: Yes.

ACTING PRESIDENT MAZIARZ:

Senator Hevesi.

SENATOR HEVESI: Thank you, Senator. Thank you for your explanation before.

Students of public policy often like to point to a particular tax which, if you cut it, actually and ironically winds up increasing revenue. And the one that they always point to is the hotel occupancy tax. And I know in this legislation that we have a reduction to the hotel tax. I know that the City of New York wants it.

If the logic behind that occupancy tax is that you need to reduce it and reduce it and reduce it, thereby denying yourself those revenues in order to stimulate activity which will fill your hotel rooms, that makes sense.

But my understanding is we are as near to full occupancy in New York City hotel rooms as possible. So my question to you is if you accept that -- and I don't know why you would dispute that, unless you had different sources of information -- why would we now want to deny ourselves millions of dollars in

revenue each year when there is no pressing need to do it, while understanding that we could reserve this action to a time when hotel occupancy starts to plummet and then we have a mechanism by which to stimulate it?

SENATOR GOODMAN: As the sponsor of the original hotel tax reduction, which is one of the greatest success stories in the era of tax reductions, I'd like to try to respond to you very directly.

The answer is that the drop in the hotel tax is not simply to fill hotel rooms, it's to attract people to conventions, to make New York a more popular venue for a whole variety of cultural and entertainment aspects, to increase our retail sales, and to do many other things.

And by lowering this tax more, we make this an even more attractive place, because by keeping it in place at a higher level than we feel is necessary for the well-being of the city treasury, we perform an act of reverse English, if you will, and we keep people away who might otherwise be willing to come.

When you consider going to a hotel room in another city, if you have any sense you look at the total cost of the room, inclusive of the various taxes that are paid. And we think that by keeping this at the lowest level will continue the superb developments which transpired as a result of the initial lowering. We expect that the gains will be exponential in nature.

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

ACTING PRESIDENT MAZIARZ: Senator Hevesi, on the bill.

SENATOR HEVESI: I appreciate that explanation. And I'm very familiar with the hotel occupancy tax and the outright statement of conventioneers throughout the country who said for many years -- and I guess I'll credit Senator Goodman for authoring the legislation that remedied this problem -- for saying outright if you reduce your hotel occupancy tax, we will bring more convention business into the city.

I appreciate and understand that. But as recently as yesterday, I believe,

Cristyne Lategano, the head of the city's Convention and Visitors Bureau, came out with some information showing that the city has never brought in more revenue than it is currently bringing in in hotel business and convention business and all the tangential areas that come as a consequence of tourism.

And so I'm just -- I'm going to support this legislation. I'm just a little concerned that the city was a little bit too quick to want to take this action and we're going to deny ourselves some revenue here for which there is no compelling reason.

I'm a tax-cutter, just like everyone else is a tax-cutter, but we have money coming into the City of New York and I don't want to deny the city those resources for no really compelling reason, particularly in light of the fact that we've recently taken some actions up here in this chamber, including the repeal of the commuter tax - which is still is unconscionable, in my eyes -- which really hurt us.

So I think we need to think a little bit more carefully about doing away

with this tax. It sounds like a great idea, but it really may not be the most prudent thing to do at this time. I would prefer to use the lowering of this tax as a stimulus in the future if we encounter the problem that revenue from economic development has started to come down. My understanding is that's not the case right now.

But I support the bill, and I commend the sponsor for bringing this global piece of legislation which New York City needs. Thank you.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator Duane.

SENATOR DUANE: Thank you, Mr. President, to explain my vote.

ACTING PRESIDENT MAZIARZ: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you.

I'm going to be voting in the affirmative on this. I am very supportive of most aspects of this tax package, particularly because it targets for tax reductions those who I think need tax reductions the most. And it also is rewarding to people who live and work in the City of New York.

I do have a problem, however, with reducing the hotel tax at this time because of our strong tourist-based economy in the City of New York. And even though I'm crowded from the sidewalks into our streets because of the tourists, it's a sacrifice I'm willing to make because I am quite happy to have their revenue.

That said, I don't think that we should reduce the hotel tax. I don't think that that is the thing that makes New York City less attractive for conventions. In fact, most cities that I've been to, both for conventions and just for pleasure or other kinds of business, have hotel taxes.

I think that the biggest problem is that we don't have convention facilities which

serve the complete needs of various-sized conventions, including at the Javits Convention Center, which is now not large enough to compete with convention centers in other cities. And we also don't have medium-sized venues -- for instance, the Coliseum has been -- is in the process of being demolished, and that was actually a facility which was a good size for many conventions.

I think we would be better off using that $2 as a dedicated fund perhaps to create better convention facilities. That's the thing that would bring in more convention business to the City of New York, not reducing the $2 -- an additional $2 from the hotel tax.

In addition, because the City of New York has just been hit with a reduction in revenue from those who don't live in the city but work in the city, I think that we are ill-advised to reduce this tax as well.

But I will be voting yes. But I wish that this had been separated out so that I could cast my vote in the negative on this one aspect of the tax reduction package.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Duane will be recorded in the affirmative. Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Montgomery, I'm sorry.

I'm sorry, Senator Bonacic was up first, Senator Montgomery.

Senator Bonacic.

SENATOR BONACIC: I defer to Senator Montgomery.

ACTING PRESIDENT MAZIARZ: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Senator Bonacic.

Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 1431.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MAZIARZ: Senator Bonacic.

SENATOR BONACIC: Mr. President, I'd like to return to the reports of standing committees. I believe there is a report of the Finance Committee at the desk.

ACTING PRESIDENT MAZIARZ: Reports of standing committees.

The Secretary will read the report of the Finance Committee.

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

As a member of the Metropolitan Transportation Authority, Kenneth A. Caruso, Esquire, of New York City.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Mr. President, it's a pleasure on this fine nomination to yield to Senator Goodman.

ACTING PRESIDENT MAZIARZ: Senator Goodman.

SENATOR GOODMAN: Thank you, Senator Stafford.

Mr. President and my colleagues, I'm delighted to be able to speak on behalf of

Mr. Kenneth Caruso, whose name is before us for the high post of member of the Metropolitan Transportation Authority.

Mr. Caruso's background is surpassingly good. He graduated B.A., magna cum laude, from Rutgers College, and went on to Columbia University School of Law, where he was a Kent Scholar, editor-in-chief of the Columbia Journal of Law and Social Problems, and had a very distinguished career as a student of the law.

He went on to become a law clerk to the Honorable Lloyd F. McMahon, one of the most important of the then-vintage United States district judges, and served in the firm Patterson Belknap Webb & Tyler, where he engaged in civil and criminal litigation in a practice involving media law, products liability, various commercial matters, and federal criminal matters.

He then went on to the Office of the Associate Attorney General of the United States, Department of Justice, and was an Assistant United States Attorney in the Southern District. He was one of a very

important group of Assistant United States Attorneys and U.S. Attorneys, one of whom was the noted mayor, Rudolph W. Giuliani.

He also has served with the firm of Shearman & Sterling and is presently with the firm of Shaw Pittman Potts & Trowbridge.

Mr. President, I've had the privilege of knowing and working with Ken Caruso for some time, and I must say we're very fortunate indeed that a man of his character and loyal capacity to perform public service and his outstanding ability and energy is available to serve on the board of the MTA.

As we all know, the MTA has many problems, not the least of which relates to the New York City subway system, to the vital need to build a Second Avenue subway line all the way to Wall Street, to the vital need to reestablish the safety provisions involving trackage and the signal system of that great subway line that extends throughout the five boroughs of New York. And not to mention, of course, the many other responsibilities under the aegis of the MTA.

I'm very comforted in knowing that

a man of his stature and intellectual capacity will be serving us in this level of responsibility, and I urge my colleagues to enthusiastically support this outstanding nomination.

ACTING PRESIDENT MAZIARZ: Senator Lachman.

SENATOR LACHMAN: Yes, since I was somewhat responsible in having Mr. Caruso drive up in New York in this miserable weather, I am delighted to say that I support his renomination to the MTA board.

