NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 22, 2000

2:21 p.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.

Could 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: The invocation will be given by the Reverend Peter G. Young, of Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Thank you, Senator.

Dear God, as we gather on this first full day of summer to conclude our legislative efforts, we thank You for the dedicated members who served so diligently their constituency. We pray that they be able to enjoy Your creative, sunny, summer days to relax and to restore their energy and enthusiasm.

Health experts state that those who serve in public office enter a phase of life which then gives them a choice of either

stagnation or generativity. We know that our New York State citizens need an energized voice in their government, and by necessity depend on their elected Senators to be available to their concerns.

We ask You, O God, to bless them at this time, as a well-deserved respite from their Albany sessions will bring them back enthusiastic about their commitment.

Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 21st, the Senate met pursuant to adjournment. The Journal of Tuesday, June 20th, was read and approved. On motion, Senate adjourned.

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

Can we have some order in the chamber, please.

Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in

the Majority Conference Room.

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

Presentation of petitions.

Messages from the Assembly.

The chair hands down a message from the Assembly received today. Without objection, it will have its third reading at this time.

Just -- just a second. Can we have some order in the chamber, please. Members and staff, take their seats. If you have a conversation that needs to take place, please take it outside.

The Secretary will read.

THE SECRETARY: On motion of Mr. Bruno, and by unanimous consent, the rules were suspended and said bill ordered to a third reading: Assembly Bill Number 11139C.

ACTING PRESIDENT MEIER: The bill is before the house.

The Secretary will read.

THE SECRETARY: Calendar Number 1672, by the Assembly Committee on Rules,

Assembly Print Number 11139C, an act in relation to authorizing.

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, 43.

ACTING PRESIDENT MEIER: The bill is passed.

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 Velella, I wish to call up his bill, 3762A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The

Secretary will read.

THE SECRETARY: Calendar Number 909, by Senator Velella, Senate Print 3762A, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I now move to reconsider the vote by which the bill was passed and ask that said bill be restored on the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

I now move to discharge, from the Committee on Rules, Assembly Print Number 8669A and substitute it for the identical bill.

ACTING PRESIDENT MEIER:

Substitution ordered.

SENATOR FUSCHILLO: I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 909, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8669A, an act to amend the Administrative Code of the City of New York.

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.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Hoffmann, I

wish to call up Senate Print Number 6688B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1340, by Senator Hoffmann, Senate Print 6688B, an act to amend the Family Court Act and others.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR LARKIN: Mr. President,

can we now adopt the Resolution Calendar.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Larkin.

SENATOR LARKIN: Mr. President, can we stand at ease pending the return of the Rules Committee.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 2:26 p.m.)

(Whereupon, the Senate reconvened at 2:37 p.m.)

ACTING PRESIDENT MEIER: Senator Larkin.

SENATOR LARKIN: Mr. President, can we now return to reports of standing

committees, please.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 7025A, by Senator Farley, an act to amend the Public Authorities Law;

3384B, by Senator Leibell, an act to amend the Retirement and Social Security Law;

6652A, by Senator Stavisky, an act to amend the Criminal Procedure Law;

Assembly Print Number 1937A, by Member of the Assembly Vitaliano, an act to amend the Retirement and Social Security Law;

Senate Print 4032B, by Senator Goodman, an act to amend the Executive Law;

4719E, by Senator Volker, an act to amend the General Business Law;

914B, by Senator Larkin, an act to amend the Education Law;

1532, by Senator Johnson, an act to

amend the Tax Law;

2945A, by Senator Rath, an act to amend the Real Property Tax Law;

4490A, by Senator Trunzo, an act to amend the Public Authorities Law;

6280, by Senator Larkin, an act to permit the reopening.

ACTING PRESIDENT MEIER: Senator Larkin.

SENATOR LARKIN: Mr. Speaker, there will an immediate meeting of the Judiciary Committee in Room 332.

ACTING PRESIDENT MEIER: Immediate meeting of the Judiciary Committee in Room 332.

The Secretary will continue to read.

THE SECRETARY: Senate Print 6331, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

6463, by Senator Johnson, an act to repeal Section 204e;

7763, by Senator Morahan, an act to amend the Town Law;

7775A, by Senator Bonacic, an act

to provide for the enrollment;

7787, by Senator Larkin, an act relating to authorizing;

7828, by Senator Larkin, an act to authorizing the reopening;

7991, by Senator Stafford, an act to amend the State Finance Law;

8088, by Senator Seward, an act to amend the County Law;

8198, by Senator Farley, an act to amend a chapter of the Laws of 2000;

8199, by Senator Bruno, an act authorizing the South Glens Falls Central School District;

And Senate Print 8220B, by Senator Alesi, an act to amend the Public Authorities Law.

All bills ordered restored or reported to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills reported or restored to third reading.

Senator Larkin.

SENATOR LARKIN: Mr. President, move to accept the report of the Rules

Committee.

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Senator Larkin.

SENATOR LARKIN: Mr. President, can we now have the reading of the noncontroversial calendar of Calendar Number 58 for Thursday, June 22nd.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial Calendar Number 58.

THE SECRETARY: In relation to Calendar Number 609, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 9858A and substitute it for the identical Senate Bill Number 7025A, Third Reading Calendar 609.

ACTING PRESIDENT MEIER:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 609, by Member of the Assembly Canestrari, Assembly Print Number 9858A, an act to amend the Public Authorities Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 741, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 5189B and substitute it for the identical Senate Bill Number 3384B, Third Reading Calendar 741.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 741, by Member of the Assembly Vitaliano, Assembly Print Number 5189B, an act to amend the Retirement and Social Security Law, in relation to authorizing.

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.)

SENATOR ADA SMITH: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 833, Senator Stavisky moves to discharge, from the Committee on Rules, Assembly Bill Number 768A and substitute it for the identical Senate Bill Number 6652A, Third Reading Calendar 833.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

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

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

ACTING PRESIDENT MEIER: May I note that Senator Stavisky's first bill is passed.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: Calendar Number 905, by Member of the Assembly Vitaliano, Assembly Print Number 1937A, an act to amend the Retirement and Social Security Law, in

relation to continuation.

SENATOR ADA SMITH: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1055, Senator Goodman moves to discharge, from the Committee on Rules, Assembly Bill Number 8413A and substitute it for the identical Senate Bill Number 4032B, Third Reading Calendar 1055.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1055, by the Assembly Committee on Rules, Assembly Print Number 8413A, an act to amend the Executive Law, in relation to conforming.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1114, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 1432B and substitute it for the identical Senate Bill Number 4719E, Third Reading Calendar 1114.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1114, by Member of the Assembly Schimminger, Assembly Print Number 1432B, an act to amend the General Business Law, in relation to the licensing and conduct.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect April 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1640, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 5795B and substitute it for the identical Senate Bill Number 914B, Third Reading Calendar 1640.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1640, by Member of the Assembly Canestrari, Assembly Print Number 5795B, an act to amend the Education Law, in relation to special services.

ACTING PRESIDENT MEIER: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1641, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 10181A and substitute it for the identical Senate Bill Number 1532, Third Reading Calendar 1641.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1641, by Member of the Assembly Sweeney, Assembly Print Number 10181A, an act to amend the Tax Law, in relation to sales and compensating use taxes.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1642, Senator Rath moves to discharge, from the Committee on Finance, Assembly Bill Number 1936A and substitute it for the identical Senate Bill Number 2945A, Third Reading Calendar 1642.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1642, by Member of the Assembly Tokasz, Assembly Print Number 1936A, an act to amend the Real Property Tax Law, in relation to application of school tax relief program.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1643, Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill Number 7647A and substitute it for the identical Senate Bill Number 4490A, Third Reading Calendar 1643.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1643, by Member of the Assembly Vann, Assembly Print Number 7647A, an act to amend the Public Authorities Law, in relation to the authorization.

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, 48.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1644, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 9309 and substitute it for the identical Senate Bill Number 6280, Third Reading Calendar 1644.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1644, by Member of the Assembly Calhoun, Assembly Print Number 9309, an act to permit the reopening of the optional twenty-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1645, Senator Fuschillo moves to discharge, from the Committee on Transportation, Assembly Bill Number 8132 and substitute it for the identical Senate Bill Number 6331, Third Reading Calendar 1645.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1645, by the Assembly Committee on Rules, Assembly Print Number 8132, an act to amend the Vehicle and Traffic Law, in relation to operation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1646, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 9464 and substitute it for the identical Senate Bill Number 6463, Third Reading Calendar 1646.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1646, by Member of the Assembly Magee, Assembly Print Number 9464, an act to repeal Section 204e of the Agriculture and Markets Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1647, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 10885 and substitute it for the identical Senate Bill Number 7763, Third Reading Calendar 1647.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1647, by the Assembly Committee on Rules, Assembly Print Number 10885, an act to amend the Town Law, in relation to including.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1648, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 10926A and substitute it for the identical Senate Bill Number 7775A, Third Reading Calendar 1648.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1648, by the Assembly Committee on Rules, Assembly Print Number 10926A, an act to provide for the enrollment of certain part-time and per-diem sheriffs.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1649, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10230A and substitute it for the identical Senate Bill Number 7787, Third Reading Calendar 1649.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1649, by Member of the Assembly Cahill, Assembly Print Number 10230A, an act relating to authorizing the purchase of retirement service credit.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1650, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10194 and substitute it for the identical Senate Bill Number 7828, Third Reading Calendar 1650.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1650, by Member of the Assembly Cahill, Assembly Print Number 10194, an act authorizing the reopening of the twenty-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1651, by Senator Spano, Senate Print 7886 -

SENATOR LARKIN: Lay it aside for the day.

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

THE SECRETARY: In relation to Calendar Number 1652, Senator Stafford moves

to discharge, from the Committee on Rules, Assembly Bill Number 11169A and substitute it for the identical Senate Bill Number 7991, Third Reading Calendar 1652.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1652, by the Assembly Committee on Rules, Assembly Print Number 11169A, an act to amend the State Finance Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1653, Senator Seward moves to discharge, from the Committee on Rules -

SENATOR ADA SMITH: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Larkin.

SENATOR LARKIN: Mr. Speaker, can we now have a meeting of the Higher Ed Committee in Room 332.

ACTING PRESIDENT MEIER: There will be a meeting of the Higher Education Committee in Room 332.

With respect to Calendar Number 1653, could we get the substituted Assembly bill on the floor, and then we'll lay that aside.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1653, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 11379 and substitute it for the identical Senate Bill Number 8088, Third Reading Calendar 1653.

ACTING PRESIDENT MEIER: Substitution ordered. And the bill is laid aside.

THE SECRETARY: Calendar Number 1654, by Senator Farley, Senate Print 8198, an act to amend a chapter of the Laws of 2000 as proposed in Legislative Bill Numbers Senate 8125 and Assembly 11409.

ACTING PRESIDENT MEIER: Substitution ordered.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as a chapter of the Laws of 2000.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1655, by Senator Bruno, Senate Print 8199, an act authorizing the South Glens Falls Central School District.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

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

Senator Larkin.

SENATOR LARKIN: Mr. President, can we now have the reading of the controversial calendar.

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

THE SECRETARY: Calendar Number 741, substituted earlier today by Member of the Assembly Vitaliano, Assembly Print Number 5189B, an act to amend the Retirement and Social Security Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 905, by Member of the Assembly Vitaliano, Assembly Print Number 1937A, an act to amend the Retirement and Social Security Law, in relation to continuation.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator DeFrancisco, an explanation has been requested of Calendar 905 by Senator Dollinger.

SENATOR DeFRANCISCO: Basically this bill provides that if you are in a public position -- or, excuse me, an employee that is subject to the retirement system and you retire, you're not required to step down from another elective office that you might be already holding in midterm.

So for example, if I'm a schoolteacher or if I'm an employee of a municipality and I'm also a town board member

and I decide to retire, I get certain payments for that retirement. Presently the law says that you're really -- you have to step down from your other position because you're retired and you can't hold another state position.

SENATOR DOLLINGER: Through you, Mr. President, if Senator DeFrancisco will yield to a question.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MEIER: Yes, he yields.

SENATOR DOLLINGER: Does this bill -- and I apologize, I guess, for the nature of the question, since I haven't had an opportunity to read the bill or the sponsor's memo. But does this bill affect members of the State Legislature? Is there a circumstance under which it could affect -

SENATOR DeFRANCISCO: I can't see how there would be a situation, because it's -- we're not holding another state position now. So there's no state position to

retire from and therefore have to step down under current law. No, it could not affect a legislator.

It's -- it -- where it came to me was a couple of board members on a town board also were county employees, for example. And the county employees decide to retire, and they retire, then they've got to step down from the town board.

But what this does is it allows them to continue on with their elected position, but any regulations that you might have if you retire and then take an elected office are still in effect.

So if I'm a schoolteacher, I retire, then I decide to run for the town board, there would be certain restrictions on what I could draw out of the retirement. And there may be some adjustments, because I'm getting another salary.

So all this does is say we know those are the rules if you retire first, then take a town board or another position like that, make them apply to someone who happens to have a position, a part-time position on

one of these boards or whatever, to continue on and not have to step down in midterm.

SENATOR DOLLINGER: Okay. Again, through you, Mr. President, if Senator DeFrancisco will yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MEIER: Yes, he yields.

SENATOR DOLLINGER: I'm trying to use my very faint knowledge and understanding of the retirement system, just to make sure I understand this clearly.

You have someone who's both a public official and a public employee. You have a -- the person that comes to mind is my -- our former colleague Mary Ellen Jones, who was a teacher. She could get a leave of absence, she runs for the Senate, she wins the Senate position, she's still on a leave of absence. So she's still technically an employee in both institutions. Let's use that as an example. Although I'm not even sure, in Mary Ellen's case, whether that was the case.

But they hold an elective job and a public employment job. They retire from the public employment job. Under the current rules, there are caps on what you can earn working for the State of New York. And if you exceed those caps, you don't draw down your full retirement.

Just explain to me one more time how this works with respect to that case.

SENATOR DeFRANCISCO: I guess it would work the same way. When I say "I guess," I don't know if there's anyone else here or in the Legislature that has another public job.

But assuming that's the case and they decide to retire from that public job subject to retirement, then what would happen, they not be required to step down but their retirement may be reduced, the amount of payments, because you got salary from another position. In other words, you can't draw your full retirement and also continue with this job.

And it's no different than if I'm a -- it would be no different than if I'm

holding a position as a teacher or some other public position, I retire, now I want to run for the Senate. In those situations, your retirement would be adjusted if you're elected, but you would not be prohibited from holding public office.

SENATOR DOLLINGER: Okay. One final question, through you.

ACTING PRESIDENT MEIER: Senator DeFrancisco, do you still yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MEIER: Yes, he yields.

SENATOR DOLLINGER: He will yield.

Does this bill work the other way, Senator? If you are an elected official, as you and I are, if we retired and left our elected positions and then went to teach at a SUNY institution as a full-time or part-time faculty member or teach in one of the state-sponsored law schools -- or the guy that comes to mind is our former colleague Senator Sheffer, who was an elected official, retires, leaves the service as an elected official,

goes to work for the state.

SENATOR DeFRANCISCO: This doesn't address that at all.

All the same retirement rules apply. This only addresses the situation if I'm in a public paid position and I'm also an elected official in some capacity. When I retire from that public paid position, I do not have to resign. That's what you have to do now.

But you are subject to the same rules as if it went the other way, that you retired first and then ran for public office.

SENATOR DOLLINGER: And through you, Mr. President, now that I think I understand the bill, let me ask the final sort of question that I need to -

ACTING PRESIDENT MEIER: Senator DeFrancisco, do you yield for the final question?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MEIER: He yields.

SENATOR DOLLINGER: Does this bill, by virtue of the way it operates, allow

double-dipping, where a person can build two pension entitlements under the state pension plan?

SENATOR DeFRANCISCO: No. No.

SENATOR DOLLINGER: That's enough, Mr. President. Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1646, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 9464, an act to repeal Section 204e of the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Wright recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1653, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11379, an act to amend the County Law, in relation to wireless telephone service.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Mr. President,

is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: I believe we have a motion to take care of, Senator.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Velella, I wish to call up Senate Print Number 7837, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 891, by Senator Velella, Senate Print 7837, an act to amend the Social Services Law and the State Finance Law.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could stand at ease for a few minutes.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:08 p.m.)

(Whereupon, the Senate reconvened at 3:35 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Can we have some order in the chamber first, please.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports of following nomination:

As a judge of the Court of Claims, Edward D. Burke, of Southampton.

ACTING PRESIDENT MEIER: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of the Edward D. Burke, of Southampton, as a judge of the Court of Claims.

We have received the nomination from the Governor. The staff of the committee has examined the merits of the candidate. They were found to be in order. He appeared in person earlier this afternoon before the committee. He was unanimously moved from the committee to the floor.

And I'm very happy to yield, for purposes of a second, to Senator LaValle.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LAVALLE: Thank you, Senator Lack, Mr. President, and colleagues.

I've known Judge Burke for many, many years, both before he served as a magistrate in the town of Southampton -- the town of Southampton is a township in Suffolk County of 50,000 people. But at this time of the year, the population swells to almost double that amount.

Magistrate's Court in Southampton -- and the judge talked about the kinds of experiences that he has with many criminal matters and other matters that come before that court. But more importantly, he has a wonderful background that allows him and has allowed him in his present position to view the world in a real way.

That is, he has been a businessman, he has worked as counsel to towns and villages in the east end of Long Island. He has been an adjunct professor. And I think has a wonderful, wonderful temperament that I think he will bring to the court.

And so along with Senator Lack, I second this nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Edward D. Burke as a judge of the Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Judge Burke is with us today in the gallery.

And, Judge Burke, as acting President of the Senate, on behalf of everyone here I wish you congratulations and very good luck with your important duties.

(Applause.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Can we stand at ease for one minute.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:40 p.m.)

(Whereupon, the Senate reconvened at 3:41 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 1340.

ACTING PRESIDENT MEIER: Can we get some order in the chamber, please.

The Secretary will read Calendar Number 1340.

THE SECRETARY: Calendar Number 1340, by Senator Hoffmann, Senate Print 6688C, an act to amend the Social Services Law and

the Penal Law, in relation to abandoned infants.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: Yes, there is, Senator.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I'm very happy to rise in support of this bill and to speak briefly about its very interesting history.

I want to thank Senator Bruno for his support. His name appears as my most immediate cosponsor. Another name which actually should appear on the bill, but because of our obvious rules does not appear, is the name of his son, Ken Bruno, who is the district attorney in Rensselaer County.

And I would like everybody to know that it was in great deal a credit to Ken Bruno's pioneering work in speaking with district attorneys -- not just in the Capital District, but in other parts of the state - that we have this bill in front of us today.

Because the great problem that has always existed when dealing with the issue of abandoned infants has been how to reconcile the law -- which is quite explicit about the need to provide for the well-being and safety

of a child, has very explicit restrictions against child abandonment -- and at the same time how to save the life of an infant when a distraught mother, in a complete absence of clear thought, wants to abandon that infant and possibly cause it to die.

It was after three of these incidents back in Syracuse in 1981 that I first became involved in that issue. I was at that time in my first term, I believe -- maybe my second term -- on the Syracuse City Council. And three infants were found, all newborns, all abandoned, all clearly had been born alive, within a six-week period of time. The city of Syracuse was rocked into a terribly, terribly distraught state, wondering how this could have ever happened.

At that time I convened a task force of people -- we called it the maternity crisis task force, for lack of any better name -- and I asked all of the people who might reasonably have any knowledge of how such a situation could occur to offer their suggestions as to what we could do differently and how it was that we had failed in the first

place to meet the needs of these young mothers who had found no other alternatives except to abandon the infants to a certain death, and in some certain extreme cases to have actually caused their death in advance of that abandonment.

It was apparent that there were more than enough programs in place that would have provided prenatal care, would have provided an adoption program, would have provided maternal health care for the young mother in the process of her pregnancy.

But these girls, for whatever reason, were not willing to enter any existing medical system and get that help. They operated totally outside the purview of all of the programs that might have been there to help them.

And there was one indelible fact that stuck in my mind during those hearings that I think was the most sobering of it all. Many of these girls were in such total denial that they would not accept the fact that they were indeed even pregnant up till and until the moment of birth. They would deny to

themselves, they would hope this problem would just go away.

Their fear of being caught, their fear of being punished, their fear of shaming their family, their fear of doing something wrong in their lives that would cause punishment to them, caused them to totally neglect this infant during the nine months of pregnancy and at the time of birth.

And then following birth, these young girls -- and most of them are relatively young girls, or they're thinking like very, very immature young girls -- what they do at the time of birth is to worry about how they are going to hide the evidence of this birth, how they are going to prevent anybody from ever finding out that they were pregnant in the first place.

They suffer through a childbirth by themselves, they are frightened, they don't know what is happening, and then they must make a decision about what to do with this infant.

The beauty of the law that we are passing today is that it meets the young woman

who would abandon this infant on her own terms in order to save the life of that infant.

I want to explain that a little bit more carefully, because I think it might be hard for people who have never thought seriously about this situation before to realize how very, very far we have come in this state and how we are different with this legislation from what some other states have attempted to do.

At the time I first introduced this bill, there was one other state that had already put something into law. That state was Alabama. And they had several relatively practical intents within the law. But in reality, the guidance that would give to the young woman becomes a deterrent to her doing the right thing for the infant.

Because what we have learned when we study these cases is that these young girls need time to recover from the trauma of childbirth. They need time to come to their senses. They have to begin to realize that this is a live, breathing human being for which they are responsible. They need time to

physically recover so that they can go to a location where the infant will be safe or make phone calls, make rational choices about how to save that child. And they may not be able to do that within the first few hours of delivery.

So what we have done here is to have a bill that allows adequate time for the young mother to recover and make an intelligent decision that will safeguard the well-being of the child. Most of the laws that have passed in the states deal in hours. Most of the laws across the United States say within 72 hours the infant must be taken to - and then a whole list of locations are given, or categories where the infant can be taken are delineated.

Our law in New York does not do that, my friends. Our law in New York states that within five days, that infant must be brought to a location where it will be safe or an attempt must be made to reach out to someone who can retrieve that infant. The mother must demonstrate an intent to safeguard that infant, and she will not be prosecuted.

Now, we don't tell her where to take the infant. Let's be reasonable for a minute here. A 15- or a 16-year-old girl has just given birth alone, she is frightened, she's bleeding profusely, she is suffering an incredible hormonal change in her body that affects her physically and emotionally. She may not even be able to physically move from the location that she's in.

And if there is a law in effect that is written in hours and she thinks she must do something immediately and she must go a specific place, she may do neither, and she may instead just remove the infant, whatever way she chooses to, so that nobody will ever know she was pregnant in the first place, much less having given birth.

What our bill does, what this law will do will be to allow her the time to recover from that childbirth. Hopefully she will then recognize within herself the nurturing instincts that should be in all of us as human beings, whether we are parents or not. And hopefully then she will make an appropriate decision about how that child can

be safe.

We don't tell her where to go. The other states have listed categories of locations -- hospitals, off-duty firefighters, on-duty firefighters, hospital staff members, police stations, county hospitals, surgical and recuperation centers, fire departments, hospital outpatient facilities.

All of these, well-intentioned as they are, don't work. Because remember, this young girl wouldn't go to a hospital in the first place. This young girl rejected all aspects of authority, whether they be uniformed or nonuniformed, medical or nonmedical. She was not willing to get help. She has operated outside all of her societal structures that would have helped her before.

At this moment of crisis, it is highly unlikely she is going to go through a legal checklist of the safe places where she is supposed to take that baby and think if she makes a mistake and goes to the wrong one, she's violating the law.

No, all she wants to do is to protect her anonymity. We are hoping that by

giving her this remarkable latitude to recover physically, to have the time to reach enough health so that she can then make an intelligent decision, and to not tell her where she must go, that she will pick an appropriate, safe place. She will decide.

Then what happens is left up to the district attorneys. Then the district attorneys will be able to determine whether or not she demonstrated an intent to safeguard the well-being of this infant. If it's clear that she was thinking of that infant and placed that infant where he or she would be all right, would be found immediately, made a phone call so that somebody could find the infant immediately, left the infant in an extremely public place where it would have to be recognized immediately -- if she did those things, then there would not be any prosecution.

Now, that is very, very critical to the success of this measure in this state. Because we cannot superimpose our standards on that young girl. We cannot understand what it is that she's feeling at that time and tell

her that the law says she should feel otherwise. It is real. It happens over and over again, more times than any of us care to know, probably more times than we will ever know. Because how many of these infants are abandoned and are not discovered?

But with this measure, New York will be clearly in the forefront with the most enlightened law in the nation that says, very simply, we are willing to make some major concessions: Young girl, we will meet you on your own terms to save the life of an infant. And I believe that is a fair trade-off.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Just to explain my vote.

ACTING PRESIDENT MEIER: Okay, let us call the roll first.

Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: Yes. I am just explaining my vote in order not to prolong the debate, since we did this once before.

My position on this bill is the same. When you look at the affirmative defense, the young woman has got to make sure that the child is cared for in an appropriate manner, left with an appropriate person at a suitable location, and notified an appropriate person of the child's location. It's just too broad. And that's why all of these other states have specific locations.

Now, Senator Hoffmann says this woman is so confused with childbirth and all the trauma. No question about that. But it isn't a surprise that this woman is going to have a child. You have nine months of pregnancy.

And if we're going to have a plan -- and this is a plan that's a good plan -- public information, develop educational and informational materials. If

you notify people in this situation during the nine months of your pregnancy that there are places where the child could be safe, where you can maintain your anonymity, you can make certain that that child is going to be safe.

Not leave it up to a DA's discretion whether it's an appropriate place, a suitable person, or an appropriate whatever else it says appropriately. The "appropriate" language is just simply too broad and too vague.

So I'm voting no.

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

SENATOR MALTESE: Mr. President, usually I find myself in agreement with my learned colleague. But in this instance, just events the other day have indicated how important this legislation is and how important it would be to pass it as quickly as possible so that it can be signed into law and implemented.

I served three and a half years in the homicide bureau as deputy chief in Queens County. And too, too often we saw and were

present at the times when abandoned children were fished out of Dumpsters, trash cans, bathrooms, park bathrooms. And it was one of the most terrible things to behold and to participate in. Hardened officers of the law would cry. So many times they gathered funds so that they wouldn't be buried in potter's field.

This is a bill that its time has come and passed. It's something we should pass. And we can worry about the terminology and the exact phraseology in the future, hopefully.

I vote yes, Mr. President.

ACTING PRESIDENT MEIER: Senator Maltese will be recorded in the affirmative, Senator DeFrancisco in the negative.

The Secretary will announce the results.

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Marcellino.

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

ACTING PRESIDENT MEIER: No, there is none, Senator.

SENATOR MARCELLINO: Mr. President, could we stand at ease pending the report of the Finance Committee.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Finance Committee.

(Whereupon, the Senate stood at ease at 3:57 p.m.)

(Whereupon, the Senate reconvened at 4:18 p.m.)

SENATOR KUHL: Mr. President.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Yes. May we return to the order of motions and resolutions. And would you recognize Senator Farley.

ACTING PRESIDENT MEIER: Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I wish to call up Senator Hannon's bill, which is Print 8107A, which was recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1632, by Senator Hannon, Senate Print 8107A, an act to amend the Public Health Law and the Social Services Law.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

SENATOR FARLEY: Mr. President -

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: -- on behalf of -- thank you. On behalf of Senator DeFrancisco, who's right to my left here - this motion is in trouble -- I wish to call up his bill, which is Print Number 706, which is recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 962, by Senator DeFrancisco, Senate Print 706, an act to amend the General Obligations Law.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

Senator Kuhl.

SENATOR KUHL: Yes, Mr.

President. Could we call an immediate meeting of the Rules Committee in the Majority Conference Room, please.

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

Senator Kuhl, we have one substitution at the desk. Should we do that now?

SENATOR KUHL: Let's read the substitution.

ACTING PRESIDENT MEIER: The Secretary will read the substitution.

THE SECRETARY: In relation to Calendar Number 962, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 4919B and substitute it for the identical Senate Bill Number 706A, Third Reading Calendar 962.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Kuhl.

SENATOR KUHL: I understand there's a resolution at the desk, a privileged resolution by Senator Marchi. Could we have

that resolution read in its entirety at this time.

ACTING PRESIDENT MEIER: Yes, we can.

Can we have some order in the chamber, please.

Resolutions. The Secretary will read.

THE SECRETARY: By Senator Marchi, Legislative Resolution Number 4922, welcoming Archbishop Edward M. Egan to New York State.

"WHEREAS, By appointment of the leader of the Roman Catholic Church, Pope John Paul II, Edward M. Egan was installed on June 19, 2000, as the ninth archbishop of New York, to succeed the esteemed Cardinal John O'Connor, who died May 3rd; and

"WHEREAS, Millions of New Yorkers who were saddened by the loss of one of the great prelates in the history of the Catholic Church, and one of the most beloved religious figures in New York's annals, were comforted by Pope John Paul's election of an individual of Archbishop Egan's stature and proven

leadership ability to succeed Cardinal O'Connor; and

"WHEREAS, New York City and New York State have been blessed by the extraordinary presence of nine Roman Catholic archbishops, in whose tradition of greatness Archbishop Egan is sure to follow in pursuit of his pastoral duties; and

"WHEREAS, the Pope's choice to oversee the spiritual and charitable needs of 2.4 million Catholics in Manhattan, the Bronx and Staten Island and seven counties north of New York City was welcomed by the Archbishop's new flock because of his demonstrated abilities as a Church leader, which had raised him to the rank of bishop of the Diocese of Bridgeport, Connecticut; and

"WHEREAS, During his tenure in the Bridgeport Diocese, Archbishop Egan oversaw the regionalization of diocesan elementary schools, established active Hispanic and Haitian apostolates, founded the St. John Fisher Seminary Residence for young men considering the priesthood, reorganized diocesan health-care facilities and initiated

the Inner-City Foundation for Charity and Education; and

"WHEREAS, Archbishop Egan has worked with the National Conference of Bishops, as chairman of the Board of Governors of the Pontifical North American College, as chairman of the Committee on Science and Human Values, and as a member of other key committees of the Church in America; and

"WHEREAS, Archbishop Egan's rise to positions of major responsibility within the Church began with his graduation from St. Mary of the Lake Seminary in Mundelein, Illinois, his ordainment as a priest in Rome in 1958, and his assignment to the Archdiocese of Chicago, where he became secretary to His Eminence, Albert Cardinal Meyer; and

"WHEREAS, he returned to Rome in 1960, as assistant vice-rector and repetitor of moral theology and canon law at the Pontifical North American College in Vatican City. He went on to earn a doctorate in canon law summa cum laude from the Pontifical Gregorian University, and went to back to Chicago to serve first as secretary to

Cardinal John Cody, and later as co-chancellor of the Archdiocese of Chicago; and

"WHEREAS, Archbishop Egan won a reputation as a leader in efforts to bring people of many faiths together in the greater Chicago area, serving, among other things, as secretary of the Archdiocesan Commission on the Ecumenicism and Human Relations; and

"WHEREAS, He went on to serve as a judge of the Tribunal of the Sacred Roman Rota, a position he held until his elevation to the rank of bishop in May 1985; as professor of canon law at the Pontifical Gregorian University and of civil and criminal procedure at the Studium Rotale, the law school of the Rota; and as one of the six canon law authorities who reviewed the new Code of Canon Law with Pope John Paul II before its promulgation in 1983; and

"WHEREAS, he was consecrated a bishop on May 22, 1985, in the basilica of Saints John and Paul in Rome by Cardinal Bernardin Gaintin, with Cardinal John O'Connor serving as a co-consecrator. In June 1985, he became auxiliary bishop and vicar for

education of the Archdiocese of New York, where he contributed importantly to the increasing excellence and effectiveness of Catholic schools in New York; and

"WHEREAS, on November 8, 1988, Pope John Paul II named him to be the third bishop of the Diocese of Bridgeport; and

"WHEREAS, Archbishop Egan's demonstrated condition, his organizational and language skills, and his exemplary dedication to human needs made him a highly qualified candidate for consideration by the Pope as successor to the legendary Cardinal O'Connor in one of the world's most visible positions of religious leadership; and

"WHEREAS, New York, with its myriad of issues, its complex population, Catholic and non-Catholic, continues to demand the best of those assigned to provide spiritual and moral leadership; and

"WHEREAS, Because of his dedication to the concerns of people of all religious, racial and ethnic groups and economic classes, Archbishop Egan will help to continue the advancements made under his predecessors.

"This Legislative Body speaks out periodically in support of individuals who advance the public good, and wishes to do so upon the occasion of Archbishop Egan's formal arrival as the new leader of the Catholic Church in New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to extend a warm welcome to New York's new prelate, express its pleasure on the selection of a strong and compassionate person of Archbishop Egan's credentials and stature, and offer a fervent prayer for his success in carrying on the work so well performed by Cardinal O'Connor; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Archbishop Egan and his associates in Church leadership in New York."

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, he certainly made a tremendous impact in addressing the diocese in the observance of this event when he was welcomed formally and

officially into the Archdiocese of New York just a few days ago.

It was an extraordinary effect. There were people from all over the world. And the impact was uniform and one of admiration and respect for the spiritual force that he represents, for all of his many talents, which are well suited to relating to the public at large -- linguistic command of a number of languages, just a superb historical perspective being evidenced throughout his delivery, and also his recognition of the human dilemma and the essential need for people to engage in cooperative efforts for the promotion of the social and spiritual welfare of the people that he serves.

I introduced this resolution, and I invite the participation of my colleagues, if that -- that is a custom in usage which we've had, and I think would be expressive of the feeling and the respect that we all hold for Archbishop Egan.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. I understand there's a report of the Finance Committee at the desk. So can we return to the order of reports of standing committees, and I'd ask that that report be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

As a member of the Board of Trustees of the State University of New York, Aminy I. Audi, of Fayetteville.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: We're very

fortunate today, and again I'm pleased to be able to say that we had three fine nominees appear before the Finance Committee.

And it's a pleasure to yield to Senator DeFrancisco for Mrs. Audi.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Senator.

I rise with great pride to speak on behalf of Aminy Audi, who's been nominated by the Governor, in his wisdom, as a member of the Board of Trustees of the State University of New York.

It's a wonderful thing, I think, for Central New York to have a representative on this extremely important body. And the Governor couldn't have picked anybody more qualified -- a very, very successful businesswoman who is an owner and executive vice president of Stickley's furniture, which is known worldwide, and not only for the quality of their furniture but maintaining the Arts and Crafts movement that we should have in this community. It's not only furniture,

but it's an art and it's a craft that continues to this present day.

And although her name is Aminy, that is not what she really is. She's far from it. She's on every imaginable charitable organization, and I can't even read half of them, it just would take too much time.

So her background is as a very, very successful businesswoman, an individual who's been involved with so many works of charity, and someone who would bring some real common sense and leadership to the SUNY Board of Trustees.

I congratulate the Governor and I congratulate Mrs. Audi and request that everyone unanimously support her here today and confirm the nomination.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I too am very pleased to rise in support of the nomination of Aminy Audi for this very important position. I would love to read this long series of accomplishments and

awards that she has received. It's single-spaced, it goes on for several pages, beginning with one of the most recent - recipient of the Women in Home Industries Today award, Manufacturing of the Year Award -- going back to, oh, she's an elder at the Pebble Hill Presbyterian Church.

The reason I am not going to read all of these very important achievements is because I know that Mrs. Audi is scheduled to be at home today preparing to host an event for about a hundred of the distributors for the Stickley furniture company, and she wants to be home cooking.

This is not what we usually say when we are speaking about the wonderful professional achievements of our nominees to these important positions, including the SUNY board. But I must tell you that that indicates the type of remarkable balance in Mrs. Audi's life. She values her responsibilities as a mother, as a wife, and as a preeminent hostess as much as she does her civic contributions and her business.

And for that, I'm very pleased to

be able to second her nomination today.

ACTING PRESIDENT MEIER: The question is on the confirmation of Aminy Audi as a member of the Board of Trustees of the State University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Aminy Audi is with us in the gallery today.

And, Ms. Audi, we congratulate you and wish you well with your very important duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of the City University of New York, Herman Badillo, of New York City.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Also a fine nomination.

And it's a pleasure to yield to Senator Goodman.

SENATOR GOODMAN: Thank you, Chairman Stafford.

Mr. President, I have the very high honor today to give you a little background on an absolutely unique individual who is up for this high appointment. His name is Herman Badillo, and it is a name which I think is known nationally and internationally because of his pioneering role as an individual who has left an amazing mark thus far in his career and who has a long way yet to go.

Herman Badillo was born in Caguas, Puerto Rico, in August of 1929, came to New York at the age of 11, where he was educated in public schools, graduated cum laude from the City College of New York in 1951 with a bachelor of business administration and proceeded from there to the Brooklyn Law School, where he received the first scholarship prize, was class valedictorian, was a member of the Law Review and moot court

team.

He was admitted to the bar in 1955 and became a certified public accountant as well as an attorney, and was in private practice for some years thereafter.

In 1965, he was elected as the first borough president of Hispanic origin in the history of New York City.

In 1970, he ran for and was elected as a member of the House of Representatives for the 21st Congressional district, the first Hispanic to be elected to the House of Representatives in the history of the entire nation.

Mr. President, you can already appreciate the extraordinary capacity. After having served in Congress for seven years, Mr. Badillo resigned in January 1978 to become deputy mayor of the City of New York, serving under Mayor Edward I Koch. He served as the deputy mayor for management and deputy mayor for policy, and resigned as deputy mayor on September 30th to enter private practice.

This is enough of an accomplishment to have already filled an esteemed lifetime,

but the story does not end there. Going beyond this, on July 20, 1994, Mayor Giuliani appointed Mr. Badillo to the Mayor's Advisory Committee on the Judiciary.

And in addition to that, he became chairman of the Board of Trustees of the City University of New York, appointed by Governor Pataki on May 31, 1999.

Now, as chairman of the Board of Trustees, Herman Badillo has already left an indelible mark. He is insistent that there should be adequate standards applied to the educational accomplishments of our youngsters. He believes very deeply in the importance of college degrees and does not think that they should be awarded on the basis of automatic promotions.

He has restored, it seems to me, a very serious incentive into the concept of educating youngsters. And I think that this core transformation of values will have an enduring effect on the quality of education and on the quality of our youth in the future.

Mr. President, it is therefore with a great deal of personal pleasure and high

pride that I ask that this nomination be expedited through the Senate and ask every member to enthusiastically welcome Mr. Badillo, who I'm told is in the chamber today.

Thank you very much.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Winston Churchill, who lived through the rise and the downfall of the British Empire, once noted that the empires of the future are the empires of the mind.

We have two great empires of the mind in the State of New York: the State University of New York and the City University of New York. And those empires can only flourish if they have boards of trustees who are competent, articulate, and guided by commitments to excellence as well as access.

We have, in Herman Badillo, not only a pathfinder in many areas -- a trailblazer, as Senator Goodman has stated now, and as Senator Santiago and Senator Mendez have stated and will probably state again -- we have a very unusual person.

Ladies and gentlemen, the CUNY Board of Trustees is now in the midst of a stability that has not existed for the last few years. It is no coincidence that this stability began when Herman Badillo was appointed chairman of the Board of Trustees and Dr. Matthew Goldstein was appointed as the chancellor of the CUNY board. Both, by the way, graduates of the City University of New York, of CCNY, and of Baruch.

Now, stability was exemplified this past November by the CUNY Board of Trustees through compromise, consensus, and an elimination of a polarizing issue known as remediation, where you had two factions at different extremes. On November 22nd, the Board of Regents approved the master plan of the City University of New York involving a consensus that had been difficult to reach in prior years.

Now, this consensus vote by the Board of Regents was sealed by one man who cast the deciding vote, Harold Levy, who is now the chancellor of the New York City Board of Education, and is indicative of what we all

hope will occur in the future -- greater articulation, greater cooperation, greater involvement of public education in New York City, not only from 1 through 12th grade, but through the City University as well.

In this agreement, in this consensus, a Prelude to Success program was developed which now exists on four campuses, and I hope will expand. These are Brooklyn College, Queens College, Baruch College, and Hunter College.

Students who fall below an assessment test, slightly below, are given the opportunity to attend these senior colleges and are given remediation at these colleges, at the senior colleges, by members of community colleges. For example, students at Hunter College receiving this from faculty - excuse me, faculty of Borough of Manhattan Community College.