I'm also happy that Mr. Caruso and I were able to have a private meeting dealing with issues of the future as well as the past. I agree with Senator Goodman, he has an outstanding record. And he has served as a member of the MTA now for four years with commitment and vision.

But I was particularly concerned about Mr. Caruso's personal ideas regarding a proper balance of the funds coming in from the tunnels and bridges and subways and buses and commuter railroads that the MTA serves.

I know that Mr. Caruso has raised

this issue with his colleagues in the past. In fact, he had mentioned to me that the -- of most of the funds coming in, the real cash cow comes from the tunnels and bridges. And there might be a need for redistribution of these funds to the subways and buses and commuter railroads.

Mr. Caruso has mentioned to me that he will revisit this issue with his board and let us know, if the board agrees with him, if there is any legislation that will be necessary to change the process so that the subways and buses and commuter railroads receive the attention that they should be receiving and the proper issues of where money goes to in terms of the MTA is properly addressed.

I heartily agree in renominating Mr. Caruso for this position, and I will be in touch with him regarding his commitments and his discussion with me in the reevaluation of the proper balance of the MTA.

Thank you.

ACTING PRESIDENT MAZIARZ: Thank you, Senator. Thank you, Senator Lachman.

The question is on the confirmation of Kenneth Caruso, of New York City, as a member of the Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Kenneth Caruso is hereby confirmed as a member of the Metropolitan Transportation Authority.

Mr. Caruso, on behalf -

Senator Goodman, I'm sorry.

SENATOR GOODMAN: Would you be good enough to take note of the fact that Mr. Caruso is accompanied by his family and is peering down at us at this very moment from our lofty balcony.

ACTING PRESIDENT MAZIARZ: Senator Goodman, I was just in the process of doing that. Thank you for reminding me, Senator Goodman.

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

ACTING PRESIDENT MAZIARZ: Mr. Caruso, on behalf of Senator Bruno and the entire New York State Senate, we want to congratulate you on your reappointment as a member of the Metropolitan Transition Authority and welcome you here, again on behalf of Senator Bruno but especially on behalf of Senator Goodman and your friend Rosemary Bray.

Thank you, and congratulations and good luck.

(Applause.)

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: As a member of the New York State Racing and Wagering Board, Cheryl Ritchko-Buley, of Slingerlands.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President. Again, a very fine nomination.

And it's a pleasure to yield to Senator Larkin.

ACTING PRESIDENT MAZIARZ: Senator Larkin.

SENATOR LARKIN: Mr. President, Ms. Buley appeared before the Racing and Wagering Committee today, and, in spite some odds and ends, she's here with us today.

Let's be very specific: This lady is being nominated, she'll be the first lady ever to be appointed to the board, with the Racing and Wagering Board.

Her background, she has not only experience in academic management in the United States of America but also in Europe. She's had management positions in the Capital Region, she's had management positions in banking and hotels, and she's currently involved in consulting.

This is a young lady who's entering a new career, a career which many of us sometimes fail to realize, after it was discussed today, that a candidate for one of these offices has varied backgrounds in a lot of fields that will enable them to reach out to other entities, to make the position more responsible to those that they are seeing to.

I am confident that she possesses the energy, the initiative, the desire to be a

member of the Racing and Wagering Board.

ACTING PRESIDENT MAZIARZ: Senator Connor.

SENATOR CONNOR: Yes, Mr. President.

While there are those who would question the wisdom of putting someone on the Racing and Wagering Board to learn the job, I'm confident that Mrs. Buley would do just that.

I do question the wisdom, though, of replacing Commissioner Liebman, who's a nationally recognized expert in the field of racing, at a time when the very, very important racing industry in New York needs help.

It's important to us. It's been struggling in a variety of ways. And I think we're sending the wrong message nationally to people who are concerned about the racing industry when we remove a commissioner who has done a yeoman's job in running the hearings, in making the decisions, he's published, he's lectured around the country. I just think it's the wrong message to send, and I regret

that the Governor is doing that.

But that certainly is no reason, in my mind, to second-guess the Governor's choice. It has generally been my philosophy to defer -- to defer to the Governor's nominations. He is the Governor and within the law has the right to appoint certain positions.

But it's within the law. And the law constituting the Racing and Wagering Board provides that it shall consist of three members, no more than two of whom shall be members of the same political party. That's the letter of the law.

The spirit of the law couldn't be any clearer, Mr. President. It couldn't be any clearer. It's an embodiment of a principle of American government called checks and balances. The idea was three commissioners, two could be from one party but one of them should be from some other political faith.

Now, I'm sure Mrs. Buley is sincere in her desire to serve, and I accept her willingness to learn what needs to be learned

to do this job. But I am also confident that she is no less than a faithful Republican.

And, Mr. President, there's nothing wrong with that. Some of my best friends are Republicans -

(Laughter.)

SENATOR CONNOR: -- who I've served with for years. There is nothing wrong with that.

The problem is, her appointment certainly defies the spirit of that law and I think even technically violates the law. And I shall tell you why, Mr. President.

Mrs. Buley was a Republican. George Pataki won the governorship in 1994 and received, I think even much to his surprise, more than 50,000 votes on a line of an independent body called Tax Cut Now. And it became, under the laws of this state, qualified to be a party.

I remember when it filed its first papers. This new political party had on its first state executive committee Joe Bruno, Bill Powers, Rappleyea, Tom Reynolds, and a number of other distinguished Republican

political leaders, party leaders.

At the time, I toyed with finding some loyal Republican to bring a lawsuit to disenroll all of those people from the Republican Party, on the grounds -- and there is case law to support this -- that in becoming an officer of another political party, they had abandoned their Republican enrollment.

And there would have been case law to support that, but I don't -- didn't think then that that would be a wise lawsuit to foster.

But Tax Cut Now quickly cleaned up its act; somehow or other, in a move that was later found to not conform to the Election Law, in a subsequent court decision, changed its name to the Freedom Party -- and I know some of my colleagues probably had that line -- for a year, for that interim year of a new party, gave the line virtually to Republicans every time.

And Mrs. Buley went to the Board of Elections and filed to become a member of the Freedom Party, and became its state chair.

And, I'm sure, gladdened the hearts of the Republican leadership in this state in doing that. Because I am confident -- and this is a compliment -- that she is a faithful Republican, even as her spouse is the faithful counsel to the Republican State Committee.

Subsequent litigation resulted in a court decision in Supreme Court that was affirmed in the Appellate Division and Court of Appeals that the Freedom Party, as of two and a half years later or so, ceased -- did not exist because it was not properly constituted, and it did not constitute itself after the running of the grace period the Election Law gives to every new party to organize. There was no attempt to organize it, elect a county committee or a state committee or whatever.

And the result of that court case was that those handful of New Yorkers, chiefly among them Mrs. Buley -- but there were a few others, I'm sure, who had enrolled in the Freedom Party -- that enrollment was a nullity. It was a nullity because there was no such party.

Now, one could argue that in the interests of democracy with a small "D" that those who enrolled in the Freedom Party, rather than lose their status as enrolled members of a party, lose their right to vote in any primary -- because remember, the people who so enrolled did so on a form the state provided them to check off "Freedom Party."

So there was state action here that led those voters into joining this party which was not legally constituted. So it was not only through their own fault that these people found their enrollments a nullity in the Freedom Party, but through a state action.

One could argue they became, thereby, Republicans. Others would say, well, they became blanks. Technically they became, I tell you, in Board of Elections parlance, voids, void enrollments.

But Mrs. Buley -- and I do mean this again as a compliment -- faithful Republican that she is, last October, in changing her address at the Albany County Board of Elections, checked off that she wished to be enrolled in the Republican Party.

Now, I'm an old-fashioned politician, Mr. President. If you say you're a Republican and you check off the box saying you want to be a Republican, I think that big-tent Republican Party officials would agree with me it makes you a Republican.

Ah, a technicality of our Election Law. When Mrs. Buley changed her residence, it was within 25 days of the next general election, which meant she couldn't vote in this year's primary.

Now, some will say, Oh, you shouldn't even have those records. Because the change of enrollment, if it be that, goes in the locked box.

And there is still an unfortunate reference to the locked enrollment box in the Election Law, although other references were repealed when we did Motor Voter. And the fact of the matter is, the locked box concept was in effect repealed when we adopted mail registration.