This was a great breakthrough, as was the Levy compromise, which stated that CCNY and Lehman should not fall within the overall rubric of the elimination of remediation because of special circumstances

and the diversity of students that exist there.

And we owe this primarily to the captain of the ship, to Herman Badillo, and the chancellor, Matthew Goldstein.

Now, I know also that Mr. Badillo is pushing for two programs that I feel very strongly about and my colleagues feel very strongly about. One of those programs, more faculty lines. Senator Stavisky mentioned this at the Higher Education Committee.

It is outrageous that this great empire of higher education should be at the 50 percent mark in faculty lines. It is incumbent upon us, as members of the State Legislature, to give them the funding that is necessary to perpetuate teaching of excellence by teachers of standards. Abe Lincoln once said that the only thing more expensive than education is ignorance. And no one in this chamber will opt for ignorance over educational excellence.

The other program that Chairman Badillo feels very strongly about, and my colleagues and I feel strongly about, is a

program called College Now. It began at Kingsborough Community College. It now exists throughout the entire City University of New York. And College Now is a mentoring program of college students mentoring high school students to prepare them for entry into the City University of New York.

Now, on the conference committee dealing with higher education, there was a request by CUNY that we double the number of College Now schools to the entire university, which would only have entailed $5 million. It was a disgrace that the Legislature did not allocate that funding. Fortunately, the New York City Council did allocate that funding, and College Now does exist throughout the City University of New York.

If we want access, if we want diversity, if we want excellence, it has to cost money. It also needs to have the type of leadership that Herman Badillo exemplifies: a man who is the first in many areas, a man of principle, a man of direction, and a man of commitment.

Between Herman Badillo, his vice

chair, Benno Schmidt, and the chancellor of the City University of New York, Matthew Goldstein, we have an empire of the mind that will continue to grow qualitatively and quantitatively only if we support these institutions with the money that is necessary for greatness in this state. And that applies to SUNY as well as CUNY.

Mr. Badillo, it is a pleasure, it is indeed an honor to second your renomination as chair of the CUNY Board of Trustees.

ACTING PRESIDENT MEIER: Senator Santiago.

SENATOR SANTIAGO: Thank you, Mr. President.

I assume that Mr. Badillo is here. I'd like to turn around. There he is.

Herman, it's an honor to stand here and it's an honor to be able to say to you publicly what I've said to you privately many, many times. I think it's important to note that not only Puerto Ricans support you, but we all support you. Senator Goodman -- I don't think Senator Goodman is Puerto Rican.

SENATOR LACHMAN: I am.

SENATOR SANTIAGO: And he was the first one to support you.

It's not a Puerto Rican thing. You're the best thing that happened, you're the best person that happened for New York State, you're the best that's happened in education. We're thrilled to have you in that position.

For us, it's an honor. As a Puerto Rican woman, let me just say it's an honor to stand here. Because from my regard, you represent what we're about. Our people are like you. You, in fact, took advantage of the public schools. You took advantage of the city schools. You were valedictorian. You were cum laude. You graduated, you were -- at the law school, you were written in the Law Review.

We know your history very well. My children, who are very young, know your history very well. We talk about Herman Badillo as if you almost were a legend. You're not a legend. You, for us, are an example of what every Puerto Rican is proud to say that we are about. This is what our

people are about.

It's very important for the students at CUNY to know that the person who's in charge of CUNY is someone of your caliber, is someone who reads and writes. You ask the children to read and write in the colleges, but you read and write. You ask of them what you in fact represent. So in fact, you're not asking any more of students than you ask of yourself.

I think that's so important. Because sometimes it's very easy to require someone to do things that you just -- you yourself do not do. But you in fact do that, and we're very proud of that and very proud of you.

Being with you is really very threatening, because we know that your standards are so high. And the standards that you're asking of our children, even though they've been very, very critical -- some people have criticized you for it. I would say your respect for children is so high, your respect for all children is so high that you demand that they be the best that they can be.

One point that I know, and I know this because I know it personally, is that you do not ask a child to perform at a level that they can't accomplish. You just ask of every child -- and I know this about you and I know this personally -- you ask every child to be the best person they know how to be. And if our school system, if the public school system, if the City University system could provide that, then we've done our job as a society. And certainly your leadership is the one that's taking us there.

I was very proud to support your social promotion policy. I understood it. I'm sorry to say some people did not understand it. I understood it. I would like all children, in fact, to read, all children to write, all children to be -- if, in fact, we're talking about bilingual ed -

ACTING PRESIDENT MEIER: Senator Santiago, I don't mean to interrupt you, and I apologize to you and the nominee.

Could you face the chair? Because the members can't hear you. The microphone is in front of you.

SENATOR SANTIAGO: This is the loudest I've ever spoken.

It's really an honor to be able to support this nomination. Because -- let me just repeat, then, the part that I feel strongly about not.

He's not asking us, he's not asking students by demanding standards something that he doesn't impose on himself. And he's not asking people to perform at a level that they're not able to perform. He's asking the school system and the CUNY system to be there so that the child could be the best that they can be. That's a very reasonable request.

I'm really proud to stand here as a Puerto Rican woman, as a legislator, as a citizen of the State of New York. He is someone that you mentioned before, Senator Goodman, that he is known nationally, that he is known internationally. I know that to be a fact.

And I'm very proud that we have someone at the helm of CUNY that is of his caliber and someone at the helm of CUNY who is respected at every possible level, because we

need that. Because the children that he's represented, that he's representing, need someone just like him, someone that they can look up to, someone to whom other people will listen.

Because I know one of the things that Herman does is that Herman advocates for children. And when you need, for example, if you can't do it yourself -- and I know I've used this office in this way. When my office isn't enough to help a child, I call Herman. Because it's almost like calling in the sheriff. And I call Herman, and Herman will respond. And Herman will call whoever he has to call to help a child, not just the children of the city of New York or the state of New York.

It's an honor to be here. It's an honor to be able to support his nomination and to do it with such enthusiasm and such respect.

Thank you very much.

ACTING PRESIDENT MEIER: Senator Mendez.

SENATOR MENDEZ: Mr. President, I

too rise with great pride to support the nomination of Herman Badillo.

All of us who know Herman, and those who have heard of him and have known about his accomplishments throughout his political and academic career, know very well that he exemplifies competence, he exemplifies excellence, and he exemplifies caring.

We know that the school system in the City of New York has been failing all the children for much too long. As a result of that, all these miseducated children were growing up without the necessary skills to benefit from four-year colleges that belong to the City University of New York.

The kinds of policies that he has established through his leadership, as Senator Lachman mentioned, have made it possible to change around the system and bring all the trustees together in focusing on the issue of directing efforts to ensure that once the youngsters go into any one of the colleges, they will be able in turn to graduate in due time -- not eight, ten years, but in due time -- and be responsible citizens, get good

jobs, and what have you.

I must say that in terms of the Puerto Rican community -- and I am Puerto Rican, as you know -- we all feel great pride in his accomplishment. He was, as has been stated here, the first Puerto Rican commissioner in the City of New York. He was the first borough president in -- Puerto Rican borough president in the City of New York. He was the first Congressman in the -- the first Puerto Rican Congressman and the first borough president.

The only thing, as I once told him jokingly, that he couldn't be is the first Puerto Rican woman elected to public office.

But anyhow, in all seriousness, he really -- he knows what the problems are. And then he focuses in resolving them.

For example, we all know that since the time in which we passed here the centralization law, the high schools, they were under the supervision of the Board of Education. And, my God, what a very poor job they did.

So that now his program of College

Now will ensure that these youngsters in the ninth grade will be able to be tutored so they will correct the miseducation that unfortunately occurred in the City of New York in the public school system for so long and so long that it is pitiful.

So again, Mr. President, it is with great pride that I stand up to second his nomination. He's done an excellent job there as well. And he'll keep working hard to ensure that that wonderful university system is accessible to all the students in the State of New York.

I want to mention in passing that we have high hopes for the CUNY system, because he is there, among other things. And we also have high hopes in his relationship with the Board of Education.

And maybe this wonderful new chancellor will whip whoever he has to to ensure that learning occurs more productively and that the children are not cheated anymore of a good wholesome future. Because we all know very well that the only road towards upper socioeconomic mobility in this wonderful

country of ours is through education.

So with him over there, I feel and most of us, all of us feel more confident that that situation will change.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: The question is on the confirmation of Herman Badillo as a member of the Board of Trustees of the City University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Badillo is with us in the gallery.

And, Mr. Badillo, on behalf of the Senate, we express our admiration and congratulations.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of

the Board of Trustees of the City University of New York, Wellington Z. Chen, of Little Neck.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Again, a fine nomination.

And it's a pleasure to yield to Senator Padavan.

SENATOR PADAVAN: Thank you, Senator Stafford.

Mr. President, it is indeed an honor and a privilege for me to advance the nomination of Wellington Chen to the City University.

Mr. Chen has a very distinguished career in many, many dimensions. As an architect and a planner, he served on the New York City Board of Standards and Appeals for many years -- over 13 years, as I recall.

For those who may not be familiar with that tribunal, it is a very, very significant part of city government in that they deal with all matters of zoning, building code issues and variances, a very critical

component in the development and the economic activities, the building activities that take place in the city of New York.

As a product of the City University, City College specifically -- and his brother as well -- he has indicated to me and to the committee that interviewed him that this is his opportunity to pay back to the City University and the City of New York all of the benefits that he has accrued as a product of that system.

He also told me when we met recently that when his mother decided to take them from Hong Kong and bring them to this country, it was for one reason and one reason only: because here she knew they would get a quality education that was impossible for them to get in their native country.

And so, knowing that, he is committed to see that every youngster rises to the potential that they are capable of, within the City University and elsewhere, so that they too can have the benefit of an education that has served him so well.

And so, Mr. President, again, it is

my honor to advance the nomination.

ACTING PRESIDENT MEIER: Senator Maltese.

SENATOR MALTESE: Yes, Mr. President. I'm very pleased that I can second this nomination and join my Queens colleague, Senator Frank Padavan, in urging this nomination.

I wish to commend the Governor for making the nomination, not only because Mr. Chen is very, very well qualified and, as Senator Padavan has indicated, a product of the City University of New York, but he also has a vantage point in that he attended the university, City University, and then went back to complete his education, and thus - with a hiatus of several years, and thus had an opportunity to see the City University of New York as a university where distinguished graduates like Mr. Badillo and others attended and graduated, and the City University of New York as it was at a later date where, as many claim, standards had declined.

With this vantage point, he and other members of his family are all proud

graduates of the City University of New York. But at the same time, they are part of a force, a very potent force has been chosen by our Governor to mold the City University of New York so that it can aspire and achieve the prominence that City University of New York has achieved in the past.

Mr. Chen was, as has been indicated, an engineer, a planner, somebody who, as president of a corporation, had to meet a payroll, somebody who had to stay within a budget. And this is important to the City University of New York that has to work within certain confines.

I had the opportunity to speak to Mr. Chen, I had the opportunity to talk to him at some length about his aspirations for the future and some of the things that he wanted to urge that would be implemented in CUNY. And he would be working, of course, with a board that is pledged to reform and excellence, and working with Mr. Badillo, who has succeeded Ann Paolucci, who as chairwoman had accomplished so very much to change the direction of CUNY.

Now, something should be said -- I heard my good colleagues Senator Santiago and Senator Mendez indicate the pride they took as persons of Puerto Rican background in Mr. Badillo's accomplishments. Well, that is one of the areas that thankfully we can again commend our Governor.

Recognizing that this was a Queens seat where the trustee had to reside in the County of Queens, with -- given the large Asian-American population, not only of Queens County but of the city and the state, this was a method of recognizing, by Mr. Chen, the excellence and the precedence that the Asian-American population has taken and the interest that they have taken in education.

Seeing the biographies of people like Mr. Badillo and Mr. Chen, we see sprinkled throughout their very, very impressive resumes first in this board, first as this commissioner, first in this particular area. And this is something that makes them, whether they like it or not, role models, role models for others who would follow in their footsteps and who would try to duplicate their

efforts.

Mr. Chen is a proud Chinese American. But listening to him speak about when his -- the goals and dreams his parents had and the dreams that he had himself and what he hopes to accomplish at CUNY, I heard over and over again things that I've heard, very similar things from Italian Americans, Hispanic Americans, German Americans, Irish Americans, many of the people who preceded him coming to this great nation.

And even in some of the conversations we had of how he acquired his name, Wellington Chen, which makes him unique among many of the Asian Americans. It is a uniqueness that has helped him, has enabled him to be recognized by many in his own community and many outside the community.

So people will be watching Mr. Chen. He is up to the task and will excel in that task. He is a wonderful role model for not only Asian Americans, Chinese Americans, and all Americans, but he is someone who I am very pleased that the Governor has chosen to appoint. And I am

pleased that he will be representing Queens County and all the students of the City University of New York.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: Yes. I first met Wellington Chen when he served as a member of my local community planning board.

Queens, as you know, is probably the most culturally diverse county in the state and probably the nation, and I suspect my Senate district reflects that diversity. But there's a certain strength in that diversity also that finally is being recognized. We are stronger because of that diversity.

And the City University trustees will also benefit from the cultural background that Mr. Chen is going to bring to the board.

We have approximately 150 languages spoken in our schools in Queens County. And Mr. Chen, I think, will be able to represent people who look a little -- who bring a different perspective, the perspective of somebody who came from Hong Kong as a child.

So I'm delighted to rise and speak in behalf of Mr. Chen. And I must say I'm happy that now that Mr. Chen is a successful architect, he hasn't forgotten his roots, he hasn't forgotten where he received his education.

So I join with my other colleagues in congratulating the new appointee.

ACTING PRESIDENT MEIER: The question is on the confirmation of Wellington Chen as a member of the Board of Trustees of the City University of New York. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Chen is with us today in the gallery. And we wish you well with your important duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of the Cornell University, Jerold R. Ruderman, Esquire, of Scarsdale.

As a member of the Central New York Regional Transportation Authority, H.J. Hubert, Esquire, of Syracuse.

As a member of the Administrative Review Board for Professional Medical Conduct, Thea Graves Pellman, of West Hempstead.

As a member of the State Athletic Commission, Judge Jerome M. Becker, of New York City.

As a member of the State Board of Historic Preservation, Robert B. Mackay, Ph.D., of Cold Springs Harbor.

And as a member of the Veterans Affairs Commission, Peter Iodice, of Eastchester.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

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

nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we return to the order of reports of standing committees. I understand there's a report of the Rules Committee at the desk. May we have that read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 6590C, by Senator Volker, an act in relation to the construction;

5653A, by Senator Volker, an act to amend the General Municipal Law;

Assembly 812A, by Member of the Assembly Weisenberg, an act to amend the Agriculture and Markets Law;

Senate Print 7551, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

4457A, by Senator Marchi, an act to amend the Not-for-Profit Corporation Law;

8018A, by Senator Spano, an act to authorize the Town of Greenburgh;

8169A, by Senator Volker, an act to amend the Public Authorities Law;

8172, by Senator LaValle, an act to amend the Public Authorities Law;

28A, by Senator LaValle, an act to amend the Education Law;

8152B, by Senator Lack, an act to amend the Judiciary Law and the Uniform City Court Act;

554, by Senator DeFrancisco, an act to repeal Section 474A of the Judiciary Law;

1866, by Senator Gentile, an act to amend the Penal Law;

5919A, by Senator Bonacic, an act to exempt certain parcels;

6830A, by Senator Seward, an act to amend the Insurance Law and the State Finance Law;

7923, by Senator Farley, an act to amend the Real Property Tax Law;

8050, by Senator Leibell, an act to permit the reopening;

8189, by Senator Seward, an act to amend the Education Law;

8191, by Senator Farley, an act to repeal paragraph (d) of subdivision 31;

8193, by Senator Johnson, an act to amend the Public Authorities Law;

8217, by Senator Alesi, an act to amend the General Business Law and the Civil Practice Law and Rules;

8218, by Senator Bruno, an act to amend the Public Authorities Law;

4281, by Senator Goodman, an act to amend the Public Lands Law;

5136B, by Senator Skelos, an act to amend the General Business Law;

5309C, by Senator Marcellino, an act to amend the Navigation Law and the Town Law;

8212, by Senator Skelos, an act to amend the Criminal Procedure Law;

8219, by Senator Padavan, an act to amend the General City Law;

8222, by Senator Goodman, an act to amend the Tax Law;

8223, by Senator Marcellino, an act to amend the Environmental Conservation Law;

And 8226, by Senator Goodman, an act to amend the State Finance Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Kuhl.

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

ACTING PRESIDENT MEIER: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report is accepted.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we now have the noncontroversial reading of Senate Supplemental Calendar Number 58A, which is on all the members' desks.

ACTING PRESIDENT MEIER: On Senate Supplemental Calendar 58A, the Secretary will read the noncontroversial calendar.

THE SECRETARY: In relation to Calendar Number 396, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 9576C and substitute it for the identical Senate Bill Number 6590C, Third Reading Calendar 396.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 396, by Member of the Assembly Eve, Assembly Print Number 9576C, an act in relation to the construction.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 592, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 8421A and substitute it for the identical Senate Bill Number 5653A, Third Reading Calendar 592.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 592, by the Assembly Committee on Rules, Assembly Print Number 8421A, an act to amend the General Municipal Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 930, by Member of the Assembly Weisenberg, Assembly Print Number 812A, an act to amend the Agriculture and Markets Law and the General Obligations Law, in relation to harm.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 939, Senator Hoffmann moves to

discharge, from the Committee on Rules, Assembly Bill Number 10235 and substitute it for the identical Senate Bill Number 7551, Third Reading Calendar 939.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 939, by Member of the Assembly Magee, Assembly Print Number 10235, an act to amend the Agriculture and Markets Law, in relation to insects.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 987, by Senator Marchi, Senate Print 4457A, an act to amend the Not-for-Profit Corporation

Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1458, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 11310A and substitute it for the identical Senate Bill Number 8018A, Third Reading Calendar 1458.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1458, by the Assembly Committee on Rules, Assembly Print Number 11310A, an act to authorize the Town of Greenburgh.

ACTING PRESIDENT MEIER: There is

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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator LaValle, Senate Print 8172 -

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

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

THE SECRETARY: In relation to Calendar Number 1576, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 5370A and substitute it for the identical Senate Bill Number 28A, Third Reading Calendar 1576.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1576, by Member of the Assembly Weprin, Assembly Print Number 5370A, an act to amend the Education Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1602, by Senator Lack, Senate Print 8152B, an act to amend the Judiciary Law and the Uniform City Court Act, in relation to judges.

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1656, by Senator DeFrancisco, Senate Print 554, an act to repeal Section 474a of the

Judiciary Law, relating to contingent fees.

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: Those recorded in the negative on Calendar Number 1656 are Senators Farley, LaValle, Rath, Seward, Stachowski, Volker, and Wright. Ayes, 52. Nays, 7.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1657, by Senator Gentile, Senate Print 1866, an act to amend the Penal Law, in relation to disseminating.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1658, by Senator Bonacic, Senate Print 5919A, an act to exempt certain parcels of land in the Town of New Baltimore.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1659, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10352A and substitute it for the identical Senate Bill Number 6830A,

Third Reading Calendar 1659.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1659, by Member of the Assembly Tonko, Assembly Print Number 10352A, an act to amend the Insurance Law and the State Finance Law, in relation to enforcement.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1661, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 11318 and substitute it for the identical Senate Bill Number 7923, Third Reading Calendar 1661.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1661, by the Assembly Committee on Rules, Assembly Print Number 11318, an act to amend the Real Property Tax Law, in relation to the assessment roll.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1662, by Senator Leibell, Senate Print 8050, an act to permit the reopening of the optional twenty-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1663, by Senator Seward, Senate Print 8189, an act to amend the Education Law, in relation to the permissible use of school grounds.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1664, by Senator Farley, Senate Print 8191, an

act to repeal paragraph (d) of subdivision 31 of Section 235 of the Banking Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1665, by Senator Johnson, Senate Print 8193, an act to amend the Public Authorities Law, in relation to prohibiting.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1666, by Senator Alesi -

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

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

THE SECRETARY: Calendar Number 1667, by Senator Bruno, Senate Print 8218, an act to amend the Public Authorities Law, in relation to and for the purpose of enabling.

SENATOR KUHL: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: Yes, there is, Senator Kuhl.

SENATOR KUHL: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

The Secretary will read.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1669, by Senator Goodman, Senate Print 4281, an act to amend the Public Lands Law, in relation to authorizing.

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, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1670, by Senator Skelos, Senate Print 5136B, an act to amend the General Business Law, in relation to the dispensing of hearing aids.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 13. 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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1671, by Senator Marcellino, Senate Print 5309C, an act to amend the Navigation Law and the Town Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity at the desk?

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

SENATOR KUHL: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those

opposed, nay.

(No response.)

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

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Lay it aside. Just lay it aside, Mr. President, 1671.

ACTING PRESIDENT MEIER: Lay the bill aside.

SENATOR DOLLINGER: Mr. President, if I'm also just recognized for a moment, could I have unanimous consent to be recorded in the negative on Calendar Number 1669.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative on Calendar 1669.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. I ask unanimous consent to be recorded in the negative on Calendar 1656, Senate Print 554.

ACTING PRESIDENT MEIER: Without objection, Senator Alesi will be recorded in the negative on Calendar 1656.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1673, by Senator Skelos, Senate Print 8212, an act to amend the Criminal Procedure Law, in relation to eliminating.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity at the desk?

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

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

message is accepted. The bill is before the house.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1674, by Senator Padavan, Senate Print 8219, an act to amend the General City Law, Chapter 772 of the Laws of 1966, relating to enabling.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity at the desk?

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

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

message is accepted. The bill is before the house.

Read the last section.

THE SECRETARY: Section 23. This act shall take effect immediately.

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

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1675, by Senator Goodman -

ACTING PRESIDENT MEIER: Senator McGee, why do you rise?

SENATOR McGEE: I wish to be recorded in the -

ACTING PRESIDENT MEIER: We're on a bill, Senator, if we could hold that a moment.

Senator Kuhl.

SENATOR KUHL: Just waiting for the Secretary to read the title.

ACTING PRESIDENT MEIER: The

Secretary will read the title.

THE SECRETARY: Calendar Number 1675, by Senator Goodman, Senate Print 8222, an act to amend the Tax Law.

SENATOR KUHL: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: Yes, there is, Senator.

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 60 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator McGee.

SENATOR McGEE: Mr. President, I ask for unanimous consent to be recorded in the negative on Calendar Number 1656, Print Number 554.

ACTING PRESIDENT MEIER: Without objection, Senator McGee will be recorded in the negative on Calendar 1656.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1676, by Senator Marcellino, Senate Print 8223, an act to amend the Environmental Conservation Law, in relation to special requirements.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity at the desk?

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

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR MARCELLINO: Thank you, Mr. President.

This legislation addresses the public's concerns about the exposure to pesticides in an extremely comprehensive way.

Any parent who wants to will receive 48-hour prior notification of pesticide applications, both inside and outside of schools. All parents and staff will receive at least four notices per year listing previous applications and giving the name and the contact person for more information. These notices will also tell parents and staff how to accept prior notification.

At daycare facilities, notices will be posted 48 hours prior to applications are where all parents can see them.

Furthermore, counties will be able to adopt a local law requiring that commercial applicators give abutting properties within 150 feet of the site of lawn application at least 48 hours prior notification, and that homeowners would have to flag their properties when treating more than 100 square feet of their yard.

Mr. President, this bill has implications that go far beyond the obvious. It goes into considerations of how pests will be managed that may not be so obvious to

everyone just looking at this particular bill.

By exempting applications which present negligible risks to students and neighbors, this legislation will drive applicators to those practices that are less harmful and require less exposure and - rather, towards those kinds of applications, and away from those that are of greater risk. This will protect our children and our communities and our environment.

Mr. President, I've learned more than, frankly, I ever thought I would want to know about pest management since I became chair of the Environmental Committee of the Senate. In this learning process, I've become an advocate for a program called integrated pest management. And I hope all my efforts to promote this approach to pest management will result in our schools and our communities and our environment facing a decreased risk from exposure to pesticides.

Pest control is important, and I don't want to lose sight of that fact. No one wants children to be exposed to the risks that pests pose, anymore than they want children to

be at risk from pesticide exposure. But there is a middle ground. And I believe that we have achieved that middle ground with this piece of legislation. We can control pests in ways that minimize risks to humans, the environment, and nontarget organisms. Integrated pest management is the tool.

We have sponsored -- briefly, I'll be finished in one second -- we have sponsored in this house and we've supported funding for integrated pest management in the budget each year. The production of this book by Cornell Cooperative Extension, which has been distributed to all schools in the state, has been a teaching guide for the schools to use this plan.

This is a good plan, this is a good bill. I thank my colleagues, I thank all the environmental organizations that supported it and helped to get passed. And I thank the leadership of this house for helping to get this bill to the floor.

Thank you, and I vote aye.

ACTING PRESIDENT MEIER: Senator Marcellino will be recorded in the

affirmative.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, I know that a great deal of effort went into this legislation -

ACTING PRESIDENT MEIER: Senator Paterson, do you wish to explain your vote?

SENATOR PATERSON: Yes, Mr. President.

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

SENATOR PATERSON: I have a couple of concerns about this bill. One has to do with the fact that it allows the counties to opt in to something that I think is more than something that is a local concern. I think it should be a statewide concern. I think we should have made this a statewide bill.

In addition, particularly when we're dealing with pesticides, because of the atmospheric disturbances and atmospheric pressures, there are issues that could occur in one county that would affect citizens of another.

The second concern I would have is just about alternatives to pesticide management, something that I think could have been considered in this particular legislation as well.

I will vote for the bill, but I would hope that we could come back here next year and to talk about some of those issues that existed in some of the other legislation but didn't make the final cut today.

I vote aye, Mr. President.

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

Senator LaValle, to explain his vote.

SENATOR LAVALLE: Mr. President, I rise to first congratulate Senator Marcellino on traveling a very arduous road, a long road, never being discouraged, keeping his eye on the ball and moving forward so that a very reasonable bill is brought before this body for a vote.

I got involved in this issue in a most practical way. A number of years ago on a beautiful Saturday morning, my wife and I

were ready to do the duties around the yard. She is the captain and I am the go-for in helping out with the yard duties. But in the middle of our being out in the yard, we were bombarded by a spray next door of someone spraying their trees without notifying us.

It's a summer day, a bright day, as days are at this time of the year, beautiful out on sunny Long Island. And windows open. No notification.

And so advocates and a lot of people in this chamber, under Senator Marcellino's leadership, really went further than just that spraying bill for homeowners, but included some very, very important provisions that protect our children and those in daycare.

And I think this is going to be, Senator Marcellino, one of the most important bills that we will be acting on during this session.

To Senator Paterson, I say to you in one year I think that the entire state will opt in to this bill. Yes, there may be a county here or there that may drag its feet,

may want to talk about it a bit. But I think this will be a statewide bill, done in a responsible way, allowing people the opportunity to cogitate and deliberate locally as to what their wishes are on this important policy.

I vote in the affirmative.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I've been here for two years, and the pesticide notification bill we do in this house keeps getting better and better. And this is a lot better than what we've done before. I agree with Senator Paterson, we still have improvements to make, but we've come a very long way.

I just wanted to mention, though, that when it comes to pest management, we have to give some credit to the pests also, the environmental advocates and everyone else who's been pushing so hard for this. Some

have observed that passing some of the bills we're doing tonight is really an effort at integrated pest management on a variety of issues. But there's enough credit for everyone on this.

And I have watched Senator Marcellino work on it. I know that there's a great deal of credit that belongs there, and I'm happy to acknowledge it at this time.

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

The Secretary will read last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1677, by Senator Goodman, Senate Print 8226, an act to amend the State Finance Law, in

relation to prioritizing.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Mr. President, is there a message of necessity at the desk?

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

SENATOR KUHL: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 27. This act shall take effect July 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President, I'd just like to explain my vote.

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

SENATOR BALBONI: This is an issue that has meant a great deal to a certain group of New Yorkers. They are an industry of small-business owners who make their livelihood by trying to provide a lower-cost cartridge that they use in printers. They're called remanufacturers.

And this was a bill that was a very contentious issue for two years. We were able to put together the parties, along with Assemblyman Joe Morelle over in the other house, and with Governor Pataki.

And though this is wrapped in the whole bigger issue of procurement, this language here, this accommodation and this agreement, represents the hope that in America you can still start your own business and not have big business take you over and push you around.

Mr. President, I vote aye.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl, that concludes the noncontroversial calendar.

SENATOR KUHL: Mr. President, may we now have the controversial reading of Supplemental Calendar 58A.

ACTING PRESIDENT MEIER: The Secretary will read the -- Senator Saland, why do you rise?

SENATOR SALAND: Mr. President, I was out of the chamber a bit earlier when Calendar 1656, Senate Bill 554, passed this house. And I would request that I be recorded in the negative.

ACTING PRESIDENT MEIER: Without objection, Senator Saland will be recorded in the negative on Calendar 1656.

With regard to Supplemental

Calendar 58A, the Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 1602, by Senator Lack, Senate Print 8152B, an act to amend the Judiciary Law and the Uniform City Court Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect April 1 -

SENATOR HEVESI: Explanation, please.

ACTING PRESIDENT MEIER: Senator Lack, an explanation has been requested of Calendar 1602 by Senator Hevesi.

SENATOR LACK: Mr. President, this is the first revision in the Uniform City Court Act in the last 16 years, since 1984. The composition of how the courts are formed and the amount of time allotted to judges in each of the courts in the various cities covered by the act hasn't been changed in 16 years. Therefore, neither has the compensation.

We've had this bill now for two

sessions, working on it with various members of this house, and have come to an agreement. And before you is the B print.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. Would the sponsor yield?

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

SENATOR LACK: I'll yield, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you.

Senator, I support this legislation. My question for you, is there anything in this legislation which adjusts the compensation for Housing Court judges in the City of New York?

SENATOR LACK: No.

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

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

SENATOR LACK: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you.

It's my understanding that, pursuant to legislation that we passed last year which increased compensation for a whole number of different categories of judges, that Housing Court judges in New York City did receive additional compensation, but for some reason there was inequity and they were shortchanged by several thousands of dollars. I'm not sure whether it had to do specifically with an error that was unintentional or whether there were issues of retroactivity.

But I want to bring this issue to your attention, and I guess I'll phrase it in the form of a question. Are you aware of the situation and do you plan on correcting the inequity for Housing Court judges in New York City?

SENATOR LACK: Mr. President, this is a bill that refers to the Uniform City Court Act, which doesn't pertain to any courts in the City of New York. So therefore, the question, quite frankly, is irrelevant. But

I'll be happy to answer it in context.

Housing Court judges in the City of New York, which are not constitutional judges, were given a raise last year, as were all judges in the state, members of the State Legislature, the Governor, statewide offices, commissioners, et cetera.

I'm fully aware that Housing Court judges did not like the raise which they received. But they certainly received a raise. As I said, they're not constitutional judges.

If the Senator would like to look through the bill which he has stood up to talk about, which has nothing to do with the City of New York, you'll see that there are salaries and compensation and times contained in this bill that vary from city to city all across the state.

The same is true within the City of New York between Housing Court judges and Criminal Court judges and Civil Court judges. That's no different, Mr. President. If Senator Hevesi cares to read 8152B, he'll find that the same is true throughout the state in

terms of times that are allotted based upon work product done, et cetera.

Housing Court falls into the same situation, and they are being paid according to the work they do as a nonconstitutional court in the City of New York. Their salaries as such are higher than referees, for example, in the Department of Motor Vehicles, lower than Civil Court judges. And it probably will most likely stay that way until it's looked at in terms of another citywide contemplation of what to do with judges.

It was specifically -- Housing Court was not included and has not been included by the Chief Judge, by the Senate, by the Assembly, by the Governor, in any of the proposed reorganization plans of the court system to set up a two-tiered system does not change the current status of Housing Court judges which exist by statute, not by Constitution.

SENATOR HEVESI: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Hevesi, on the bill.

SENATOR HEVESI: I want to thank Senator Lack for the explanation.

I do disagree with his characterization of the question of compensation for Housing Court judges as irrelevant. I'm sure they don't think it's irrelevant. I don't think it's irrelevant.

And I do believe that there is a germane nature of my question pursuant to a piece of legislation which increases compensation for judges, particularly since we just passed legislation which compensated judges and, in my opinion, shortchanged Housing Court judges.

But this was helpful, because I now understand Senator Lack's position that he does not believe that there was an inequity, that it was not an omission that was accidental. And I will be advancing legislation in order to correct that inequity.

But I do support this legislation, as I trust Senator Lack has appropriately written legislation to compensate other judges throughout the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Lack.

SENATOR LACK: Mr. President, it is obvious that Senator Hevesi desires to use the English language only as he understands it.

One, this is a bill that does not pertain to any court within the City of New York.

Two, Mr. Hevesi, this language refers to the time in which judges spend as judges, and they are compensated according to time. There is nothing in this legislation that increases compensation for judges for the same time spent.

This reflects thousands of hours of work done on a nonpartisan, nonpolitical basis by the Office of Court Administration of the State of New York, based on millions of case statistics over the last 16 years and the amount of work done by these judges.

There are no raises here. There's a reflection that if a city has changed -

ACTING PRESIDENT MEIER: Senator Duane, why do you rise?

SENATOR DUANE: Point of order, Mr. President.

ACTING PRESIDENT MEIER: State your point of order, please.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, if I remember correctly, Senator Hevesi was speaking. He had the floor. I don't remember him yielding the floor.

SENATOR LACK: I beg your pardon, Senator.

ACTING PRESIDENT MEIER: Senator Paterson, I believe Senator Hevesi had finished and sat down. He concluded his remarks and said thank you.

SENATOR PATERSON: I'm sorry. My mistake, Mr. President.

SENATOR LACK: If I may continue now, unless somebody else had a point of order.

ACTING PRESIDENT MEIER: Evidently not. Senator Lack has the floor.

SENATOR LACK: Thank you, Mr. President, from when I was rudely interrupted.

This bill does not increase the

compensation to any judge of the State of New York. It merely increases the time that many of these judges have had to spend on their own not getting compensated at all. It doesn't matter whether they're Republican judges or Democratic judges. What matters is the time they have spent.

Based on all these thousands of hours of work, two sessions of going over this legislation, these times have been adjusted. The compensation remains the same.

And in effect, Mr. President, you can say that's exactly what we did for the Housing Court of the City of New York last year.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would Senator Hevesi yield?

ACTING PRESIDENT MEIER: Senator Hevesi, do you yield to Senator Duane?

SENATOR HEVESI: Yes, Mr. President.

SENATOR DUANE: Thank you.

Senator Hevesi, if you would yield

for a question rather than a lecture, I'm wondering if you could perhaps expound on the germaneness of your question to this bill for me.

SENATOR HEVESI: Absolutely, Senator Duane.

This legislation deals with compensation. If I erred in my comments before by indicating that there were raises, I apologize to anybody who took exception to that miscategorization on my part.

The germaneness of my comments deal with the issue of compensation for Housing Court judges. It is certainly within this realm, and I believe it's appropriate conversation for this Legislature at this time.

SENATOR DUANE: Thank you. And if Senator Hevesi would continue to yield.

SENATOR HEVESI: Absolutely.

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

SENATOR HEVESI: I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: Thank you.

Senator Hevesi, could you describe for me, please, why it is that you believe that the issue of compensation for Housing Court judges is an appropriate item for discussion on this floor at this time?

SENATOR HEVESI: I believe it's an appropriate item for discussion because of the bill that is before us and because Housing Court judges deserve additional compensation, because I believe that there was an inequity in the compensation package that was handed down recently.

In addition, the Housing Court judges in New York City perform an extremely difficult task under extremely difficult conditions. They are no less judges than other members of the judiciary in other branches, comparable branches.

And I do believe there was an injustice that needs to be remedied, and this is the appropriate forum to remedy that injustice.

SENATOR DUANE: Thank you. And would Senator Hevesi continue to yield,

please.

SENATOR HEVESI: Yes, I do.

SENATOR DUANE: Senator Hevesi, is it your contention that though for many, many years Housing Court judges didn't have their own secretaries, while they do now - are entitled to the help and the assistance of a secretary who is derived from a pool, that in fact with recent changes in housing laws in the State of New York impacting a landlord-tenant court, that in fact in many ways the job of a Housing Court judge has become exponentially more complicated and requires more time and a heavier caseload?

SENATOR HEVESI: I absolutely agree with that assessment. I agree with that categorization. And I believe that that is one of the main points that lend themselves to suggesting Housing Court judges today, under the current compensation structure, are undercompensated.

SENATOR DUANE: Thank you. If the sponsor would continue to yield.

SENATOR HEVESI: Yes, I do.

ACTING PRESIDENT MEIER: Well, do

you wish the sponsor to continue to yield, or do you wish Senator Hevesi to yield?

SENATOR DUANE: Senator Hevesi, Mr. President.

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

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

ACTING PRESIDENT MEIER: Senator Hevesi yields.

SENATOR DUANE: Thank you.

And may I just preface my next question by saying how much I appreciate your answering my questions rather than lecturing to me as I ask you questions, Senator Hevesi.

Senator Hevesi, is it your assumption that Housing Court judges in all five boroughs of the City of New York are at this point being undercompensated because of a sort of basic unfairness in the law which compensated judges on a statewide basis that was passed recently?

SENATOR HEVESI: That's correct, Senator Duane. My understanding is that with uniformity, this applies to every New York

City Housing Court judge. So any corrective action would have to be comprehensive, including every one of these judges operating in each of the five boroughs.

SENATOR DUANE: Thank you. I'd like to again thank you, Senator Hevesi, for your clear and concise answers on the legislation.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: Thank you, Mr. President.

I cannot really adequately describe my happiness that Senator Hevesi raised this very important issue of compensation for Housing Court judges as we debated a bill dealing with compensation for judges in other parts of this state.

And of course I would expect no less of Senator Hevesi. He is probably one of our best debaters and one of our most intelligent Senators here in the Senate.

And again, I'm just very, very grateful that he raised issues that were of

great importance to me and to tenants and landlords in the City of New York.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect April 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR LACK: Yes, very shortly.

I love the question and dialogue that took place on the other side of the chamber. I just want to note for the record that neither Senator Duane nor Senator Hevesi stood up last year to ask for additional compensation for Housing Court judges when we passed the bill that contained their raise.

I vote in favor, Mr. President.

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

Announce the results.

Senator Maziarz, to explain his

vote.

SENATOR MAZIARZ: Thank you, Mr. President, to explain my vote.

I just want to thank Senator Lack. I read this piece of legislation, and it correctly compensates judges, moves judges from either quarter-time positions to half-time or from half-time to full-time, judges across the state of New York, in small cities, in large cities, Democrats and Republicans.

So I don't know what all the discussion is. It does not involve the City of New York whatsoever.

So, Senator Lack, I for one think you did a great job, you and your staff, David Gruenberg.

So I vote in the affirmative.

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

Senator Kuhl.

SENATOR KUHL: Announce the results.

ACTING PRESIDENT MEIER: Senator Duane, why do you rise?

SENATOR DUANE: To explain my vote, Mr. President.

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

SENATOR DUANE: Thank you, Mr. President.

In explaining my vote, I just - I'd like to say in my own behalf that I am Senator enough to say that it's never too late to try to right a wrong. And I'll be voting yes on this, Mr. President.

Thank you.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we now, before we take up the balance of the controversial reading of Calendar Number 58A, return to the regular calendar, first calendar of the day, Number

58.

ACTING PRESIDENT MEIER: Regular calendar.

SENATOR KUHL: Calendar Number 1668, by Senator Alesi. Could you have the Secretary read.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1668 on the regular calendar.

THE SECRETARY: Calendar Number 1668, by Senator Alesi, Senate Print 8220B, an act to amend the Public Authorities Law, in relation to the establishment.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Is there a message of necessity at the desk?

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

SENATOR KUHL: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed signify by saying nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DOLLINGER: Thank you, Mr. President.

I just rise -- this bill represents a lot of hard work by a lot of people. But I would be remiss if I didn't congratulate my colleague Jim Alesi for his work on this bill.

He held a coalition of people with the same interests together, but he was part of the glue that made the deal happen. And I commend him for that, my colleagues in the Assembly who put the hard work in on the other

side.

I think this is a good compromise. I think it's something good for the future. I congratulate you and your hard work. I appreciate the courtesies you extended to me as well. This is a good thing for the Rochester community.