Because I am old enough to remember that when you registered, you used to register on a buff card and there was a separate white

piece of paper, the enrollment form, that you checked, and that did go in a locked box.

But we don't have two forms anymore. When people register, they do so on the one card where you do your registration, and there's a box in the lower left -- this is a form we passed -- where you check your party enrollment.

And Mrs. Buley checked "Republican." Not a choice I would have made.

(Laughter.)

SENATOR CONNOR: But nonetheless, Mr. President, her choice to make, and she made it.

And I would think, I would think the Republican Party would be proud to have Mrs. Buley as a member of their party. They ought to be proud. She is a member of your party. And, therefore, legally not eligible for the appointment to this commissionership.

Who are we kidding here? Ah, yes, I forgot. This appointment came down yesterday morning. And at 2:59 p.m. yesterday afternoon, filed on Mrs. Buley's behalf was a new enrollment card at the Albany County Board

of Elections saying "I do not wish to be a member of a political party, and I'm a blank."

Now, I ask my colleagues, you be the judge -- oh, and I suspect before the year is out, a judge will hear these facts. You be the judge. The appointment comes down in the morning of a non-Republican. Oops, she's a Republican. So after the fact, after the fact, while the nomination's before this house, she goes to the board or has filed at the board an enrollment saying "I don't want to be a member of any political party."

And, Mr. President, I dare my colleagues -- the letter of the law, I think it breaks it. But the spirit of the law, the intent of the law is very, very clear in this rather potentially sensitive and important area of regulating not only racing but wagering. And that means a lot more in this state today. That board has jurisdiction over two casinos right now, the Mohawk casino and the Oneida casino. A sensitive function, taken seriously in most states that have legalized gambling and regulate it.

That we're on real thin ice here,

Mr. President, when we try and turn this statute on its head. There was a clear purpose to that statute in requiring that you couldn't stack all three commissioners from the same political party.

And I say, Mr. President, I have no objection whatsoever to Mrs. Buley per se as a member of this commission. I won't say she's exceptionally qualified or experienced. She admits she's not experienced, but she will learn. And I do regret that a very experienced commissioner will be removed.

My objection, and the reason I'm urging my colleagues to vote no, is because we are apt -- doing something unprecedented, unprecedented. We're violating that statute. You know, if you say you're a Republican, you check off the box that says "I want to be a Republican" -- what, you've got an appointment to a job that pays $101,000, so you go in the afternoon and check off the box that says you don't want to be a Republican anymore?

There are sections, Mr. President, of the Election Law that address just that, just that: the receiving of a position in

return for an enrollment or change of enrollment. And I don't think -- I don't suggest for a minute there's any intent to violate that. But upon a reading, it looks awfully close, Mr. President.

The fact is -- and it's a compliment -- I believe we all know Mrs. Buley is a loyal, faithful Republican and is therefore ineligible to fill this particular vacancy on the Racing and Wagering Board.

ACTING PRESIDENT MAZIARZ: Senator Bruno.

SENATOR BRUNO: Mr. President, thank you.

I was listening in my office with great interest that our Minority Leader is making a very objective judgment about credentials about an individual that he doesn't really know, that he probably just met -- and second-guessing the Governor of this state, who does know this individual, second-guessing the Majority Leader, who does know this individual. I've had the pleasure professionally of working with Mrs. Buley for a number of years.

And I don't think it's appropriate to get personal and to get political as relates to one of the Governor's appointments and make judgments based on the shallowness of the exposure.

And if you want to talk about politics, then I would indicate on this floor that it's totally inappropriate to talk about Republicans and whether or not we're friends. We're friends and we're our friends here in this chamber when we are working in unison. But we're not friends when you disagree with us and with the Governor on any particular issue.

So, Mr. President, I'm in the chamber to just indicate that Mrs. Buley is an intelligent, personable, very dignified lady, and she has a background in dealing with very difficult issues, dealing with people in communications, and is bright enough to learn anything that she doesn't know.

Now, you know, many of us are fortunate -- and Senator Connor is very fortunate in being expert in so many subjects that we don't ever have to learn anything

else. Well, I learn something new every day in this chamber and in my office and when I get up in the morning. And if Cheryl feels and the Governor feels that she can do this work, then she can do this work.

And I, Mr. President, would recommend that my colleagues in this chamber stay on the merits and talk about an individual who is a professional.

And I will urge my colleagues here to be representative and to be objective, and will very wholeheartedly support this nomination by the Governor of this state, whose judgment over these last five and a half years has been pretty good in many of the selections that have been made to fill the various offices in this state.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Bruno.

Senator Spano.

Senator Paterson, we have a list. Senator Spano is next.

SENATOR SPANO: Thank you, Mr. President.

It is my pleasure to speak in favor of the nomination of Cheryl Buley and to speak a little bit about the integrity of the Racing and Wagering Board, the integrity of racing in this state, and how important it is for us to have an individual who has the type of independence, integrity, intelligence and energy to learn a job and to take a very difficult industry, the racing and wagering, and be able to be objective with respect to judgments that she will make.

With her background in working in sensitive areas, people will talk about, well, what background do you have. And when you look at a person who has got a master's degree, a person who has worked with so many different community-type organizations, a person who has worked with an organization that helps terminally ill children and their families in Ronald McDonald House, who has got that type of sensitivity, it will keep the high standard that is so critically important to the Racing and Wagering Board.

And while it's interesting to hear the Minority Leader talk about his

interpretation of the Election Law as his interpretation of the facts, I think it's important for us to get on the record the real facts relative to Cheryl Buley and her party affiliation.

In 1992 she registered and enrolled as a Republican in this state. In 1994, she changed her address in this state. In 1995, she changed her name and her enrollment changed to the Tax Cut Now Party, which was referred to as the Freedom Party.

In 1999, the Freedom Party went out of existence, and she received a memo from the State Board of Elections that instructed all Boards of Elections to change voters who were enrolled in the Freedom Party to a blank.

Now, whether you call that a void, a blank, an independent, it's not a Republican. Cheryl Buley continues to be a member of the independent -- to be an independent, not registered in a party in this state.

As late as yesterday, I have a document here from the State Board of Elections showing that Cheryl Buley,

Registration Number 92011641, is not enrolled in a party in the State of New York.

And it's clear that while a change-of-address form was in fact filed in October, and that change of address form, according to the Minority, shows some enrollment change, that enrollment change would not be effective until after this election.

So it's clear that today she is not enrolled in a party, it's clear that after election she would not be enrolled in a party, it's clear that she is in compliance, her appointment by -- nomination by the Governor is clearly, is clearly in compliance with the statute.

And if there's anything that -- if we're going to question the integrity of anything around here today, we should question the integrity of the Albany County Board of Elections, who would take a document that was filed, that whether Senator Connor likes it or not the Board of Elections statute, the elections statute says that it should be kept in a locked box, and that information, in

violation of her own rights and in violation, potentially, of the Election Law, was made public to some counsel on the other side of the aisle.

So it's important for us to make these type of assertions on the record so that we know exactly what the facts are. And the facts are that Cheryl Buley is qualified, she's got the independence, she's got the integrity, and she is not registered in the Republican Party.

ACTING PRESIDENT MAZIARZ: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

Mr. President, I rise as a long-term member of the New York State Senate Racing and Wagering Committee and one who also represents Finger Lakes Racetrack, with over 1200 employees, from the Central Finger Lakes region.

I rise to support this nomination, a nomination about a person, about a person of great integrity, about a person who worked in this very legislative body. And I compliment

Governor Pataki for reaching out to find an individual who does have that type of experience.

This opposition that I hear is obviously based on partisanship. The divisiveness, the partisanship nature of those who have spoken in opposition to this nomination, their statements are clear.

What should be stated is that Governor Pataki has established, for the first time in the history of the Racing and Wagering Commission, a woman appointee, one who will stand with great integrity, great background, great experience. And the fact of the matter is, this Governor for the first time has reached across the gender gap and appointed a female member of this commission.

The Governor has the authority to do this. It is well within his prerogative to do so. And rather than wrangle, we should compliment him on establishing some diversity in the board for the first time in its history.

Mr. President, this nomination is a very good nomination. It's a nomination

that's based on an individual of integrity, with an individual who will bring diversity to the Racing and Wagering Commission, and with an individual who has experience in the legislative process.

Governor Pataki should be complimented. This nominee should be accepted by this body immediately. I move the nomination.

ACTING PRESIDENT MAZIARZ: Thank you, Senator. Thank you, Senator Nozzolio.

Senator Paterson.

SENATOR PATERSON: Mr. President, I think that the members of this the chamber are not separating apples and oranges in this particular debate.

I did not hear Senator Connor, who spoke before me, in any way impugn the character or the ability of this particular nominee. The Majority Leader said that Senator Connor didn't know the nominee. That was instructive, but Senator Connor said that he didn't know the nominee himself.

He said that there have been times when governors have appointed people who might

not have had a career of expertise in the particular area in which they were appointed to, but they had the ability and had demonstrated over a period of time that they had the intellect and the dedication to find out those issues and represent themselves and accord themselves on whatever particular board they were appointed to very well.

Senator Connor said that about this particular appointee. So this debate is not an argument about this appointee's character, nor is it in any way a discussion of whether or not the Governor has the right to appoint such a person. The Governor reaching across the gender gap is a good thing in this particular case.

But then to come on the floor and say that we can't discuss politics, when the law relates to politics itself, is to deny the axiom that the whole is equal to the sum of its parts. The fact is that the law says there cannot be three members of this board who are of the same party.

And Senator Connor presented evidence that this particular nominee was of

the same party as the other two sitting on the Racing and Wagering Board right now. Because in October of last year, within 25 days of the election, this particular nominee registered as a Republican.

Because of the fact that the change of the address and the registration was so close to the election, she wasn't allowed to vote in this year's primary. But she nonetheless remained as a Republican, and that's what the Board of Elections showed, and that's what her buff card showed until yesterday morning, when it was brought up that that was a problem with this particular nomination. That's the reason why a new buff card was presented yesterday afternoon.

And that would be fine except for the fact that that came after the nomination, and the evidence could only relate to those issues that existed up until and at the time of the nomination of this particular candidate.

So I don't think that it's fair, nor is it prudent, to question the integrity of Senator Connor, who is not raising any

personal issues about the Governor, about the Majority Leader, about the candidate or anyone else in this chamber, but is simply questioning this body as to whether or not we are in compliance with the law. And we are clearly not.

That may be disappointing for this particular nomination, because all evidence is that this would be a fine representative on that board. I don't know the nominee either. I happen to know her spouse, Jeff Buley, as a very determined and dedicated public servant. I've had some limited interaction with him, it's all been very positive. I would assume the same about this nominee.

And yet we can't -- I can't support the nomination, because the problem is greater than the issue of one particular individual or one particular governor.

The fact is that this has been written into law for long periods of time, and up to this point no one has changed it. Because of the checks and balances to which Senator Connor referred to, we cannot have this type of situation existing on this type

of board. And whether we can or we can't, we certainly have legislated that we shouldn't.

And that's the reason why I think it would be better to withdraw this nomination so as not to in any way relate this to the individual, who would like to do a very good job, but rather to look at the whole process and what we're doing to the process by allowing this nomination to go forward.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I want to be absolutely clear about something right at the start. I don't know Mrs. Buley. I believe her when she says that she's a person of integrity. I give her that credit.

I am also not one of those who, like some other of my colleagues, would say that this Governor doesn't have the right to appoint someone who has minimal qualifications for this job. Which I believe that she acknowledges. She has no past in the racing industry and has said that this is a job that

she could learn and learn quickly. All of which I credit.

I'm always disappointed that someone on the second floor sends up a nominee who, when I ask, "What do you know about the operation of the board?" basically reads the first sentence from a general description of what this board does.

Someday maybe somebody on the second floor will actually sit down with these very bright, very capable nominees like Mrs. Buley and actually explain to them in detail what this board does, so that when she comes to the Senate Finance Committee and is asked "What are you doing to do as a member of the board, what does this board really do?" they will give a detailed three-or-four-minute answer based on what they've learned in their twenty minutes of being briefed by the second floor.

I would hope that that happens more frequently. That's not Mrs. Buley's fault, that's apparently a problem on the second floor.

But let's be absolutely clear about

one thing. This woman is a good Republican. She has done everything the Republican Party asked her to. When the Freedom Party was created, somebody said, We'd like to make you the chairman of the Freedom Party, the Tax Cut Now Party. So she gave up her enrollment in the Republican Party and went off to become a member of -- the head of -- the Freedom Party. A good thing that a loyal Republican does.

Then, when that party was eliminated and she had the chance to refile her party enrollment, she did what every good Republican does, every good Republican does. They change their address, they go back to the Board of Elections and they file a form that says "I swear under oath that I want to be Republican."

She was a Republican by declaration as of October of 1999. All my colleagues on the other side of the aisle say, Well, that doesn't take effect until after this year's general election, as a matter of law.

If that's the case, why yesterday at 3:00 o'clock in the afternoon, less than a couple of hours after finding out that the

question of her party enrollment was going to be an issue in her appearance before the Senate Finance Committee, why did she then go to the Albany County Board of Elections and change her party enrollment, check the little box on the buff card that says "I'm changing my party enrollment," and sign at the bottom line saying "I do not wish to be enrolled in any party"?

Why, if you were so confident that you were an independent the day before, on Sunday, why on Monday do you go down to the county board and file a change of party enrollment form?

I will suggest a reason why, the best explanation I can come up with. Some good Republican told her: If you want to get this job, you can't be a Republican anymore, you must be a blank.

And so Mrs. Buley, doing what she's always done for the Republican Party, said, I'll do that, and I'll do it tomorrow. And so she did.

There is little doubt in my mind that Mrs. Buley is a very loyal Republican,

she's a good Republican. She didn't deserve this debate to occur. And the best way that this debate could have been avoided was for the Governor, on the second floor, to send up the name of someone who was clearly not a Republican.

So that the issues of integrity that Senator Connor talked about as we look at casino gambling, as we look at greater changes in the gambling laws -- and a bill from Senator Meier to increase raffles to $150,000. We'll have raffles springing up everywhere. Senator Maziarz, who wants to eliminate admission prices to bingo so we'll have more bingo.

As we encourage this crazy obsession with more and more gambling, we put in the hands of the board these decisions.

And I would just suggest that this is a time we need the absolute integrity of the prior statute, the nonpolitical quality of this board, to be its most important characteristic. By approving this good Republican woman for this job, we are doing just the opposite.

I would only suggest if this is the way you want to do it, bring forth a bill someday that says it doesn't matter what political party you want, you can put as many Republicans or as many Democrats on the racing bored as you want. Then at least we'll have a debate about the merits of dividing the board politically so that it achieves the purpose of preserving the integrity of our racing and gaming system.

I would just suggest that we are doing a great disservice to this good Republican woman by having this debate. It could have all been avoided if the man on the second floor had said, Let's fulfill my statutory obligation and let's appoint someone who is clearly not a Republican to this board.

Mrs. Buley, I apologize. But I think you ought to get that apology from someone on the second floor.

ACTING PRESIDENT MAZIARZ: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I wasn't sure I was going to speak on the floor. I spoke in Finance.

I don't have any trouble with this lady as somebody that would be able to learn what to do on Racing and Wagering. I'm sure she'll be a great on-the-job learner.

I've got a problem over replacing one of the great horse-racing officials in the country and gambling officials in the country with an on-the-job learner, but that's not really the question here.

The fact is that the question here is raised because of party affiliation based on the terms and the limits of this particular statute that creates the Racing and Wagering Law.

Now, I'm not going to say I favor Senator Connor in this debate over, for example, Senator Spano's description of the facts on how the Election Law should be read or should be determined. But Senator Connor is an election lawyer. To everything I've ever heard, one of the best in New York State.

Senator Connor did nothing but praise Mrs. Buley and her credibility and the fact that she would be a good member if in fact she had the opportunity to learn the job

and do the job.