And Senator Maziarz and Senator Nozzolio, who also worked on it, I also extend similar commendations. Good luck.

ACTING PRESIDENT MEIER: Senator Dollinger, is that a yes?

SENATOR DOLLINGER: It is, Mr. President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 1671, by Senator Marcellino, Senate Print

5309C, an act to amend the Navigation Law and the Town Law, in relation to authorizing.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Marcellino, Senator Dollinger has requested an explanation of Calendar 1671.

SENATOR MARCELLINO: Thank you, Mr. President. I'll be glad to give him an explanation of this very good bill.

This bill would supply clarification of powers of municipalities to regulate personal watercraft and specialty propcraft. The numbers of these crafts have grown exponentially in recent years, and the number of accidents has also risen dramatically. These crafts also raise environmental concerns in regard to water pollution and wildlife habitat damage and destruction.

This bill would address these concerns about by allowing cities, towns and villages to regulate or even prohibit these crafts in municipal waters up to 1500 feet from their shoreline.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield to a question or two?

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

SENATOR MARCELLINO: Yes, sir.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator, could you just explain to me how this affects counties and towns?

And the reason why I ask, Senator, is I'm looking at page 2 of the bill which talks about the governing body of a city or an incorporated village. And I'm trying to find out where the provision is that affects towns or counties.

SENATOR MARCELLINO: Counties are not part of this bill, Senator. Towns are part of it. A town might draw the same controls and put the same controls up to

1500 feet. But counties have no authority under this particular bill.

SENATOR DOLLINGER: Again, through you, Mr. President, if I could just ask Senator Marcellino to repeat -

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

SENATOR MARCELLINO: Sure.

SENATOR DOLLINGER: Actually, through you, Mr. President, if he could just repeat that answer. Because I wasn't quite sure I heard or understood it.

Does it apply to counties?

SENATOR MARCELLINO: No, it does not. It applies to towns, villages and cities.

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

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

SENATOR MARCELLINO: Yes, sir.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Could you

explain to me why counties and towns were excluded?

And the reason why I ask, Senator, is because in the Finger Lakes, which is an area I'm most familiar with -- or, for that matter, in Lake Ontario -- they're often neither cities nor incorporated villages that border the lake, and yet counties and towns border those lakes. And there are many vacation homes, the same kind of thing that you talked about with respect to the disruptions caused by personal watercraft, but they wouldn't qualify because they're not either an incorporated village or a city.

SENATOR MARCELLINO: Towns would be incorporated.

SENATOR DOLLINGER: Towns would be?

SENATOR MARCELLINO: Towns are incorporated under this legislation. I thought that I said that earlier in my explanation, Senator. Just counties are out.

The concept being that a county is too large a body, and if it imposed an ordinance, you would have conflict with local

villages, cities or towns, which are much smaller entities.

It allows the cities, towns and local villages to regulate watercraft in their own jurisdiction, under their own local jurisdiction.

SENATOR DOLLINGER: Through you, Mr. President, that's enough of an explanation. I appreciate it.

I'm going to vote in favor of this bill. I think Senator Marcellino has already dealt with the issue of the MTBEs, which are one of the offshoots of two-cycle engines that have affected many of the lakes in my neck of the woods that are used as water supplies. By decreasing the use of that additive and its entry into the water system, we're going to get rid of the effect of harmful pollution of our water sources, our drinking water sources.

And it seems to me by adding this, giving communities at the shores of these lakes greater authority to ban these watercraft in certain areas, we'll end up with a situation where we eliminate the other consequence of personal watercraft, or Jet

Skis, which is excessive noise pollution.

And my hope is that many communities in my neck of the woods will take advantage of this legislation and we'll have some significant and improved conditions on our lakes.

Thank you.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: I'll explain my vote. It's just as easy.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 60 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR MARCELLINO: Mr. President, this bill, like neighbor notification, was the result of the activity of many, many groups.

Many, many diverse groups all

across the state have come together to put this bill together, not the least of which are those organizations and groups with the word "Adirondack" somewhere in their title; specifically, the Adirondack Council, the Adirondack Mountain Club, the Adirondack Residents Committee, and the Association for the Protection of the Adirondacks.

These people are to be congratulated for their effort, their work on this particular piece of legislation.

This will allow local municipalities the ability to control the peace and quiet and the environment of their localities and to give their residents the ability to enjoy their waterways without fear of having someone recklessly use a personal watercraft, a Jet Ski, in a way that would disrupt and destroy their peace of mind and the tranquility that they have a right to have.

I would also like to recognize my colleague Senator Stafford, who has helped lead the way on this particular piece of legislation and helped us get through some of

the opposition. His work on the Adirondacks is well known, his care and love for that region of the state is deserved and well known. And I commend him and I thank him for his assistance.

And I thank all the groups and organizations who have worked so hard to get this legislation passed. Good work.

I vote aye.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1673, by Senator Skelos, Senate Print 8212, an act to amend the Criminal Procedure Law, in relation to eliminating.

SENATOR DUANE: Explanation, please.

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

Calendar 1673 by Senator Duane.

SENATOR SKELOS: Thank you, Mr. President.

As you know, during this legislative session we passed a Governor's program bill which would eliminate the statute of limitations on B violent felony offenses. During the debate, certain recommendations were made, or suggestions, by Senator Duane. He read several editorials, including the New York Times -- not that that necessarily persuades me, because I think that the first bill is what the Assembly should pass.

But we've narrowed down the -- some of the offenses within the B violent felony class closer to those that could be impacted by DNA evidence.

ACTING PRESIDENT MEIER: Senator Duane.

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

ACTING PRESIDENT MEIER: Senator Skelos, do you yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you very much.

I know that various media outlets did discuss this bill, and I know that the New York Civil Liberties Union, among others, has continued to raise some flags about this bill.

I'm wondering why it is, though, that DNA -- the availability of DNA evidence is not -- if DNA is available, why is it not mandated that it be used necessarily?

SENATOR SKELOS: This is strictly a statute of limitations bill.

SENATOR DUANE: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: I'm going to reiterate my previous concerns about this bill and to encourage my colleagues to vote in the negative on it.

I believe that since this state is going down the road of using DNA as evidence -- which is very appropriate,

provided that it's a level playing field for prosecution and defense -- that before we eliminate the statute of limitations, that we be able to plug in a mandate for DNA evidence to be used.

The reasons in the past for statute of limitations I believe still remain in effect. Witnesses pass away, they move away, you can't find them, memories become hazy. I'm not going to repeat all the reasons that I went through the last time we discussed this bill.

I think, though, the most important reasons for voting no on it, though, are that we need to take advantage of or wait until we can take advantage of DNA evidence, and we need to keep in mind that the original crafting of the statute of limitations law should remain in effect today. What was correct in the past is still correct today.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Skelos would yield for a question.

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

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, I remember discussing this bill with you a few months ago. Would you refresh my recollection and that of our colleagues, what were the classifications that you have decided to forgo in favor of the violent B felony statutes that you have in this bill?

SENATOR SKELOS: One would be criminal possession of a dangerous weapon in the first degree, one involves the possession of an explosive, criminal use of a firearm in the first degree, and criminal sale of a firearm in the first degree.

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

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: The objection I had to the original bill is that if you have

legislation that is going to toll the statute of limitations to such an extent that there will be no statute forever, it has to relate to crimes that have a meaning that would last for a lifetime -- murder in the first degree, manslaughter in the first degree, kidnapping in the first degree, aggravated assault of a police officer. All of these, I feel, fit within the ambit of law.

What we had in the original bill I thought were some offenses that, though they were serious and though they should have serious punishments, there should not be that situation that would come up twenty, thirty years later where a person is hard-pressed to defend themselves when their recollection is challenged. That's why we have a statute of limitations in the law.

Looking over the bill as it's amended, I would say that these particular classifications that Senator Skelos now contains in the legislation would be acceptable.

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the controversial reading of Supplemental Calendar 58A.

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

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

SENATOR SKELOS: The Senate will stand at ease until a quarter to 8:00. At that time, there will be a conference of the Majority in the Majority Conference Room.

ACTING PRESIDENT MEIER: The Senate will stand at ease until 7:45 p.m.

Senator Paterson.

SENATOR PATERSON: Mr. President, there will be a conference of the Minority at 7:45 p.m. in the Minority Conference Room.

ACTING PRESIDENT MEIER: The Senate will stand at ease until 7:45 p.m., at which time there will be a conference of the Majority in the Majority Conference Room and a conference of the Minority in the Minority Conference Room.

(Whereupon, the Senate stood at ease at 6:16 p.m.)

(Whereupon, the Senate reconvened at 6:25 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to 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 MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno,

from the Committee on Rules, reports the following bills:

Senate Print 3154A, by Senator LaValle, an act to amend the Environmental Conservation Law;

4252A, by Senator Volker, an act to amend the Criminal Procedure Law;

6665A, by Senator Breslin, an act to authorize;

6765B, by Senator Marchi, an act to amend the Retirement and Social Security Law;

7083, by Senator Spano, an act to amend Chapter 666 of the Laws of 1990;

7197B, by Senator Goodman, an act to amend the Local Finance Law;

7892A, by Senator Saland, an act to amend the Social Services Law and others;

8150, by the Senate Committee on Rules, an act to amend the Tax Law;

8196, by the Senate Committee on Rules, an act to amend the Real Property Tax Law;

8197, by Senator Leibell, an act to amend the Retirement and Social Security Law;

8221, by the Senate Committee on

Rules, an act to amend Chapter 566 of the Laws of 1967;

6818, by Senator Padavan, an act to amend the Administrative Code of the City of New York;

7910, by Senator Meier, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

8051, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

8135, by the Senate Committee on Rules, an act to amend the Labor Law;

8225, by Senator Volker, an act to amend the Criminal Procedure Law;

7058, by Senator Nozzolio, an act to amend the Family Court Act;

7886A, by Senator Spano, an act to amend the Labor Law;

7887A, by Senator Spano, an act to amend the Labor Law;

8229, by the Senate Committee on Rules, an act to amend the Retirement and Social Security Law;

8230, by Senator Marcellino, an act to amend the Public Health Law;

And Assembly Print 2820A, by Member of the Assembly Thiele, an act to amend the Criminal Procedure Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The ayes have it. The report is accepted.

Senator Skelos.

SENATOR SKELOS: If we could stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:30 p.m.)

(Whereupon, the Senate reconvened at 8:54 p.m.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Can we return to the reports of standing committees. I believe that there is a nomination at the desk that we might take up at this time. If Senator Onorato will sit down and -

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

SENATOR ONORATO: Move the nomination. All in favor say aye.

(Laughter.)

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

As a member of the Public Health Council, David E. Edwards, of Honeoye Falls.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT MEIER: The question is on the confirmation of David E. Edwards as a member of the New York State Public Health Council. All those in favor signify by saying aye.

(Response of "Aye.")

SENATOR ONORATO: Aye.

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Thank you, Senator Onorato.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we have the noncontroversial reading of Calendar Number 58B.

ACTING PRESIDENT MEIER: With regard to Calendar 58B, the Secretary will read the noncontroversial calendar.

THE SECRETARY: In relation to Calendar Number 177, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 8527A and substitute it for the identical Senate Bill Number 4252A,

Third Reading Calendar 177.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 177, by the Assembly Committee on Rules, Assembly Print Number 8527A, an act to amend the Criminal Procedure Law, in relation to the designation.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 815, by Member of the Assembly Thiele, Assembly Print Number 2820A, an act to amend the Criminal Procedure Law, in relation to designation of the animal shelter.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

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

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

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. With unanimous consent, I'd like to be recorded in the negative on Calendar Number 177.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendar 177.

SENATOR DUANE: Assembly Bill 815.

ACTING PRESIDENT MEIER: Senator Duane, the desk is inquiring if you also wish to be recorded in the negative on Calendar 815.

SENATOR DUANE: Yes, I do. Thank you, Mr. President.

ACTING PRESIDENT MEIER: You will be so recorded. Thank you, Senator.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1499, by the Senate Committee on Rules, Senate Print Number 8150, an act to amend the Tax Law, in relation to the residential fuel oil shortage tank credit.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1570, by the Senate Committee on Rules, Senate Print Number 8135, an act to amend the Labor Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1678, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 5945A and substitute it for the identical Senate Bill Number 3154A, Third Reading Calendar 1678.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1678, by Member of the Assembly Thiele, Assembly Print Number 5945A, an act to amend

the Environmental Conservation Law, in relation to the Barcelona Neck management plan.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1680, by Senator Breslin, Senate Print Number 6665A, an act to authorize the City School District of Albany to issue serial bonds.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1681, Senator Marchi moves to discharge, from the Committee on Rules, Assembly Bill Number 9687B and substitute it for the identical Senate Bill Number 6765B, Third Reading Calendar 1681.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1681, by Member of the Assembly Vitaliano, Assembly Print Number 9687B, an act to amend the Retirement and Social Security Law, in relation to the establishment.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1682, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 10025 and substitute it for the identical Senate Bill Number 7083, Third Reading Calendar 1682.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1682, by Member of the Assembly Vitaliano, Assembly Print Number 10025, an act to amend Chapter 666 of the Laws of 1990.

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect September 1, 2000.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1683, by Senator Goodman, Senate Print 7197B, an act to amend the Local Finance Law, in relation to the issuance of bonds and notes.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1684, by Senator Saland, Senate Print 7892A, an act to amend the Social Services Law, the Domestic Relations Law and Chapter 7 of the Laws of 1999.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

message is accepted.

Read the last section.

THE SECRETARY: Section 21. This act shall take effect July 1, 2000.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1685, by Senator Leibell, Senate Print 8197, an act to amend the Retirement and Social Security Law, in relation to disability benefits.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1686, by the Senate Committee on Rules, Senate Print Number 8221, an act to amend Chapter 566 of the Laws of 1967.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 6. This act shall take effect June 30, 2000.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1687, by the Senate Committee on Rules, Senate Print Number 8196, an act to amend the Real Property Tax Law, in relation to the railroad ceiling program.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Withdraw the roll call, please.

ACTING PRESIDENT MEIER: We'll withdraw the roll call. We'll lay the bill aside.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1688, Senator Padavan moves to

discharge, from the Committee on Rules, Assembly Bill Number 9744 and substitute it for the identical Senate Bill Number 6818, Third Reading Calendar 1688.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1688, by Member of the Assembly Vitaliano, Assembly Print Number 9744, an act to amend the Administrative Code of the City of New York, in relation to allowing.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1689, Senator Nozzolio moves

to discharge, from the Committee on Rules, Assembly Bill Number 278A and substitute it for the identical Senate Bill Number 7058, Third Reading Calendar 1689.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1689, by Member of the Assembly John, Assembly Print Number 278A, an act to amend the Family Court Act, in relation to increasing the number of Family Court judges.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1690, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 11037 and substitute it for the identical Senate Bill Number 7910, Third Reading Calendar 1690.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1690, by the Assembly Committee on Rules, Assembly Print Number 11037, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to allowing.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1691, by Senator Fuschillo, Senate Print Number 8051, an act to amend the Vehicle and Traffic Law, in relation to repeat offenses.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1692, by Senator Volker, Senate Print 8225, an act to amend the Criminal Procedure Law, in relation to proof of the commission.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 11 -

SENATOR DUANE: Lay it aside,

please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1694, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 11207 and substitute it for the identical Senate Bill Number 8230, Third Reading Calendar 1694.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1694, by the Assembly Committee on Rules, Assembly Print Number 11207, an act to amend the Public Health Law, in relation to permitting.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR BRUNO: Mr. President, can we at this time take up the controversial reading of the calendar.

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

THE SECRETARY: Calendar Number 1570, by the Senate Committee on Rules, Senate Print Number 8135, an act to amend the Labor Law, in relation to establishing.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator Spano, an explanation has been requested by Senator Dollinger.

SENATOR SPANO: Thank you, Mr. President.

This is a bill that is a continuation of removing some of the inequities for farm workers in this state, at the same time putting into statute some of the recommendations that we heard through a series

of hearings across the state from farmers and members of the Farm Bureau.

It does basically three things. It creates an agricultural employment commission. It provides a day of rest at workers' option. And it excludes aliens who are admitted to the U.S. for agricultural work from paying the unemployment tax. There's no sense in charging them for the tax, because they can't collect it.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Spano would yield for a question.

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

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: Mr. President, if a worker receives more than $6.75 an hour in pay, would they then be excluded from working overtime?

SENATOR SPANO: This bill, Senator Paterson, does not deal with overtime

issues at all.

SENATOR PATERSON: It doesn't?

SENATOR SPANO: Hold on. You are referring to 8137. This is 8135, which doesn't have those provisions in it.

SENATOR PATERSON: One other question, Mr. President.

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

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: Senator Spano yields.

SENATOR PATERSON: So then, therefore, just to clarify, this particular bill, by not dealing with overtime at all, would not in any way set what the time would be for overtime? In other words, 40 hours, 60 hours, it would not be covered at all in this bill?

SENATOR SPANO: That's correct. It does not address that at all.

SENATOR PATERSON: Okay. Thank you, Mr. President. If Senator Spano would yield for another question.

ACTING PRESIDENT MEIER: Senator

Spano, do you yield?

SENATOR SPANO: Sure.

ACTING PRESIDENT MEIER: Senator Spano yields.

SENATOR PATERSON: Senator, does this bill cover issues related to the number of days off a month that a worker would receive?

SENATOR SPANO: Yes, it does.

SENATOR PATERSON: Mr. President, if Senator Spano would yield for a question.

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: He does.

SENATOR PATERSON: Apparently the workers could receive four days off per month; is that correct?

SENATOR SPANO: Roughly speaking. Four days off after working 24 days straight, within a four-week period. So yes.

SENATOR PATERSON: Then, Mr. President, if Senator Spano would yield for a question.

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

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: Then it would be possible for a worker to work as much as 26 days in a row before receiving any days off if the employer chose to have it that way; is that true?

SENATOR SPANO: It would actually be 24 days in a row.

SENATOR PATERSON: 24 days.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: I want to thank Senator Spano for his answers -- and to apologize to him, because I was looking at two different bills and thought that this covered overtime.

But still, it would appear that the farm workers want one day off a week, which would ensure that there weren't too many consecutive days of work without a day off. And I thought it would be important that I.

Made all of our colleagues aware of that, in this particular time when farm

workers really -- if you ask them what they want, they want what everyone else gets, which would be some compensation and some consideration after a certain number of days that would be worked where it would be considered that the days off would be timely.

Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR MENDEZ: I wondered if the sponsor would yield for a couple of questions.

ACTING PRESIDENT MEIER: Senator Spano, do you yield for a question from Senator Mendez?

SENATOR SPANO: Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR MENDEZ: Senator Spano, please enlighten -

ACTING PRESIDENT MEIER: Excuse me, Senator Mendez.

Can we have some order in the chamber. We're debating bills. We're not going to get through this calendar in a timely fashion if members and staff continue having conversations.

Senator Mendez has the floor.

SENATOR MENDEZ: Senator Spano, would you please explain to me the reason why -

SENATOR SPANO: I'm sorry, Senator Mendez, I can't hear you.

SENATOR ADA SMITH: I can't hear you, and I'm right beside you.

SENATOR MENDEZ: Would you please explain to me why in this bill farm workers who earn more than $6.75 an hour would be excluded from overtime?

SENATOR SPANO: Senator, the same answer I gave to Senator Paterson. That's 8137, not this bill. The provisions that you are referring to are not in this bill.

SENATOR MENDEZ: It's in another bill?

SENATOR SPANO: Yes.

SENATOR MENDEZ: That we will be discussing today?

SENATOR SPANO: That bill is not on the calendar.

SENATOR MENDEZ: Okay. But this is why I'm asking you questions, because I don't know -

SENATOR SPANO: No problem, Senator.

SENATOR MENDEZ: You know how things are, that you get the bills at the last time, and these things occur.

Explain to me the -- I know that the farm workers were requesting one day a week of rest, one day a week. And this bill would provide for four days of rest. And how will those four days will be given? Will they be one day a week, or how would it work?

SENATOR SPANO: No, the way this would work would be that after a 24-day period, their employees would have the option of taking four 24-hour consecutive periods

off, four days of 24 hours consecutive time off.