And the Governor could have avoided this whole debate. He's got a carryover, a carryover that he's had since February 1998. The gentleman's a Republican. There wouldn't have had to be any card put in yesterday. The Governor could have sent up Mrs. Buley to learn the job and to learn it under the tutelage of Commissioner Hoblock and the other member of the board, Mr. Liebman, who is a recognized expert, and under their tutelage, probably learn even faster than she could on her own.

I don't doubt Senator Bruno's sincerity in defending her. I think he has every right to. She worked for him, he knows her very well, and she's obviously a very nice and very bright person.

But I've got to base my facts on Senator Connor's explanation and some other election lawyers I've talked to. There seems to say a problem. And because there is a problem, I can't support this.

And the fact is, the racing world currently is focused on this particular

appointment. Not really the politics, they're upset about what they recognize as an expert leaving. And that's their business to be upset about that.

And the Governor could have benefited at this point by doing the replacement that I talked about. Not even pulling this person back, just taking it back for a minute, changing who we are replacing, and then putting it back in.

And the racing world would be relieved, they'd be happy, it'd be a message saying New York State isn't going to do something questionable in this field as far as where racing is and how it rates in the Governor's eyes, but they're doing something to strengthen it. At a time when New York State is recognized to be slipping in its stature as a racing state, when other states are getting the better horses for different reasons, a myriad of them, including purse size, et cetera.

This is a time when we need to be doing all we can to strengthen New York racing. And I feel bad for somebody that has

a racetrack in their area, especially not a NYRA track. Because pretty soon there might not be enough horses to run in those races. Unless you want to take the horses from maybe Fort Erie, the B track in Canada, that's only staying open now by having slot machines. And we certainly don't have those here.

The fact is that I think that this lady would be a great appointment to this. However, there is a question on this. And the fact is, she wouldn't be a great replacement for the person we're replacing her with, but she would be an excellent replacement for the other person that's a carryover.

I think the Governor could have made great strides, replaced the other member with Mrs. Buley, nobody would have had any questions of Mrs. Buley, her background would be sufficient to show us that she could learn all these things. She would have Senator Bruno's support, who's a great advocate of the racing industry. And I think everybody would have gone away happy.

But that's not the cards we're dealt with. We're dealt with the other ones.

And unfortunately, because of those, and because of the advice of an election lawyer who I think has a great grasp of the law - rather than somebody that's reading me a section out of the law -- I'm going to vote against this party.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Cheryl Ritchko-Buley, of Slingerlands, as a member of the State of the New York State Racing and Wagering Board.

Senator Connor.

SENATOR CONNOR: Slow roll call, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Connor, there are not five -- oh, wait, wait. I'm going to recount here. There are five members standing, Senator Connor.

The Secretary will call the roll slowly.

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Aye.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Breslin.

(No response.)

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

ACTING PRESIDENT MAZIARZ: Senator Connor.

SENATOR CONNOR: Yes, Mr. President, to explain my vote.

ACTING PRESIDENT MAZIARZ: Senator Connor, to explain his vote.

SENATOR CONNOR: Mr. President, I was kind of surprised by Senator Bruno's remarks, because I think those of our colleagues who were in the chamber actually heard me somewhat praise Mrs. Buley's qualifications. And I never attacked her personally at all.

And I in fact said that but for the fact of this statute requiring a different voter registration, that I would vote for her. And the only reason I'm not voting for her was because -- it sounds kind of incongruous - she's a good Republican. And I've voted for

many good Republicans in confirmations, but not when the statute said you can't have a Republican.

So I am indeed shocked that Senator Bruno took that as a personal attack on the nominee, because I think everyone who heard it knew it wasn't.

Mr. President, I'd like to withdraw the request, if my colleagues agree, for the slow roll call and have a party vote.

SENATOR DOLLINGER: No objection.

ACTING PRESIDENT MAZIARZ: Senator Bruno.

SENATOR BRUNO: No objection.

ACTING PRESIDENT MAZIARZ: The Secretary will record the party vote.

(The Secretary called the roll.)

SENATOR CONNOR: Party vote in the negative.

SENATOR BRUNO: Party vote in the affirmative.

THE SECRETARY: Ayes, 36. Nays, 25. Party vote.

ACTING PRESIDENT MAZIARZ: The nominee is hereby confirmed.

Cheryl Ritchko-Buley, on behalf of Senator Bruno, and really, politics aside, the entire New York State Senate, we certainly want to wish you well.

And despite all the letters that Senator Dollinger is going to write to you to encourage you to increase the price of bingo, don't do it.

Thank you very much.

(Applause.)

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: As a member of the Dormitory Authority, George A. Kellner, of New York City.

As a member of the Central New York Regional Transportation Authority, James G. Russell, Jr., of Syracuse.

As members of the Niagara Frontier Transportation Authority, Peter G. Demakos, of Amherst; David N. Greenfield, of Lockport; and David L. Ulrich, of Lockport.

As members of the Port of Oswego Authority, Richard J. Tesoriero, of Oswego, and Steven W. Thomas, of Oswego.

As members of the Empire State Plaza Art Commission, Jackie Kingon, of New York City, and Barbara W. Thuesen, of Ithaca.

As commissioners of the State Insurance Fund, Jane A. Halbritter, of Rome, and Robert H. Hurlbut, of Honeoye Falls.

As a member of the Central New York State Park, Recreation and Historic Preservation Commission, J. Michael Moffat, of Cooperstown.

As a member of the Niagara Frontier State Park, Recreation and Historic Preservation Commission, Harvey N. Albond, of Niagara Falls.

As a member of the Thousand Islands State Park, Recreation and Historic Preservation -

ACTING PRESIDENT MAZIARZ: Can we take the conversations outside the room, please. Senator Duane.

The Secretary will read.

THE SECRETARY: As a member of the Thousand Islands State Park, Recreation and Historic Preservation Commission, Harold B. Johnson, of Watertown.

As a member of the Republic Airport Commission, Philip Acinapuro, of North Massapequa.

As a member of the Stewart Airport Commission, Harold J. Porr III, of Newburgh.

As a member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, Gerald W. Lynch, of New York City.

As a member of the State Commission on Quality of Care for the Mentally Disabled, Louis J. Billittier, of Hamburg.

As members of the Medical Advisory Committee, Ann Feliu, of Saranac Lake, and Stoner E. Horey, of Hornell.

As a member of the Board of Directors of the New York Convention Center Operating Corporation, Christine Ferer, of New York City.

As directors of the Municipal Assistance Corporation for the City of New York, Alfred R. Kingon, of New York City, and Robert Price, of New York City.

As a director of the New York State Urban Development Corporation, David H.

Feinberg, of New York City.

As members of the New York State Hospital Review and Planning Council, Jane A. Halbritter, of Rome, and Shirish J. Parikh, M.D., of Menands.

As a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Batavia, D. James Mastelenis, of Wyoming.

As a member of the Board of Visitors of the New York School for the Blind, John E. Bartimole, of Olean.

As a member of the Board of Visitors of the Buffalo Psychiatric Center, Carolyn A. Siegel, Esquire, of West Falls.

As a member of the Board of Visitors of the Capital District Psychiatric Center, Judith Reichenthal, of Clifton Park.

As members of the Board of Visitors of the Richard H. Hutchings Psychiatric Center, Richard Ellison, of Syracuse, and Nancy E. Kroot, of Cortland.

As members of the Board of Visitors of the Agricultural and Industrial School at Industry, Philip A. Litteer, of Rochester, and

Joan M. Mitchell, of Rochester.

As a member of the Board of Visitors of the Manhattan Psychiatric Center, Ruth Levell, of New York City.

As a member of the Board of Visitors of the Mid-Hudson Psychiatric Center, Albert R. Lybolt, of Middletown.

As a member of the Board of Visitors of the Middletown Psychiatric Center, Frank P. Dodd, of Middletown.

As a member of the Board of Visitors of the Mohawk Valley Psychiatric Center, Joseph Harder, of Marcy.

As a member of the Board of Visitors of the Pilgrim Psychiatric Center, Lloyd Langley, of Westbury.

As members of the Board of Visitors of the Queens Children's Psychiatric Center, Willard Hill, of Springfield Gardens, and Hortensia R. Stoyan, of Bayside.