And the reason we did it this way -- and this is what we heard -- frankly, heard from many of the farm workers as well as the farmers -- is that they asked to us take into account the uniqueness of the agriculture industry. As Senator -- as a farmer up in Senator Maziarz's district told us, that when the peaches are ripe, they have to be picked.

And we can't say everybody's going to be off the next day and then on the following week they all fall on the floor.

So the farm workers that we talked to -- and I don't mean to say that all the farm workers agreed with this. But many of the farm workers that we did talk to said that when there was work for them to do, many of them may not even take that day off, but they would like the option of taking that day off.

And then what we did, in addition to the four days off, we have language in the bill that also says that an employee shall not be denied a -- during that four-week period we have language talking about not denying a

reasonable period of rest consistent with the subdivision for religious observance. So if people would like to observe their own religious observances on a particular day, they'd have the option to do that as well.

SENATOR MENDEZ: So will the -

ACTING PRESIDENT MEIER: Senator Mendez.

SENATOR MENDEZ: Senator Spano, please clarify some more.

So then if a worker, a farm worker wants to get one day off one week, that will not be granted unless that farm worker works the 24 or 26 days, is that it?

SENATOR SPANO: It may happen that the employees may in fact end up with a day off a week.

But the reason it was written in this way is because there are breakdowns in equipment, because of the way that the crop becomes ripe and needs to be picked, all of the -- those are all of the reasons that we are putting this specific language in there.

SENATOR MENDEZ: I see. Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Mendez, on the bill.

SENATOR MENDEZ: I really must say here that Senator Bruno has been very sensitive to the plight of farm workers.

Really, in my opinion, farm workers have been the bastard children of the labor laws. There has been a little light at the end of the tunnel. This, in my view, is not -- we can do much better than this. However, I suppose that when people don't have any political muscle, they will have to accept what is given. So better than nothing, then, I suppose that I will support this bill.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I think that the greatest outrage about this whole debate and the work that's been done in regard to the issue of migrant workers and farm workers in the state of New York is that what the situation should be is

that they don't need our largesse. What farm workers need is the ability to collectively bargain for themselves, for everything ranging from unemployment benefits to a day of rest to whatever other rights and benefits which workers in the state of New York have come to expect.

I believe that agriculture is certainly not that different today than it was in biblical times. And though I'm not a biblical scholar, as I understand it, the Bible talks a great deal about workers having to have to take a day of rest every week. In fact, it's considered a sin not to take a day of rest every week.

Now, there are oftentimes emergencies in a person's life when they have to work, or there may be a situation where a physician, or someone that has some reason to keep a store open -- or there are always extraordinary reasons why a person has to work seven days a week. Like politicians, when they're trying to get reelected.

However, I think that through the ages, including in biblical times, when, as I

understand it, the society was an agricultural society, it was demanded of people that they take a day of rest. And the same is true of the people who came to America, the Pilgrims, the Puritans. They also always took a day of rest, which they used as a time to worship in the church of their choice. Which is also one of the reasons why they came here.

So for us not to provide the opportunity for a worker to be able to take a day off every week, no matter what line of work that they are in, I think is just wrong.

And I also think that for us to continuously put ourselves in the role of handing over the largesse of certain privileges which should be rights for workers is wrong, and the way that we should deal with the issue of farm workers is to give them the right to collectively bargain for their own rights.

After so much debate and editorializing, I think that it's a shame that we still are at the point where we're not automatically giving these workers a day of rest every week. And again, the only other

people I know of who don't get that day of rest are, for instance, politicians running for office -- and it may be sinful to campaign seven days a week -- and the unfortunate staff members of politicians who have to work seven days a week trying to get us to come to agreement on various bills.

But other than that, and I think farm workers don't fall into that same category, they should be provided with a day off for worship or for rest or for whatever they want each and every day.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will Senator Spano yield just for one question?

ACTING PRESIDENT MEIER: Senator Spano, do you yield?

SENATOR SPANO: Sure. Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DOLLINGER: Through you,

Mr. President. Senator Spano, I understand that you and others have held a series of statewide hearings about the problems affecting those who work in our agricultural industry.

And is it fair to say that the one thing that farm workers absolutely wanted was the right to collectively bargain on their own behalf? So that all the issues that you're trying to put on the table today, they could negotiate with their employers?

SENATOR SPANO: I don't think it would be fair to characterize that, Senator.

I think over the last couple of years, when I've had an opportunity to work with representatives of the farm workers -- as a matter of fact, working with Senator Mendez two years ago. It was the bill that we passed mandating sanitary facilities. We ended the two-tier system. Now we're going a long way towards at least putting into the law provisions for a day off.

So there were dozens of recommendations that were made during the course of those three days of hearings that we

had across the state.

SENATOR DOLLINGER: Through you, Mr. President, just one other question.

ACTING PRESIDENT MEIER: Senator Spano, do you yield?

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DOLLINGER: Isn't it a fact, Senator, that all the things that are in this bill the farm workers could negotiate at the table for themselves, by themselves, without the intervention of the State Legislature?

SENATOR SPANO: No, that's not a fact at all. The -- the farm workers cannot create an agricultural employment commission. The farm workers cannot provide -- there are no provisions for collective bargaining now where farm workers could force a day of rest. There's nothing in there that would exclude the farmers from paying the unemployment tax for those workers who are aliens and are going to leave the country.

These are three parts of the bill

that they cannot do.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I won't delay very long, but I had an interesting conversation with Senator Mendez, who says these poor people need something to help them, and this bill does -- gives them a little something better.

Senator Mendez, I couldn't agree with you more. This bill gives them a little something better.

But let's make no mistake about it. The one thing they want is the right that everybody in the industrial environment has. We may someday give it to doctors, we've given it to lawyers, because we believe that people with common interests should be able to go to their employers and negotiate freely the working terms and conditions of their employment, and they shouldn't have to come to the State Legislature and beg us to give them what they could get at the bargaining table.

I would suggest that the solution to this problem is purely and simply give them the right that 35 years ago no employer in this nation wanted to give to anybody. And I'll tell you, it was the greatest thing that the Congress in 1935 did when they gave people the right to collectively bargain. It's been the best thing that's happened to this industrialized nation. It drove salaries up, it created a middle class. And if we did it for farm workers, we'd do exactly the same thing there.

I find it outrageous that we've created this dot.com world in which people can make billions of dollars through ideas and the people who put the food on their table are working for scraps. How we can allow that disparity to occur when we have the solution in our power to give them the right to do it through collective bargaining -- why we would let that disparity continue to exist, and kick off to a commission that issue to some future time when we've got the ability to do it right now, is absolutely beyond me and grossly unfair.

I'm going to vote for this bill, because it is something a little tiny bit better. But let's do what's really needed. Let's give them the right to fight for what they believe in themselves, by approving collective bargaining.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take -

ACTING PRESIDENT MEIER: Senator Hoffmann.

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

ACTING PRESIDENT MEIER: All right. Let's get the roll call done.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, the hour is late, so I'm not going to engage

in a lengthy explanation of this bill, but will say that I am going to vote for it. I participated in some of its development.

And I think the most important thing that people need to leave this chamber understanding is that the farmers of this state are good and honorable people, they pay their employees fairly, they treat them well, they treat them with dignity.

There may be an occasional exception, and those exceptions need to be punished and brought into compliance, or leave the business. That is the position of the industry advocates, the Farm Bureau, and any other farm organization with which I've come if contact. And, more importantly, it's the position of this Legislature.

Where there have been problems, the Department of Labor has occasionally not been as aggressive as they have been in pursuing them. And we have now, by this measure, indicated that we want stricter enforcement of those existing standards.

But at the same time, we are looking for ways that we can address the

tremendous inequity of the cost of doing business for farmers in this state and the cost of doing business in Third World countries.

We value our food supply in this state. Our number one industry is agriculture. We are not going to drive the farmers out of business in this state by imposing requirements on them that bear no relationship to production agriculture as it exists.

Farmers must farm by the weather. Farm families, who are not paid a minimum wage very often when they amortize their annual profit and losses, often work many additional hours. Hopefully they don't do it year round. But when you farm by the weather you must, as the old expression goes, make hay while the sun shines.

This year is one of the worst years in history in New York State because of terrible weather conditions, rain that prevents people from getting their tractors onto fields, fields that can't be plowed, hay that can't be cut. Our farmers are in peril,

and we have a responsibility to respect them and their needs every bit as much as we respect the farm workers -- particularly those who come from foreign countries to work here, because they love our country, they love our agriculture, and they do appreciate the way they are treated by most of the farmers of this state.

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

Senator Mendez.

SENATOR MENDEZ: To explain my vote.

ACTING PRESIDENT MEIER: Senator Mendez, to explain her vote.

SENATOR MENDEZ: I want everybody in this chamber to understand that when we argue for better treatment of the farm workers, we are not attacking the farmers. That's not in our minds. We are just arguing for equitable conditions. Because, after all, they spend their time there in bringing food to our table.

So there is no need -- with respect to this bill, there is no need to think that

the entire agricultural industry of the state of New York is going to go to pot just by distinguishing -- by doing something to improve the lives of those who work so very hard in the fields for all of us. So no farmers are under attack.

And as I said before, Mr. President, I am supporting this bill because it is better than nothing.

Thank you.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I'm voting no on this legislation. Agriculture may be the state's number one industry, or certainly one of its top industries. But the number one resource of our state are its people and its workers, including those who are farm workers. The people who are in the state of New York are those that have been here for hundreds of years and those who have been here for ten minutes. They're all people who live and work

in New York State.

And people are saying that we can -- that this is better than nothing. But we can do better than better than nothing.

I'm voting no, Mr. President.

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

Senator Paterson, to explain his vote.

SENATOR PATERSON: Mr. President, I'm very glad, in explaining my vote, that Senator Mendez got up and made sure that we're not trying to in any way pit any of the workers against the employers.

This was the worst year in New York State's history in terms of weather and those conditions. And in years like that when you have that kind of situation, that's exactly why you should have collective bargaining. Because both sides are familiar with what the elements are, and we presume that both sides are negotiating honorably, you can work that out. You probably would have to pay workers less in a year like this because there aren't the resources to pay them because there was

not the facility to profit in a year such as this as the same.

But the mistake that we make when we go down that slope of competing with Third World countries is that we start to accept a Third World economy right here in New York State, we start to create conditions that you would only see worse in the Third World.

And I thought that New York State was better than that. And I thought that we can address the inequities that are causing so many problems for our farmers without doing it on the backs -- impacting on the backs of the workers.

I agree with Senator Duane, we can do a lot more. And it's very hard to get up and say that, because in the piecemeal fashion that we're passing these pieces of legislation, we address the overtime in one bill and we address the number of days off in a month in another bill, to a point where I can't keep up with when we're doing it and how we're doing it.

What we need to do is bring farmers in compliance with what they should have, and

we should do it right now. And until we do, we've all fallen short. I vote no, Mr. President.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I agree with many of the comments that have just been made by my colleagues. I frankly find the approach we're taking to the situation of farm workers in this state to be offensive, because what we're doing is doling out by bit by bit, scrap by scrap, what these people should have the right to get for themselves through their own collective action.

When we're talking about collective bargaining, we're not talking about giving them anything. We're talking about taking away the barrier that we have imposed to prevent them from getting it for themselves.

It is fundamentally, in my view, anti-American. And the most outrageous thing

about this bill, which I think is a little something and helps a little bit but is not nearly enough, is the creation of a commission to investigate the status of agricultural labor conditions in New York.

I think if you spent five minutes looking at the records of the hearings that were held years ago, the hearings that were continued this year, we know what the status is. We've got a lot of people not earning enough money, working too hard, not getting enough days off. And it's a disgrace.

And I hope we'll do a lot more than this very soon.

ACTING PRESIDENT MEIER: Senator Schneiderman will be recorded in the negative -- I'm sorry, Senator Schneiderman will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1570 are Senators Bonacic, Duane, Kuhl, Larkin, and Paterson. Also Senator Stafford.

Those recorded in the negative on Calendar Number 1570 are Senators Bonacic,

Duane, Kuhl, Lack, Larkin, Maziarz, Nozzolio, Paterson, Stafford. Also Senator Libous.

Ayes, 49. Nays, 10.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1687, by the Senate Committee on Rules, Senate Print Number 8196, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Senator Onorato, why do you rise?

SENATOR ONORATO: Will the sponsor please answer a question?

ACTING PRESIDENT MEIER: Senator Stafford, Senator Onorato has asked if you'll yield for a question.

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: Senator Stafford yields.

SENATOR ONORATO: Senator Stafford, I understand that this is a -- the bill is a good bill. It will reduce taxes for the operators of the railroad.

My question deals with some of the people who have property alongside of railroad

property. And some of them, which is -- it's a very, very unique case, actually have to pay the railroad an easement fee to get to their property, because the railroad runs alongside of it. And many of them are actually charged part of the real estate taxes that are imposed upon the railroad alongside of their property.

I want to make clear that with the reduction of the taxes to the railroad, that this reduction will also be reflected on those people who have property alongside of the railroad and are paying an easement tax to get into their own properties. Is that so?

SENATOR STAFFORD: For the record, if the lease says paying part of the taxes, it certainly would, yes.

SENATOR ONORATO: Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays,

1. Senator Breslin recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1689, substituted earlier today by Member of the Assembly John, Assembly Print Number 278A, an act to amend the Family Court Act.

SENATOR DOLLINGER: Mr. President, I asked that that bill be laid aside. I'll just explain my vote, and I'd ask the last section be read.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DOLLINGER: Mr. President, I want to commend Senator Nozzolio for his determination for the last two and a half years to get this bill through the New York State Senate and to join in a companion

bill with our colleagues from the Assembly to make this Family Court judge a reality.

If I could, Mr. President, just ask -

ACTING PRESIDENT MEIER: Can we have a little quiet in the chamber, please.

Senator Dollinger.

SENATOR DOLLINGER: This is an effort that Senator Nozzolio has led for the last two and a half years. I commend him for his persistence, Senator Alesi, Senator Maziarz, for making this a reality.

We've seen it through a veto, we've seen it through changes and undulations, I think, in the legislative process, but I think we're getting to the right result.

And on behalf of the people who will be coming to Family Court, especially the people that I represent, the many people in the city of Rochester who, in my judgment, have desperately needed a Family Court judge for a long time, I want to thank my colleagues for seeing this issue through to the right conclusion.

ACTING PRESIDENT MEIER: Senator

Dollinger will be recorded in the affirmative.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President, to explain my vote.

Mr. President, I want to thank the members of the Monroe County delegation to the State Legislature for sticking together on this very important issue. Senator Dollinger's comments are certainly well taken, and that I want to thank personally Senators Alesi and Maziarz for helping get this over the goal line.

It's an issue that has been a long time in coming. I thank my colleagues in the Assembly for working collegially together. I thank Senator Dollinger for his support, and for all of us to get this measure taken care of to help in establishing additional justice in our Family Courts in Monroe County.

It's an excellent proposal. The Governor was extremely helpful in his support this year. And I also want to add our thanks to Governor Pataki for helping get this measure through.

Thank you, Mr. President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1692, by Senator Volker, Senate Print 8225, an act to amend the Criminal Procedure Law, in relation to proof.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Volker, an explanation has been requested by Senator Dollinger of Calendar 1692.

SENATOR VOLKER: I can explain this very quickly.

What you see here in this bill is

what was taken out of the sexual assault reform bill that we have passed here for the last several years, the Governor's sexual assault reform bill. These are issues that were objectionable, very honestly, by the Assembly: the so-called Molineaux rule, which is in this bill; the appeal of bail decisions -- that is, bail decisions that are considered too low -- and the right of a prosecutor to appeal lenient sentencing.

Essentially, that's what this is. These are part of what was the rules of evidence in a previous sexual assault.

What this bill would do would isolate those issues. A little while later, rumor has it that you will be seeing the agreed sexual assault reform bill, which will reform a number of the areas of sexual assault but will not include these issues in that sexual assault bill.

You have voted on this, the members of this house have voted on these issues a number of times. A few of you voted against the sexual assault reform bill, just a few.

But just so that you understand

that what this is -- in fact, Senator Paterson, who is standing now, this was in the bill that you were a cosponsor of, the sexual assault bill that we passed earlier this year. I just want to point that out.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Oh, boy. Mr. President, would Senator Volker yield for a question?

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

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Mr. President, I guess in the interests of time not only did Senator Volker summarize the bill, but he also illustrated some of the complaints -- the issue of the admission into evidence of the prior bad acts of defendants, he talked a little bit about the appeal of bail proceedings and also -- the result of bail proceedings and also the -- he also talked about the undue lenient sentence appeals.

So he really covered the areas that I wanted to ask him about.

And I'll just say that sexual assault reform is something that people on both sides of this aisle and all over the state recognize that is very important. And because of that, we get caught up in this same situation that we probably were addressing in the last bill, where we really want to do something but sometimes, when we go too far, we're almost afraid to stop. And perhaps I'm guilty of that earlier this session.

My question to Senator Volker is, how are we going to pass some workable, sensible, achievable legislation if we keep these elements in the legislation, knowing that our colleagues in the other house really are not going to permit that kind of legislation to go through?

When at the same time we have some very important aspects of this bill that have real meaning right now, particularly exemplified by a horrible incident in New York City in which 55 women to date complained about sexual assaults committed after a parade

in New York City in which there are now over 45 suspects. They found that there really are not the measures that really could be taken to mete out the punishments that probably were deserved that day.

And we'd like to get to that, and we'd like to do it right now. And frankly, Senator, some of these issues are real impediments to passing the bill. And I think you understand that, you recognize them.

SENATOR VOLKER: Yes.

SENATOR PATERSON: I just want to know what your opinion is of how we can move forward.

SENATOR VOLKER: Senator, I appreciate your comments. And that's why, in effect, this bill is here.

And the reason this bill is here is because we've broken out those pieces that were so objectionable to the Assembly. And although I think especially the first piece, the so-called Molineaux piece that relates to prior bad acts, I personally believe should be in sexual assault reform.

And these other issues, the one

thing about these two other issues, the bail issue and the undue -- the leniency of undue sentencing, the problem with that is of course it applies beyond sexual assault reform.

And the Assembly argument was, and I guess I understand that, was that they shouldn't be in a sexual assault reform bill. Well, we have taken those out of that bill.

What this is is a freestanding bill with those issues in it. A little later you will see a sexual assault reform bill without these issues in it, as I understand, and that bill, we hope and we understand, will be agreed on three ways and will include the kinds of things that I think you described that are necessary to move this state ahead on the issue of sexual assault reform.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: I respect Senator Volker's point of view. And certainly

the prior bad acts, particularly with some of the studies that have been done on sexual predators and the recidivism, I don't know that I totally can agree with that as a good idea, but I certainly can understand why Senator Volker would advance it.

But what I want to thank him for is what would be, in a sense, a temporary cessation on his part of what he would think would be the right bill in exchange for an achievable bill, which I think we could use a little more of around here from time to time.

Thank you, Mr. President.

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, 57. Nays, 2. Senators Duane and Schneiderman recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno, that completes the controversial reading of the supplemental calendar.

SENATOR BRUNO: Mr. President, there were three bills that were set aside today, they were amended and restored. We'd like to call them up at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 891, by Senator Velella, Senate Print 7837A, an act to amend the Social Services Law and the State Finance Law.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

On a previous roll call on this same bill, Senators Duane and Schneiderman were recorded in the negative.

Read the last section.

THE SECRETARY: Section 16. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Schneiderman recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 962, substituted earlier today by Member of the Assembly Ortiz, Assembly Print Number 4919B, an act to amend the General Obligations Law, in relation to enacting.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1632, by Senator Hannon, Senate Print 8107B, an act to amend the Public Health Law, in relation to authorizing Helen Hayes Hospital.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those

opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 1031G, by Senator Saland, an act to amend the Education Law;

2709C, by Senator LaValle, an act to amend the Education Law;

7158, by Senator Nozzolio, an act to amend Chapter 41 of the Laws of 1971;

2375C, by Senator Stafford, an act to amend the Lien Law;

88, by Senator Alesi, an act to amend the Penal Law;

788C, by Senator Goodman, an act to amend the Penal Law;

1775, by Senator Kuhl, an act to amend the Penal Law;

2086, by Senator Libous, an act to amend the Penal Law;

2753B, by Senator Goodman, an act to amend the Penal Law and others;

5625C, by Senator Balboni, an act to amend the Executive Law;

6246A, by Senator Hevesi, an act authorizing the City of New York;

6432, by Senator Seward, an act to amend the Judiciary Law;

7035, by Senator Johnson, an act to

amend the Executive Law;

7039, by Senator Maziarz, an act to amend the Environmental Conservation Law and the Education Law;

7885, by Senator Leibell, an act to amend the Civil Practice Law and Rules;

8036, by Senator Rath, an act to authorize the City of Batavia;

8231, by Senator Goodman, an act to amend the Penal Law and the Criminal Procedure Law;

8232, by Senator Goodman, an act to amend the Executive Law;

8233, by Senator Bruno, an act authorizing the New York Stock Exchange project;

And 8234, by Senator Padavan, an act to amend the Criminal Procedure Law and others.

All bills ordered direct to third reading.

SENATOR BRUNO: Mr. President, can we move to accept the report of the Rules Committee.

ACTING PRESIDENT MEIER: All in

favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we have the noncontroversial reading of the calendar, Supplemental Calendar 58C.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar with regard to Supplemental Calendar 58C.

THE SECRETARY: Calendar Number 460, by Senator LaValle, Senate Print 2709C, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: No reason, Mr. President. Mistake.

ACTING PRESIDENT MEIER: All right.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 680, by Senator Nozzolio, Senate Print 7158, an act to amend Chapter 41 of the Laws of 1971.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator

Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

This measure is the last measure that our delegation from Monroe is confronted with this year. And as I stated in my previous remarks, we worked very closely together to achieve this objective.

This tax measure combines with a measure that Senator Alesi sponsored and passed earlier today to create a sports authority and a revenue stream which will help greatly enhance the economic development efforts in Monroe County.

I want to thank Senator Alesi for his shepherding a much more controversial bill through earlier to create that authority. He deftly took care of the -- some very delicate negotiations throughout the process.

It was a measure that will have a tremendous long-term benefit on the Monroe County region, and it was a bipartisan effort in both houses. And again, our delegation pulled together and should be congratulated.

Thank you, Mr. President.

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

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just briefly to explain my vote.

I want to echo Senator Nozzolio's comments. Those of you who've watched through me through the years, I vote against all those local sales-tax bills. I'm not going to vote against this measure, because I know exactly what it's going for. I agree with the project that it's going to go for and the divvying up of the hotel-motel tax for additional development of the tourism opportunities in western New York and certainly in our home county of Monroe.

This is the right thing to do. So I may continue to vote against all those other sales taxes, but I can look at this one and say this is the right thing to do. And it's part of the package, as Senator Nozzolio said, of both facilities improvements and improved tourism in the Rochester community that will produce benefits in the long run.

I commend my colleagues for seeing

this final step through to conclusion.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1679, by Senator Alesi, Senate Print 88, an act to amend the Penal Law, in relation to the minimum sentence.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1695, by Senator Goodman, Senate Print 788C, an act to amend the Penal Law, in relation to criminal use.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1696, by Senator Kuhl, Senate Print 1775, an act to amend the Penal Law, in relation to criminal possession.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1697, by Senator Libous, Senate Print 2086, an act to amend the Penal Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1698, by Senator Goodman, Senate Print 2753B, an act to amend the Penal Law and others, in relation to forfeiting.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1699, by Senator Balboni, Senate Print 5625C, an act to amend the Executive Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7 -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number

1700, by Senator Hevesi, Senate Print 6246A, an act authorizing the City of New York to reconvey its interest in certain real property.

ACTING PRESIDENT MEIER: Read the last section.

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

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

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1701, by Senator Seward, Senate Print 6432, an act to amend the Judiciary Law, in relation to increasing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1703, by Senator Johnson, Senate Print 7035 -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1704, by Senator Maziarz, Senate Print 7039, an act to amend the Environmental Conservation Law -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1706, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 10432 and substitute it for the identical Senate Bill Number 7885, Third Reading Calendar 1706.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1706, by Member of the Assembly Weinstein, Assembly Print Number 10432, an act to amend the Civil Practice Law and Rules, in relation to the fees of stenographers.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1707, by Senator Rath, Senate Print 8036, an act to authorize the City of Batavia to discontinue.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1709, by Senator Goodman, Senate Print 8231 -

SENATOR BRUNO: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1710, by Senator Goodman, Senate Print 8232, an act to amend the Executive Law, in relation to facilitating.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is message at the desk.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1711, by Senator Bruno, Senate Print 8233, an act authorizing the New York Stock Exchange project.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is a message.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MEIER: All

those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1712, by Senator Padavan, Senate Print 8234, an act to amend -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Senator, could we get the bill on the floor, and then we'll lay it aside.

THE SECRETARY: -- an act to

amend the Criminal Procedure Law and others, in relation to assault weapons.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

The bill is laid aside.

Senator Bruno, that concludes the noncontroversial reading of Supplemental Calendar 58C.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we have the controversial reading of the

calendar, starting with Calendar Number 1712.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar, beginning with Calendar 1712.

THE SECRETARY: Calendar Number 1712, by Senator Padavan, Senate Print 8234, an act to amend the Criminal Procedure Law and others, in relation to assault weapons.

SENATOR PADAVAN: Thank you, Mr. President.

This is a very comprehensive bill that has a number of key elements in it - provisions, requirements dealing with weapons, their use and those that are precluded from use. I'll go through the major parts of the bill as quickly as I can.

ACTING PRESIDENT MEIER: Can we have some order in the chamber.

SENATOR PADAVAN: The first section of the bill deals with gun locks. It requires that weapons, pistols and revolvers, that are sold through retailers and other means shall be delivered with gun locks, devices that are prescribed by the State Police as those that meet the requirements to

ensure that children and others who get their hands on these weapons and use them, as we have seen a number of instances happen in this state tragically, will not occur, at least to the extent possible.

So that whole section beginning on page 2 of the bill, going on to page 3, deals with all of the requirements of safety devices or gun locks.

Further on on page 3 we deal with the issue of a ballistics directory, which involves the shell casing. Any expended round of ammunition, the casing thereof has unique characteristics, similar to what a DNA would be in a human being. The bill requires that those characteristics be cataloged, maintained by the State Division of Police, with certain time frames in terms of when that will happen and when the standards of the state division will be developed.

And with that information in hand, should that weapon be used in the commission of a crime, there is a good chance that it can be traced back to the seller and the owner.

The third provision of the bill

deals with gun shows. What it says specifically is that a national instant criminal background check shall be conducted on all individuals who acquire a weapon at a show, either sold, transferred, bartered, or in any other way. And it goes into some detail as to how that should be done and what the penalties are for not doing it.

The fourth section of the bill deals with the issue of assault weapons. Fundamentally, we track the federal requirements in a variety of ways, by definition of what a semiautomatic is and by definition of what an assault weapon is.

And despite what some may have heard, a straight semiautomatic weapon is not banned either at the federal level, nor is it in this bill.

However, a semiautomatic weapon that has at least two of the characteristics that are outlined in this measure -- and they are listed here, and you can read them on page 7, such as a folding or telescoping stock, a fixed magazine capacity in excess of -- so on and so on, right down the line, including

those that can launch grenades or have silencer attachments or flash suppressors - all of those requirements which are articulated in the federal law are transposed into the state law.

By so doing, we enable our prosecutors and law enforcement agencies to enforce the law rather than having to transfer it to a federal jurisdiction.

And of course there are a number of penalties that are outlined for violating these laws. In addition to the descriptions, also listed -- and again, I repeat, as in the federal law -- are specific weapons. And you'll note they are military weapons manufactured and used in various countries, including our own, for military purposes and generally categorized as assault weapons.

There are certain exclusions, such as bolt-action rifles, antique weapons, those that have been rendered inoperable, and so on.

The next section of the bill deals with the age. We raise the age to 21 from 18. The only exceptions to that would be an honorably discharged member of the military

and a person 18 years of age or older who is participating in a sanctioned target competition. Other than that, the requirements for possession of a pistol or revolver would be 21 years of age.

Those are the major parts of the bill. But one of the other areas that begins on page 13 deals with the broad issue of gun trafficking. As we have learned quite, I think, dramatically, that most of the weapons that are used in crimes in this state and certainly in New York City are brought in from other states, and there is a major enterprise. And that problem has to be addressed, and it is addressed in this bill in a variety of ways.

There is a proposal that we have a gun trafficking interdiction program operated under the auspices of the Division of Criminal Justice. Funds will be distributed in accordance with those amounts appropriated, put in a special fund under the auspices of the Comptroller. District attorneys will receive grants to deal with this issue.

The Superintendent of the Division

of State Police shall establish and maintain within the division a criminal gun clearinghouse as a central repository of information -- again, to further identify where these guns are coming from, what they are and in sum, perhaps, until such time as the federal government does something more meaningful, put a damper on those weapons that are being imported into New York State and used in the commission of a crime.

One final item is the reporting of a stolen weapon, which is now mandated within 24 hours. And if that person does not do so, they'll be subject to a $100 fine.

Those are the essential ingredients within this what I would term comprehensive approach to dealing with gun violence in New York State.

ACTING PRESIDENT MEIER: Senator Gentile.

SENATOR GENTILE: On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Gentile, on the bill.

SENATOR GENTILE: Mr. President,

I am very pleased to see included in this bill here tonight the gun trafficking and interdiction program. It's a program -- it was an idea that I introduced in this house earlier this year by way of legislation. Indeed, many of the arguments that I made in this house on a motion to discharge on the merits of this program were made by my good colleague Senator Padavan just moments ago.

This program of gun trafficking interdiction is essential, is an essential way to track the illegal point of movement of a gun. Such a program of gun trafficking interdiction was used in the Columbine massacre in Colorado. And because of the gun trafficking interdiction program there, they quickly found the point at which those guns entered the illegal market.

As Senator Padavan has said, there are many guns in New York State that come from out of state. Having a program of this type will allow us to track the movement of these guns to find that choke point of where the legal gun enters the illegal market.

So this program is a good program,

it is a great program. It is proven in other states. We need it here. Senator Padavan is to be congratulated for putting it in. I am glad that those ideas that I introduced earlier this year have percolated down into this bill tonight. So I'm pleased to be able to -- or percolated up, I should say, maybe. Okay.

But I'm pleased to support it. And certainly I think this is a good day that both sides of the house now can agree that this is a good program.

So, Mr. President, I will be voting in favor.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, on the bill.

It's wonderful that we're finally getting a first step in this house towards doing something about what I regard and many of us regard as a crisis of guns in America and guns in New York.

The program that Senator Gentile has been pushing -- and I know Speaker Silver,

in the other house -- is a fine program. I think the Governor's ballistics fingerprinting proposal -- I have to give him credit for that -- is good.

I am disappointed that this bill doesn't do more. And I'm also disappointed that it's taken us so long to do something that I think the overwhelming majority of the people of the state of New York want, and that is to do something about the availability of guns and the lack of safety they feel on the streets and in their homes and for their children when they go to school because of the proliferation of guns in New York.

What's not in this bill is an assault weapons ban that goes beyond the federal standard. This doesn't ban, as Senator Padavan acknowledged, any weapons aren't already banned by the federal government. There are a lot of nasty weapons that are called post-ban weapons that the gun industry has developed since the federal ban that are out there on the streets that we should be banning.

This bill does not provide for a

statewide licensing program requiring safety courses and having renewable licenses. That is, in my mind, the simplest and most straightforward thing we can do in this state to get control of the situation.

And finally, there's no child access prevention law. We're having trigger locks with no requirement that people use them. There are hundreds of children who have died from gun accidents in New York that are preventable if we require adults to lock up their guns. For ten years, a safe storage law has passed the Assembly.

I'm very disappointed that when we finally get all of the political momentum to do this in this house, we are not passing a child access prevention law. I urge you that -- I've stood at news conferences urging us to do something about guns this year with a dozen parents who lost children because guns were not safely stored. I don't want to have to go back to those parents and explain why any other children are going to die.

I'm afraid we've taken a good step but left a lot on the table, and the work is

left to be done.

I'm voting for the bill. It's a great step forward, just because I think the Senate now has finally come into step with the people of the state of New York and the overwhelming majority of the people in this country. But there is a lot of work still to do on this issue.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger.

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

I think it was six years and five months ago that I stood on the floor of the Senate, after Governor Cuomo had called us into special session in the wake of the Long Island Railroad shooting, to pass a ban on assault weapons. And I think every year since then I've brought a ban, that ban, to the floor of the Senate.

And I've had some interesting debates. I remember I was told on the floor of the Senate that I didn't know how to define assault weapons and because I couldn't define

them and I couldn't come up with a definition, we shouldn't pass a bill.

What I said at the time was we can define assault weapons any way we want. Instead of the industry telling us what an assault weapon is, we could tell the industry what an assault weapon was, and we could ban them. We could restrict them. We could restrict large-volume clips.

We could do all that because we had the power of government on our side. We had the power of the majority of the people who had elected people in this chamber to do the right thing, and we could do that regardless of what the industry told us they wanted us to do.

I suggested we should do it more than six years ago. I'm pleased we're beginning that process now.

But if anyone thinks that we've ended our work to try to rid our society of these weapons of violence, they're wrong. This is not the end point in the continuing battle to make New York something other than the home of most violent crimes. This is a

part of a continuing fight for which this is the first step in the right direction.

I agree with Senator Schneiderman and others, this is a step that needs to be broadened. We are doing nothing more here than taking the federal definition and the federal weapons, for which it is already a crime in this state and the other fifty states to have these weapons. We are not expanding the list. We are not dealing with the problems of after-ban weapons, weapons that have been designed to get around the federal ban.

It seems to me we need to continue to define our terms. We need to continue to define the marketplace. And we need to tell the manufacturers that you can't produce any of these assault-style weapons and sell them here in New York State.

I think that's the message we could convey loud and clear. We have conveyed it, but quietly and somewhat ambiguously, I'm afraid.

And the other point that needs to be mentioned is that the critical ingredient

in protecting children from guns, the consistent use of child safety locks, is not a part of this bill. It's not required. We don't punish those who fail to do it.

What I'm afraid will happen is that there will continue to be children exposed to weapons left haphazardly by adults, who will walk in and think it's a toy, who will walk in and mistake the fact that this is a dangerous weapon that could kill the person that they point it toward.

We will win the battle against violence in our homes, we will win the battle against violence in our streets when we more effectively than what this bill does, when we more effectively deal with the problem of assault weapons. I think this is a first step. I commend those who have taken the first step.

But let's not forget, if what we're trying to do is reduce the overall violence in our society, the best way to do it is get rid of military-style weapons from our residential neighborhoods. This gets rid of some; it doesn't get rid of all. And it doesn't

protect the most vulnerable, our children.

Let's resolve that in the next legislative session we will do those two important things.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 28. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1712 are Senators Alesi, Bonacic, DeFrancisco, Farley, Hoffmann, Kuhl, Larkin, Libous, Maltese, Maziarz, Meier, Nozzolio, Saland, Seward, Stachowski, Volker, and Wright. Also Senator Stafford. Also Senator Rath.

Ayes, 40. Nays, 19.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1698, by Senator Goodman, Senate Print 2753B,

an act to amend the Penal Law and others, in relation to forfeiture.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1699, by Senator Balboni, Senate Print 5625C, an act to amend the Executive Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT MEIER: Senator Balboni, an explanation has been requested of Calendar 1699 by Senator Hevesi.

SENATOR BALBONI: Thank you, Mr. President.

This bill before us this evening

represents a year of work on behalf of the Senate Majority Task Force on Youth Violence and Entertainment. The task force was created as a result of concerns raised from the series of school shootings that took place in this nation.

Senator Bruno appointed myself as chairman of the task force, along with members Libous, Rath, and Alesi. The task force conducted five hearings across the state and heard from over fifty witnesses -- parents, educators, members of school boards, members of the criminal justice system, and members of the video game industry.

There is a report that's been issued, and it is for everybody's review should they decide that they want to take it up. This bill represents the recommendations of that report.

The bill essentially does four things. It would create an advisory council that would review the current existing ratings system for video games and would make recommendations. The advisory council would consist of nine members, six ex officio

members. Of the nine members, three would come from the Governor, two would come from the Majority Leader and the Speaker, one would come from the Minority leaders of both houses. The ex officio members would come from the various agencies that were appropriate in this issue.

The second part of the bill would be to do something that no state and nation has done before. It would be to establish a film and video game ratings system.

This ratings system would affect two areas. The first would be in arcades, where children under the age of 16 would not be able to play games that had the replica of a pistol that would be used to blow apart figures on a video screen, the most violent of the games. And, secondly, children under the age of 16 could not rent or buy CD-ROMs or video games at stores, retail stores, under a penalty under the General Business Law.

The last aspect would be to create a school-based violence intervention program where teachers would be given the skills to spot children who are at risk for violence.

That in sum, Mr. President, is what the bill does.

ACTING PRESIDENT MEIER: Senator Hevesi.

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

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

SENATOR BALBONI: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you.

Senator Balboni, could you just point out -- I appreciate the explanation. One of the things you said I didn't see in the bill. Can you just point out the section where there is a prohibition for individuals under the age of 16 from renting video games which use a replica of a gun?

SENATOR BALBONI: It is in page 3, line 12.

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

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

SENATOR BALBONI: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Page 3, line 12, Section 615, every owner, proprietor, or manager of a commercial establishment that offers or displays one or more video games or interactive media devices for use by the public shall prohibit a person under 16 years of age from playing any video game. I don't know how that would refer to somebody who's renting a video game for home use.

SENATOR BALBONI: If you look up at Section 9, at line -- I'm sorry, at -

ACTING PRESIDENT MEIER: Excuse me a moment.

Members, please indulge us. We're getting through the calendar. We need some order here.

SENATOR BALBONI: Section 614, Senator, line 9, sale or rental of video games. No person, partnership or corporation shall sell or rent or attempt to sell or rent at retail a video game in contravention of the rating system affixed thereto.

SENATOR HEVESI: I see.

Mr. President, would the sponsor continue to yield?

SENATOR BALBONI: I yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Senator Balboni, from the definition of what the prohibition would be, any video game that doesn't use any kind of weaponry -- that is, a gun -- would be acceptable. Can you just differentiate the - what your assessment must be of the impact of use of a gun in a video game as opposed to hand-to-hand combat or with a knife or what have you?

SENATOR BALBONI: Sure.

My colleagues, a part of the difficulty here is that I'm sure that many of you don't play video games. If you'd been to an arcade, if you actually went into an arcade and you saw the games that are played there, you'd be stunned.

And one of the leading psychologists on this topic is Lieutenant Colonel David Grossman. He is from West

Point, and he trains soldiers how to get over the psychological impediment of killing. He's written a book -- he's written several books. One of his books is called On Killing. And basically what he says is that we as human beings need to be taught how to kill. It is not our innate response. We have a fight or flight, but only when we are challenged with our survival. It is not something we take to easily. So we have to learn how to kill.

Lieutenant Grossman believes that the games at the arcades with the pistol replica, where you point at the screen and you blow figures away time and time again and the figures keep coming up, is the model of learning in psychology. How do we learn as human beings? We watch something, we model it, we repeat it. We are rewarded for the proper exercise. And that's how we learn.

Lieutenant Colonel David Grossman has called these particular games in arcades killing machines, because that's what they're doing. They're teaching kids how to kill.

And it's not just theory. There's at least one case, Michael Carneal, Paducah,

Kentucky, where he walked -- this student walked into a classroom with a gun and shot five people, never having worked with a gun before. What was his favorite pastime? These games.

That's why we singled out in this bill those types of games, because it is my belief and I believe the beliefs of the members of the task force and the people, the over fifty witnesses that we heard from, that these represented the most dangerous games for children.

SENATOR HEVESI: Thank you.

Mr. President, if the sponsor would yield to one last question.

ACTING PRESIDENT MEIER: Senator Balboni, do you yield?

SENATOR BALBONI: I yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you, Senator. Just so that I'm clear, we're not simply referring to video games in an arcade or some other establishment where the actual video game has a device that is a replica, we

are talking about any kind of on-screen simulation where a character on the screen would have a gun and that gun would be fired by the manipulation of somebody with a joy stick; isn't that correct?

SENATOR BALBONI: In order to avoid the constitutional limitations that have been expressed in certain circuit court decisions around the nation -- though not in the Second Circuit -- in an attempt to avoid content-based restrictions, we have attempted to focus only on the -- an implement that would segregate these games from other games. Because, as you know, there's a constitutional requirement that the law be specific and not be vague or overbroad.