As members of the Board of Visitors of the Rochester Psychiatric Center, Martha R. Cucci, of Rochester, and Constance Miller, of Corfu.

As a member of the Board of

Visitors of the Rockland Children's Psychiatric Center, Debrann A. Gianella, of West Nyack.

As a member of the Board of Visitors of the South Beach Psychiatric Center, Ralph Perfetto, of Brooklyn.

And as members of the Board of Visitors of the Western New York Children's Psychiatric Center, Bertha Skinner Laury, of Buffalo, and Nancy Rogers, of Alden.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Move the nominations, please.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of the aforementioned nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

I'm sorry, Senator Stachowski.

SENATOR STACHOWSKI: Yes. Mr. President, I'd just like to explain a vote on one of the nominees, Mr. Peter Demakos, to the

NFTA.

It has been my practice, since the labor position was filled with a nonlabor person -- there's three appointments, two are reappoints. I will not oppose them.

But I cannot vote for Mr. Demakos. I have no problem with Mr. Demakos. I think he'll make a great board member. However, the Governor has not seen fit to send up a new labor person to take the labor spot on that board.

And until he does, every new appointment I will vote against. And I vote no on Mr. Demakos.

Thank you.

ACTING PRESIDENT MAZIARZ: The record will so reflect, Senator Stachowski.

Now, the question is on the confirmation of the aforementioned nominees. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The

nominees are confirmed.

Senator Skelos.

SENATOR SKELOS: If we could go to the Supplemental Active List Number Two, noncontroversial.

ACTING PRESIDENT MAZIARZ: Senator Seabrook.

SENATOR SEABROOK: Yes, Mr. President. With unanimous consent, I'd like to be recorded in the negative on Calendar Number 1422.

ACTING PRESIDENT MAZIARZ: Without objection, Senator Seabrook will be recorded in the negative.

The Secretary will read.

THE SECRETARY: Calendar Number 196, by Senator Trunzo, Senate Print 6375A, an act to amend the Vehicle and Traffic Law, in relation to the penalty for operating certain commercial motor vehicles.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 292, by Member of the Assembly Schimminger, Assembly Print 75, an act to amend the Tax Law, in relation to exempting.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the sales tax quarterly period next commencing.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 295, by Senator Marcellino, Senate Print 1324A, an act to amend the Tax Law, in relation to exempting tangible personal

property.

ACTING PRESIDENT MAZIARZ: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of a sales tax quarterly period.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 301, by Senator Lack, Senate Print 6502A, an act to amend the Real Property Law, in relation to requiring the disclosure.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 445, by the Assembly Committee on Rules, Assembly Print Number 8111, an act to amend Chapter 535 of the Laws of 1945, relating to authorizing.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 497, by Senator Seward, Senate Print 6734A, an act to amend the Insurance Law, in relation to product and system group insurance policies.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 655, by the Assembly Committee on Rules, Assembly Print Number 7970A, an act to amend the Civil Practice Law and Rules, in relation to service.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 30 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 746, substituted earlier today by Member of the Assembly Grannis, Assembly Print Number

9597B, an act to amend the Insurance Law, in relation to authorizing accelerated payments.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 90 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 786, by Senator Wright, Senate Print 7085A, an act to amend the General Municipal Law, in relation to authorizing.

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside.

THE SECRETARY: Calendar Number 800, by Member of the Assembly Schimminger, Assembly Print 1203, an act to amend the General Business Law, in relation to the sale

of reptiles.

SENATOR GENTILE: Lay that bill aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside.

THE SECRETARY: Calendar Number 812, by Senator Trunzo, Senate Print 7228A, an act to amend the Vehicle and Traffic Law, in relation to authorizing motor vehicle dealers.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 937, by Senator Hoffmann, Senate Print 7269, an act to amend the Agriculture and Markets Law and others, in relation to agriculture environmental management.

ACTING PRESIDENT MAZIARZ: Read

the last section.

THE SECRETARY: Section 14. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 956, substituted earlier today by Member of the Assembly Canestrari, an act in relation to authorizing the City of Cohoes to discontinue the use as parklands.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator Lack, Senate Print 6914A, an act to amend the New York City Civil Court Act and others, in relation to the time for taking an appeal.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 90th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Libous, Senate Print 2270A, an act to amend the Religious Corporation Law, in relation to the sale, mortgage and lease.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1077, by Senator Marcellino, Senate Print 7417, an act to amend the Environmental Conservation Law, in relation to the local land use regulation.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1129, by Senator Bonacic, Senate Print 1729, an act to amend the Public Health Law, in relation to the funding of regional councils.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MAZIARZ: The

bill is laid aside.

THE SECRETARY: Calendar Number 1346, substituted earlier today by Member of the Assembly Grannis, Assembly Print Number 1157, an act to amend the Environmental Conservation Law, in relation to prohibiting.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

SENATOR SKELOS: If we could go to the controversial.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 786, by Senator Wright, Senate Print 7085A, an

act to amend the General Municipal Law, in relation to authorizing.

SENATOR HEVESI: Explanation, please.

ACTING PRESIDENT MAZIARZ: Senator Wright, an explanation has been requested of Calendar Number 786 by Senator Hevesi.

SENATOR WRIGHT: The bill amends the General Municipal Law to provide municipalities with the option, and it is a local option, of imposing a fee for police services for special events, exhibitions, or contests.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Mr. President, would the sponsor yield for a few questions?

ACTING PRESIDENT MAZIARZ: Senator Wright, do you yield for a question?

SENATOR WRIGHT: Certainly, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: Senator, I think

this is an excellent, excellent bill. I just have a few questions for you. And I'm thrilled to see it in front of us today. This addresses a major problem that we have in New York City.

So let the first question be, does this legislation apply to every municipality in New York State, including New York City?

SENATOR WRIGHT: Yes.

SENATOR HEVESI: Okay. Thank you, Mr. President. Would the sponsor continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Wright.

SENATOR WRIGHT: I do.

ACTING PRESIDENT MAZIARZ: He does, Senator Hevesi.

SENATOR HEVESI: Thank you.

I have a question regarding the specific language. In particular, there is language in this legislation which suggests that the difference between the number of police officers who would normally be on duty and then the number of police officers who are on duty as a consequence of one of these

events is the amount -- shall be used to compute the amount that the promoter or sponsor would have to pay.

My question is, if this event would not have taken place, were the sponsor not to provide the event, then in that circumstance, is it fair to assume that this legislation would require the sponsor to cover the entire cost of the police protection, not just any overtime that's accrued, but every single police officer who in the normal course of duty would have to provide protection at that event?

ACTING PRESIDENT MAZIARZ: Senator Wright.

SENATOR WRIGHT: Well, the intent was to try to ascertain the amount of added costs that would be incurred by the municipalities so that there would not be an adverse impact over and beyond normal police services that are provided by the taxpayers.

SENATOR HEVESI: Okay, I'll assume that's a yes, and it will be open for some interpretation.

One final question for the sponsor.

ACTING PRESIDENT MAZIARZ:

Senator Wright, do you continue to yield?

SENATOR WRIGHT: I do.

ACTING PRESIDENT MAZIARZ:

Senator Hevesi.

SENATOR HEVESI: Thank you.

Senator, the police protection is not the only -- police protection are not the only costs associated with certain types of special events for which many municipalities are burdened. Sanitation protection and coverage, particularly for events with thousands and thousands of people, incur huge overtime expenses, and additional fire coverage and EMS protection and what have you.

My question to you is, have you considered whether or not those services should also be provided for in your legislation? And would you consider doing that?

SENATOR WRIGHT: I certainly would consider it as subsequent legislation. It was not considered as part of this.

We were utilizing the police services as the initial element because there

had been prior opinions of the Comptroller relative to police services that you could not charge a separate fee. So we utilized that as the initial effort.

SENATOR HEVESI: Thank you. And one final question -- I know I said that before -- Mr. President, if the sponsor would yield.

ACTING PRESIDENT MAZIARZ: Senator Wright, would you yield for another question?

SENATOR WRIGHT: I will. I will, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Hevesi.

SENATOR HEVESI: In my course of dealing with some of the problems that your legislation addresses, I was told that this particular remedy would not be constitutional.

Is that your understanding, that this is -- is there a constitutional problem with your legislation?

SENATOR WRIGHT: Not to my knowledge, Senator.

SENATOR HEVESI: Thank you,

Senator.

Mr. President, on the bill.

ACTING PRESIDENT MAZIARZ: Senator Hevesi, on the bill.

SENATOR HEVESI: Mr. President, this is not just a good piece of legislation, this is a great piece of legislation.

It could even be better if we expanded it to give municipalities the authorization to recover expenses associated with for-profit events for sanitation and some of the other services that I recently discussed.

I have the particular problem in my Senate district of having a 15,000-seat open-air stadium that used to host the U.S. Tennis Open, which is now in Flushing Meadows Park. And because this stadium has fallen upon hard times, they have -- the individuals who manage the stadium have contracted out to concert promoters who hold outrageously long concerts there that have been a nightmare for the community and have required the expenditure by the City of New York of hundreds of thousands of dollars in police

protection, sanitation, all the other ancillary services.

And in return for that, these concert promoters have been unbelievably recalcitrant in dealing with the local elected officials and the community board and the City of New York. They don't play ball at all, completely arrogant attitude.

And I was told, when I attempted to explore this solution, that you couldn't do this. And I disagreed with them at the time, and I'm glad to see that someone had the foresight to look into addressing this problem and moving ahead and doing it.

And I would implore the Assembly to pass this bill. I would implore, Senator Wright, if you would explore the possibility of expanding it so that we are not held hostage by arrogant concert promoters who believe that it is their right for any municipality to expend resources so that they can make a profit.

And I'll note the not-for-profit exemption in your legislation is right on target. And if we had that, then we could be

much more confident than that in dealing with individuals who would use city resources, whatever city that may be, to help increase their profits, that they're responsible in doing that.

This legislation is excellent. I urge the Assembly to pass it. And once that's done, since this doesn't mandate it, this simply gives the authorization to the City of New York, I would like my words today to go forward to the people in the City of New York who told me you couldn't do this. And they were very clear about this: "Can't do this, Mr. Hevesi" -- I wasn't a Senator at the time -- "can't do this."

Well, you can do it. They were wrong. And I hope that when this legislation becomes law, and hopefully it will become law, that the City of New York, this administration or the next, deems it fit to use this tool to do the right thing and to not strap the taxpayers of New York for costs that line somebody's pocket, particularly when those individuals are being irresponsible.

It's a maddening situation. This

legislation will address it. We can do a little more with this legislation. But, Senator Wright, I commend you from the bottom of my heart. If this goes into effect and the City of New York adopts it, this is an unbelievably powerful tool for dealing with a problem that has plagued me and my thousands of constituents surrounding this particular venue for years and years and years.

Thank you.

ACTING PRESIDENT MAZIARZ: Read the last section.

Senator Duane, I'm sorry.

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

ACTING PRESIDENT MAZIARZ: Senator Duane, on the bill.

SENATOR DUANE: I have to respectfully disagree with my colleague from my home county of Queens and say that I think that we're seeing a distressing trend on putting aside special ways to pay for, for instance, police at events.

I feel that that's what our tax dollars go for, that that's part of the job of

being a police officer, that you protect the public in all sorts of venues.

I'm also concerned that this may be used as a way to discourage people from holding events which may have a low ticket price which a lot of people can go to for an affordable amount of money. It will mean that there will be a greater need to raise the admissions price for some of these events. I think this is far too blanket a prohibition - or an encouragement of municipalities to charge for these events.

So I think that this is a trend that we have to look out for in this body, that this -- along with making, for instance, people who are incarcerated pay their own way while they're incarcerated -- is not something we should be doing here.

I think that when we pay our taxes, it's in return for getting government services, and we should be getting those government services for paying our taxes. And I don't think additional fees should be put forward when I believe that these duties are just in the course of the normal duties of,

for instance, being a police officer.

So I intend on voting no on this. Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect 180 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator Oppenheimer.

SENATOR OPPENHEIMER: I just want to say a word explaining -

ACTING PRESIDENT MAZIARZ: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I agree that this is a very good bill.

And in response to what my good colleague has just said, in my years as a mayor we made a distinction. There are those events that are in the -- arranged for the public by the public, like parades for Fourth of July and Memorial Day. Those obviously are places where police are expected to be, and

the community is expected to foot the bill for those police.

But when it is a private entity that is a profit-making entity, then there is no question that the profit-making entity should be paying for the services which they are utilizing.

So I think this is a fine bill and definitely one in the right direction.

ACTING PRESIDENT MAZIARZ: Senator Duane, to explain your vote.

SENATOR DUANE: To explain my vote, Mr. President.

I certainly understand what the issue is which my colleagues are raising. However, if there is a for-profit classical concert that's being given, as opposed to a for-profit rock concert that's being given, I think that it's more likely the municipality will be charging the rock concert promoters the fee for the police protection than they would be for the symphony orchestra.

I think that we are just being too broad with this legislation, that we're leaving too much discretion in the hands of

those who will make the decisions about who will be charged for police protection.

And that's what my objection is. I believe that by having our tax dollars pay for police protection, then we are doing it with an even hand. And favoritism, or using fees to discourage one type of event as versus another type of event, is discouraged. So I'm going to vote no.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Oppenheimer will be recorded in the affirmative, Senator Duane in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 786 are Senators Duane, Markowitz, and Mendez. Ayes, 58. Nays, 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in

the Majority Conference Room.

ACTING PRESIDENT MAZIARZ: There will be an immediate meeting of the Rules Committee in the Majority Conference Room. Immediate meeting of the Rules Committee.

The Secretary will read.

THE SECRETARY: Calendar Number 800, by Member of the Assembly Schimminger, Assembly Print Number 1203, an act to amend the General Business Law, in relation to the sale of reptiles.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: Would the sponsor yield just to one question?

ACTING PRESIDENT MAZIARZ: Senator Leibell, would you yield to one question from Senator Dollinger?

SENATOR LEIBELL: I certainly will. Yes, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: Senator Balboni carries a bill that deals with reptiles and certain diseases you can acquire

from reptiles.

My only question is, does the danger of this disease also stem from amphibians, and shouldn't we include amphibians in the notice provision so that people who buy frogs get the same notice?

SENATOR LEIBELL: Well, that certainly is a very interesting thought, Senator.

(Laughter.)

SENATOR LEIBELL: I would be happy to entertain possibly a chapter amendment at a later date.

But this is the bill before us here now, and we felt that this was the - Assemblyman Schimminger and I both felt that this needed to be taken care of immediately.

SENATOR DOLLINGER: Thank you, Mr. President. I won't mention bingo, Mr. President. This is about Kermit, including Kermit the frog in this notice.

It seems to me -- and I believe the health danger that's posed by frogs with respect to salmonellosis is the same as it is for reptiles.

And I just refer you -- I would love to get a chapter amendment on it, but I don't get my name on bills, for some reason, in this house.

Well, if I could cure that, it would do every frog owner good, Senator Leibell, and I appreciate that.

SENATOR LEIBELL: Absolutely. Thank you.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1129, by Senator Bonacic, Senate Print 1729, an act to amend the Public Health Law, in relation to the funding of regional councils.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

Senator Bonacic, would you yield for one question from Senator Dollinger?

SENATOR BONACIC: Absolutely.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: As I understand this bill, this bill guarantees that if there is additional funds available for emergency medical councils, they will be distributed in the same proportion that they were distributed the prior year, in 1999; is that correct?

SENATOR BONACIC: That's not exactly correct. And if you'd like, I could do a brief explanation.

SENATOR DOLLINGER: Thank you.

SENATOR BONACIC: I know this is the last bill. I know we've been here over nine hours, and I'll make it brief. Okay?

SENATOR DOLLINGER: Okay. Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Bonacic, for a brief explanation.

SENATOR BONACIC: First of all, what we have is EMS regional councils in the

State of New York. Our concern is in the Hudson Valley area, there are seven counties. And there is some discussion that one of those counties wants to redraw the lines and pull out of that particular council, leaving the six counties of Putnam, Sullivan, Ulster, Orange, Rockland, and Dutchess County to fend for themselves.

The problem is the aid formula is based on population. And if Westchester County, which is thinking of forming their own district, pulls out, we lose 45 percent of our state aid. If we were to lose 45 percent of the state aid for those six counties, we would be unable to deliver the same level of emergency medical services unless the counties of those six were willing to come up with county support to do it.

So in order to maintain, you know, the level of medical emergency services, we're asking the state to hold harmless the six counties that I have mentioned in the event that Westchester County wants to withdraw and form their own council, which we have no objection to.

ACTING PRESIDENT MAZIARZ: Senator Bonacic, thank you very much for that brief explanation.

SENATOR BONACIC: You're welcome, Mr. President.

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

ACTING PRESIDENT MAZIARZ: Senator Dollinger, excuse me for one second.

Senator Smith has asked the desk to ask his colleagues sitting behind him if they could take their conversation -- Senator Markowitz.

Senator Markowitz, excuse me. Senator Smith has complained to the desk - this Senator Smith has complained to the desk about you, Senator Gentile, Senator Hevesi, Senator Montgomery, and Senator Duane having a conversation while Senator Dollinger is talking.

Now, Senator Smith, your complaint is noted.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I think I voted against the Westchester County secession bill to allow them to secede from the regional council for exactly this reason. We set up the councils, we fund them, we get them rolling, and then all of a sudden we start redrawing the lines.

This is one of those consequences. Pulling the bigger counties of these regional councils defeats the whole purpose of having regional councils in the first place, and we run into the problem that this bill addresses.

I'll vote in favor of it, but allowing the dismantling of this regional council process slowly, step by step, has all kinds of problems with it, and it's still a bad idea.

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR OPPENHEIMER: No -- yes.

ACTING PRESIDENT MAZIARZ: I'm sorry. Senator Oppenheimer.

SENATOR OPPENHEIMER: To explain my vote.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Well, I'm voting no. And the reason should be quite clear.

First of all, I think for the remaining six counties to lose their 45 percent, the only reason they have that 45 percent is because Westchester is in this regional area. We have a population in our county that exceeds the combined population of the other six counties.

ACTING PRESIDENT MAZIARZ: Can we have some quiet in the chamber, Senator Markowitz and Senator Gentile.

(Laughter.)

ACTING PRESIDENT MAZIARZ: Senator Oppenheimer, I apologize on behalf of your colleagues.

SENATOR OPPENHEIMER: Thank you,

Mr. President. I think everybody is getting a bit punchy. Including you, Mr. President.

(Laughter.)

ACTING PRESIDENT MAZIARZ: Well, we're going to strike that from the record.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Back to the issue at hand.

Our county is simply too big to be tied with six other counties that, as I said, their population doesn't come near ours. We need additional money to meet the challenges of our population. And it is only through forming our own region that we will be able to achieve the kind of money needed to maintain our population and respond to their health needs.

And to be tied to six counties that are so much smaller than us does not make sense. And at some point I hope that the logic of this will be seen and that we will get the kind of funding that we need for almost a million people.

I'll be voting no.

ACTING PRESIDENT MAZIARZ:

Senator Oppenheimer will be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Oppenheimer and Spano recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Marcellino.

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

ACTING PRESIDENT MAZIARZ: Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator Stafford, I wish to call up his bill, Print Number 4393, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 515, by Senator Stafford, Senate Print 4393, an act to amend the General Municipal Law.

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

ACTING PRESIDENT MAZIARZ: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT MAZIARZ: Amendments received.

Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator Stafford, on page number 40 I offer the following amendments to Calendar Number 1354, Senate Print 2375A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: Amendments are received and adopted, and the bill will remain in its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I believe there's a substitution at the desk. Can we have that done now.

ACTING PRESIDENT MAZIARZ: The Secretary will read the substitution.

THE SECRETARY: On page 39, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 11223A and substitute for the identical Senate Bill Number 7893A, Third Reading Calendar 1212.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we stand at ease pending the report of the Rules Committee.

And for the information of the members, that will be the last order of business for the day.

And a reminder that tomorrow at 10:00 a.m., there will be a Majority conference in the Majority Conference Room, and session to follow promptly at 11:00.

We stand at ease, sir.

ACTING PRESIDENT MAZIARZ: The Senate will stand at ease.

Senators Hevesi, Gentile, and Markowitz, you can now engage in your conversation.

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Paterson. I'm sorry, Senator Paterson.

Senator Marcellino.

SENATOR MARCELLINO: I just wanted the record to show that if we asked for quiet while Senator Dollinger is speaking, there wouldn't be a sound in this chamber.

I right now yield to Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I would like to remind the members of the Minority that there will be a conference of the Minority in the Minority Conference Room at 10:30 a.m. tomorrow morning, June the 14th, 2000.

ACTING PRESIDENT MAZIARZ: There

will be a conference of the Minority at 10:30 a.m. in the Minority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 8:15 p.m.)

(Whereupon, the Senate reconvened at 8:20 p.m.)

ACTING PRESIDENT MORAHAN: Reports of standing committees.

The Secretary will read. Clearly.

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

Senate Print 3535A, by Senator Spano, an act to amend the General Business Law;

4236B, by Senator Oppenheimer, an act authorizing the City of Rye;

4896A, by Senator Spano, an act to amend the Public Health Law and the Tax Law;

5370B, by Senator Balboni, an act to authorize the Village of Lake Success;

5423B, by Senator Spano, an act to amend the Military Law;

5714A, by Senator Spano, an act to

amend the Retirement and Social Security Law;

6056B, by Senator Skelos, an act to amend the General Municipal Law;

6258A, by Senator Saland, an act to authorize the County of Dutchess;

6287, by Senator Stachowski, an act to amend the Vehicle and Traffic Law;

6524, by Senator Larkin, an act to amend the Retirement and Social Security Law;

6987A, by Senator Hannon, an act to amend the Public Health Law;

7240, by Senator Alesi, an act to amend the General Business Law and the Civil Practice Law and Rules;

7824A, by Senator Hoffmann, an act to amend the Public Officers Law;

7954A, by Senator Kuhl, an act in relation to the use of funds;

7977, by Senator Leibell, an act to amend the Retirement and Social Security Law;

8018A, by Senator Spano, an act authorizing the Town of Greenberg;

8075, by Senator Velella, an act to amend the Tax Law and the Administrative Code of the City of New York;

8085, by Senator Volker, an act to amend the Executive Law;

8086, by Senator Velella, an act to amend the Insurance Law;

8087, by Senator Bonacic, an act to amend the Environmental Conservation Law;

8089, by Senator Hannon, an act to amend the Public Health Law;

8091, by Senator Farley, an act to enact the Privacy of Financial Information Act of 2000;

8094, by the Senate Committee on Rules, an act to amend the Tax Law;

8116, by Senator Maziarz, an act to amend the General Business Law and others;

8117, by Senator Bonacic, an act authorizing certain housing authorities;

8132, by Senator Fuschillo, an act to amend the Executive Law and others;

And 8141, by Senator Spano, an act to amend Chapter 640 of the Laws of 1997.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Mr. President, move to accept the report of the Rules Committee.

ACTING PRESIDENT MORAHAN: The motion is to accept the report of the Rules Committee. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The motion is carried.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MORAHAN: There is no housekeeping at this desk, Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Wednesday, June 14th, at 11:00 a.m.

And there will be a meeting of the Majority at 10:00 a.m.

ACTING PRESIDENT MORAHAN: There will be a meeting of the Majority in Room 332

at 10:00 a.m. And we stand adjourned until Wednesday -

Senator Smith, why do you rise?

SENATOR ADA SMITH: Thank you, Mr. President. I would like to announce that there will be a meeting of the Minority tomorrow morning at 10:30 a.m. in the Minority Conference Room.

ACTING PRESIDENT MORAHAN: There will be a meeting of the Minority at 10:30 a.m. in the Minority Conference Room, tomorrow, June 14th.

We stand adjourned until June 14, Wednesday, at 11:00 a.m.

(Whereupon, at 8:25 p.m., the Senate adjourned.)