So it is our attempt in this particular bill to try to design a system whereby we can point to the specific games; therefore, no one has to guess as to which games we're talking about.

SENATOR HEVESI: Mr. President, I'm sorry, I need a clarification, if the sponsor would yield.

ACTING PRESIDENT MEIER: Senator

Balboni, do you yield?

SENATOR BALBONI: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Since Section 614 refers to rental of video games, you must have assumed that a video game which you rent obviously cannot come with an actual pistol or replica of a toy. So any on-screen character that uses any kind of gun cannot be, if this legislation is enacted -

SENATOR BALBONI: I don't know -

SENATOR HEVESI: -- used by somebody under 16.

SENATOR BALBONI: Senator, I'm sorry to interrupt.

I don't know of any games that are sold, CD-ROM games that are sold with pistols. But there are games that are rated MA, mature audiences only. And therefore, those would be prohibited under the sale or rental section of the bill.

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

SENATOR BALBONI: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you. Senator, this is an important point. I'm not belaboring this without reason.

If you rent the video game, the character on the screen on the video game that you are playing at home has a weapon and fires bullets, is that video game, under your legislation, restricted to individuals over 16 years old?

SENATOR BALBONI: It depends if it is rated MA. If it is rated MA, then it is. If it's not, it's not.

SENATOR HEVESI: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Hevesi, on the bill.

SENATOR HEVESI: Thank you, Mr. President.

I want to commend Senator Balboni for his lengthy study into this issue. I think it's an important issue. I'm very concerned about it. I think everybody in this chamber is concerned about school-based

violence, violence among youth, and the proliferation of video games that are increasingly more violent, which I can attest to myself, having played video games as a kid and seeing the development and the progression of the video games.

I'm a little bit concerned about the blanket prohibition for individuals under 16 years old not based on a broad classification of violent video games, but rather on the simple manipulation of a character or a model with a gun.

In other words, a video game that has two individuals fighting each other with knives, killing each other, with blood coming out of each other when wounds were inflicted, would not be prohibited, yet the legislation would prohibit it if somebody was to fire a gun.

I'm not sure, in addition, whether the legislation is truly efficacious. I'm not convinced, and I think maybe some further study is necessary, that the isolated cases, the limited number of cases of school violence in reality, real school violence, where there

was a link that the individuals who perpetrated the violence also happened to play video games, is conclusive evidence that the video games led to the violence.

And I am familiar with Senator Balboni's report. I have read the report. The evidence that I guess I would suggest to back up that point is the suggestion that millions of kids play video games and only a tiny fraction of those individuals are those who wind up perpetrating violence.

Having said that, I'm going to support this legislation, because I'm not sure. And if I'm wrong and I voted no and some video game which a child may not have used he did use because we didn't pass this bill leads to violence, I don't want to have that on my hands. So I'm not sure.

I am concerned about limiting access to violent video games where we're not being perfectly consistent across a more broad spectrum.

Having said that, I really appreciate Senator Balboni's approach, in that the advisory council is going to study these

issues, do what I just suggested and make those recommendations. And so hopefully upon further study, if we're going to further legislate in this area, we will have the benefit of additional study in this measure. I'm not so terribly troubled by the provision that I just addressed that it would preclude me from voting yes.

So I'm going to support this legislation and again commend Senator Balboni and all the members of the Majority who participated in the forums throughout the state. I think this was a worthy endeavor, and I hope it works.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Yes. Will the distinguished Senator from Long Island yield to a question?

ACTING PRESIDENT MEIER: Senator Balboni, I think he wants you to yield.

SENATOR BALBONI: Yes, I will, Senator Lachman.

Eight people almost stood up, so -

(Laughter.)

SENATOR LACHMAN: Senator, this question relates to Section 917 of the legislation, which involves a parent-teacher antiviolence awareness program, in accordance with regulations promulgated by the Commissioner, which I assume is the Commissioner of Education.

Can you explain how this will operate in real life after this anti-violence awareness program is promulgated by a diverse commission and approved by the State Commissioner of Education?

SENATOR BALBONI: There's undoubtedly going to be some lead time before this actually comes to fruition. This is going to be, hopefully, part of a greater package. If one day, and I hope sometime soon, we see a school violence package of bills, this is probably going to be a part of that.

And what we're empowering the Department of Education to do is to take a look at the recommendations that are provided by the advisory council, craft a program whereby we can get into the schools and

provide teachers with information on how to spot children who are troubled, children who have a propensity for violence, or children who are perhaps depressed, maybe more so.

I believe that the schoolteachers in this state, in particular, are very aware of the situations that exist as a result of the heightened publicity about the school shootings. And therefore, I think everybody's awareness that there is perhaps undetected mental illness to a much greater degree in our school population than was once thought is certainly there.

What I'm concerned about is not necessarily this year or the next year, but as time goes on, and hopefully as the memories of the horrors of the school shootings fade, that our school systems don't fade in their ability to constantly look over the population and try to see if there aren't children who need some assistance.

And perhaps this is one way, one aspect to address those problems.

SENATOR LACHMAN: On the bill.

ACTING PRESIDENT MEIER: Senator

Lachman, on the bill.

SENATOR LACHMAN: Yes. I will support this bill, even though I still feel that there is an imprecise wording as to the definition of what is going to be attempted in Section 917 and how that will be eventually promulgated. Perhaps we can clean up the wording afterwards. It is basically a good bill, with this one exception.

Thank you.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. If the sponsor would yield to one very brief question about this.

ACTING PRESIDENT MEIER: Senator Balboni, do you yield?

SENATOR BALBONI: I will yield, but I can't guarantee that the answer will be very brief.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: I rose with that understanding.

During the last five years, as

video games sales have boomed to record levels, what has been the corresponding rise or fall, if you know, in the level of youth violence in the United States?

SENATOR BALBONI: It depends upon when you make the determination.

This is very interesting. You know what Mark Twain said: There are lies, damn lies, and there are statistics. Well, the problem here is that if you took the violence, youth violence statistics from 1995 to the present, you'd see a decline. But if you took it from 1989 till 1997, you saw an increase.

More telling is worldwide, in places like Australia, England, that have access to these types of games, youth violence has actually increased.

And one anecdote which is in the report, and I would recommend that you take a look at it, we had the -- I believe it's the deputy superintendent of the State Police testify up here in Albany. And he testified to something that perhaps is behind these statistics. That's, in his view, that the viciousness of the crimes that are being

committed by the youth today has dramatically increased.

Now, maybe it's the media sensationalism. He doesn't think so. He in his 30 or 40 years of his law enforcement career has seen an increase in this type of violence, the viciousness of the violence, and he ascribed that increase at least to the glorification and the desensitization of children as a result of playing these games.

SENATOR SCHNEIDERMAN: Thank you for that extremely brief and concise response.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I think, listen, this is a statewide problem and a statewide bill. And I understand the good intention behind it.

I am afraid that I do not see any correlation that's been established as offensive, as I might find some of these video games, between more kids playing the video games and a higher level of youth violence.

I know that there is a

correlation -- and if you compare places that have video games in other parts of the world to the United States -- between the level of fatalities and serious injuries as a result of youth violence, it's much higher here because we have a lot more guns.

I can't really -- you know, I can no longer say that this is a smokescreen for not doing anything about guns. But I certainly do think that the most important thing we can do to prevent kids from killing each other, hurting each other, is to pass a child access prevention law.

And I must say, I don't -- not seeing the correlation, it's very difficult for me to go down the path of censorship. Because, you know, I know when I was a kid, there was perceived to be this extraordinary increase in youth violence attributable to rock and roll records. And, you know, maybe that has resulted in some of my personality traits that you see today.

But I don't really see this is going to make the difference that is proclaimed. I think the intention is good.

But it's just an approach that I really can't support. So I will vote no, if I may.

SENATOR BALBONI: Would you yield to a question, please?

SENATOR SCHNEIDERMAN: I will yield to a question from the sponsor.

SENATOR BALBONI: Where in the bill do you see censorship? What games are banned?

SENATOR SCHNEIDERMAN: No, I think I said going down the path towards censorship.

The rating system and the restrictions on access to video games. That's censorship, I suppose, if you can't get a video game when you're under a certain age; right?

SENATOR BALBONI: Because you are aware that we made every attempt not to ban the games.

SENATOR SCHNEIDERMAN: No, I understand you made every attempt. And you almost succeeded, except for what Senator Hevesi pointed out.

SENATOR BALBONI: Well, we're

really, as you know, we're trying to make sure that it's the parent that's involved. And that's really what we're taking about here. That's all we're doing here. We're making sure that the parent is involved.

You can see that in the language of the bill. Can't you?

SENATOR SCHNEIDERMAN: I appreciate the fact that you have attempted to do that.

I don't -- listen, I think that violence is present on television, it's present in the movies. It's present in an unbelievable degree. I mean, I think that there's nothing on earth that's been newly created that's more violent than Roadrunner cartoons, you know, that we grew up on.

I just don't think -- and again, this doesn't do anything to prevent you from downloading stuff from the Internet. So I think that while it's well-intentioned, I don't see how it's going to make a difference. And again, it does create another big government bureaucracy, which I realize you big-government-statewide types like.

But I just don't see this getting the job done, and I'm going to vote no.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, oh, this summer I am going to miss Senator Balboni's enthusiasm and his references to Mark Twain and Shakespeare in his remarks. And if he would just yield for a question so I could have something to remember him by in the summer.

(Laughter.)

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

SENATOR BALBONI: Mr. President, I believe I yield.

ACTING PRESIDENT MEIER: Okay. Senator Balboni yields.

SENATOR PATERSON: Senator, I have a concern about government deferring to private organizations for purposes of establishing guidelines for law-making. In your bill I see that we have, in Section 1,

the Entertainment Software Review Board, ESRB. I've never heard of this organization, ESRB. I don't know who the board is. I don't know to what extent this board might be tainted by the fact that they are actually in many respects comprised of the same people who are selling the video games.

So while I do understand what you're trying to do, to me in some way you might even be negating the process. Because right after we pass the legislation, the ESRB or ESPN or whoever is deciding that, they are going to pronounce which criteria establishes the certain levels of grading of these particular movies are really applicable.

And I just wanted to ask you as a suggestion, would you consider in a sense taking the same advisory board that you've proposed and having them review a number of these video games and put our own ratings on them so that they would be coming from the government rather than from a private industry?

SENATOR BALBONI: Senator Paterson, the reason why we did not adopt that

approach is it came from the federal government in 1993. In 1993 there was this huge uproar in Congress. Congress was about to act to create a federal ratings system for video games, but they stopped. Senator Joseph Lieberman stopped at the last minute because of the concerns of freedom of speech and the need for a voluntary private organization to look at the content of these particular games, thus avoiding government interference with the expressive content included in these games.

That's why we adopted this approach. Because the ratings system, even though there are two ratings systems right now that are inconsistent, and we hope to make one, what we're trying to do here is use an infrastructure that's already been created - that is, a voluntary and perhaps albeit a ratings system that is heavy-handed for the manufacturers, because those are the ones who rate their own games. We'd like to bring in other sections so we can make it fairer, but nonetheless use that same system.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if the Senator could continue to yield, I -

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

SENATOR BALBONI: Yes, I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: I appreciated the Senator's answer. There were no references to the humanities, but I still liked his answer.

And my question, then, would be these types of boards, while we might as a government not want to necessarily impinge upon the integrity of the board, wouldn't we at least want to insist that if there's going to be one ratings system that there be some representation, perhaps even from the advocacy groups that would probably feel, as you do, the necessity to have some guidelines for parents to follow when prescribing which one of these videos is acceptable and which ones are not?

SENATOR BALBONI: Yes, I agree completely. And I believe that part of that

language is in the bill itself, and that we've worked towards that to provide parents with the information as to which are the most violent games and which are the games that children should not be renting or playing. I believe it's in there. Like Prego sauce.

SENATOR LACK: Mr. President.

ACTING PRESIDENT MEIER: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I think this is a very good bill. But it is only a start. I think the point made a few minutes ago by Senator Hevesi actually happens to be a correct one. But unfortunately, there's only so far you can go in probably constructing this piece of legislation.

Over twenty years ago, my wife wrote her doctoral thesis on the relationship between video violence and small children, in a correlation on what violence that children see then on television -- before there were these type of video games now -- and the effect it has on their behavior, in which she

modeled it after numerous studies of 2-and-3-year-old children watching "Tom and Jerry" cartoons, picking up sledgehammers or axes out of their parents' garage and going down the street and wanting to strike a friend.

Not to cause any damage, because everyone knows, once you watch a "Tom and Jerry" cartoon, that if Tom hits Jerry or Jerry hits Tom or whatever it might be, both characters in the next frame immediately come back to regular life and have hurt absolutely no one, and life goes on. And this is all just part of what you see on television.

But that's not really something, unfortunately, that New York can act on within the scope of its laws. So what this is, really, is a start.

And now my wife serves as assistant superintendent in a suburban school system in which she handles, as a school administrator, all the psychological services and relationships and disciplines and hearings between administrators, teachers, and students, and will be the person, at least in

this particular district, will be the role model that serves as a school administrator to enforce this 917 section that Senator Lachman referred to.

And again, this is a start. A start that can only take place and, if it works here and if it works with respect to video games in which you can easily identify -- because there is a gun or something that relates to ammunition, and that can be typed and put into effect and we can show that correlations between children and those games can be handled through the requirements of this section -- then, quite frankly, Mr. President, I'd hope that what Senator Hevesi suggested could go on and that we could then get into further descriptions of how violence is determined.

Not the manner by which the violence take place -- in this case, the gun -- but just what happens as a result of any violence, and start to look to see how we can regulate that type of behavior and put it into the same framework for which the bill is establishing for video games and guns.

So this is a start. This is a good model. Senator Balboni has worked very hard to bring this program about. And assuming that it works, I think we have a long way to go towards getting where we should be in terms of establishing a relationship between the behavior of children who are exposed to whether it's television or video games that involve violent behavior and those of us in the adult community who would like to see something done about it.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will Senator Balboni yield just for one question?

ACTING PRESIDENT MEIER: Senator Balboni, will you yield for one question?

SENATOR BALBONI: Yes, I yield.

ACTING PRESIDENT MEIER: Senator Balboni yields for one question.

SENATOR DOLLINGER: The final section of this bill, Section 6, establishes a parent-teacher antiviolence fund. Where's the money going to come for that fund? Is it

solely from the fines imposed above? Or is it your anticipation that there will be direct money appropriated to this account?

SENATOR BALBONI: I've thought long and hard about this fund. The language itself is -- directs the monies coming from violations of the section.

But I am certain that under Senator Bruno's leadership we might be able to find a couple of extra dollars that might go into this program, should we decide that it's worthwhile.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Let me start by begging to differ substantially with my colleague Senator Schneiderman. There is something far more violent than Roadrunner. It's called Itchy and Scratchy. Watch it on "The Simpsons." It's the most violent thing on television. It's the most violent video thing anywhere that I've seen.

I'm going to vote in favor of this

bill, Mr. President. And I do so because I think the most important piece of it is contained in Section 917, which is the parent-teacher antiviolence awareness effort. That's really what it's all about.

Quite frankly, whether we're going to ban videos or whether we're going to ban television, whether we're going to change the content of our movies, no matter what warnings we put on this, we live in a culture for some reason that dwells on the issue of violence.

I can remember when I was a little kid, the thing that we did is we took our plastic guns and went off in the woods and played war. I mean, it was the game to play. You ran around, you pointed your little plastic gun at someone, you yelled bang. And that was the way we did it.

For some reason, that didn't translate into violent impulses in our culture. Now, today, because you watch it on a video screen and there's the scads of blood poured all over the place, for some reason this seems to promote more violence.

I would suggest to Senator Balboni

that there are two defects in this bill, two things you ought to consider doing. One is what we need to look at is a standard, not just of violence but indecency.

Those of you who know anything about the cable television debate in this nation know that the Federal Telecommunications Act had included not only a standard for cable television of obscenity, but also a standard of indecency. That what we should do as a government, what we had as the power of government was the ability to determine that some things couldn't necessarily be banned because they were obscene, but should be regulated because they are indecent.

It's not just the issue of violence. It's not just the pictures of killing. I would suggest that that also extends to things like the language used against women and the violence that can be directed against women, even though it doesn't involve a gun or a knife. But it can involve language, it can involve slurs, it can involve directions or intimations of violence directed

against women. Very significant problem.

I would hope that what this task force will eventually do is look at instances in which the propensity for violence or indecency to other people is a part of our educational process.

And my other conclusion is, Senator Balboni, that I think what this bill would mean to me is a lot more if there were actually an appropriation attached to it. To rely on this fund, which my guess is may produce some minimal value over the course of the next five years, isn't going to be enough.

If we're really going to try to deal with the problem of violence among our children, it's going to take a significant amount of money put into the teacher-parent awareness program, and it's also going to take a general redirection of our society's view about the issue of violence, in part by banning assault weapons, in part by looking at hate crimes, in part by dealing with indecency directed to women.

And if we do all those things, we may someday reverse what is unfortunately a

culture that seems to be careening down the path to greater and greater violence.

I hope we get there, Senator Balboni. I applaud your effort of taking us a step down the path. There are a lot more steps to walk down.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR BALBONI: Mr. President, just to explain my vote.

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

SENATOR BALBONI: I want to say, well, we don't do enough in this chamber? I just want to thank the people who worked on the task force. Not only to Senators Alesi, Libous, Rath, who were so terrific, and of course Senator Bruno, for his leadership in this, but also Jim Sherry, who sits behind me, as the director, and Jennifer Lump.

And let me just respond this. Senator Schneiderman raises -- or sets the standard for when we should act in his comments, that unless a link is shown between watching or playing violent videos and actually going out and committing violence and murder, then we shouldn't act.

My suggestion to you is that's not the standard. When it comes to our children, we ban tobacco, we ban alcohol, and we ban pornography. Violence should be no different.

Thank you, Mr. President.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: That's all right, I'm now constrained to explain my vote.

I appreciate the suggestion that I set the standard here. I suppose maybe that's an acknowledgement we have a low standard, I don't know.

Violence is banned. The question I have -- and I must say, I'm more concerned actually hearing some of my colleagues on my

side of the aisle talk about this. I am concerned about the issue of censorship. And I'm not sure where some of these comments were going.

There's a lot of great art that is extraordinarily violent, in my view. And I think we go down a very dangerous path. Violence should be banned. I favor, you know, all the bans on violence we've got in this state and more.

The difference is what is the connection between something that, you know, that may infringe on some people's First Amendment rights. And there I have a very strong standard. Because there's a lot of stuff that I find personally offensive that I will still fight to preserve people's right to speak and to portray in every kind of media.

Thank you, Senator Balboni, for this stimulating debate.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Schneiderman recorded in the

negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator McGee.

SENATOR McGEE: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 1712, Print Number 8234.

ACTING PRESIDENT MEIER: Without objection, Senator McGee will be recorded in the negative on Calendar 1712.

SENATOR McGEE: Thank you.

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: Calendar Number 1703, by Senator Johnson, Senate Print 7035, an act to amend the Executive Law, in relation to the reporting.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT MEIER: Senator Johnson, an explanation has been requested of Calendar 1703 by Senator Paterson.

SENATOR JOHNSON: Senator Paterson, this bill requires police agencies to report to the Division of Criminal Justice Services on certain crimes and suicides committed by a person using psychotropic drugs.

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

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

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Mr. President, my question is whether or not Senator Johnson presumes that there's a relationship between the taking of psychotropic drugs by people who are being treated for mental disease or disability and a tendency towards violence.

ACTING PRESIDENT MEIER: Senator Johnson, excuse me a moment, Senator Paterson.

There are two Senators attempting to debate a bill, and they're having difficulty hearing each other. Could we have some quiet in the chamber, please.

Senator Johnson.

SENATOR JOHNSON: Senator Paterson, you're asking me if there's a connection between these drugs and violence? That has been established in many cases, yes.

The reason this bill is before us is because within the past year or year and a half, there have been some twenty mass killings by children. And every one of them were on some kind of drug. And I think the police agency should get a report when these child killers are using drugs and see if that is related to their conduct with killing people with guns.

And maybe they can go back to other forms of behavior modification rather than drugging these children, who seem to be committing crimes under the influence of these very dangerous hallucinogenic drugs.

SENATOR PATERSON: Mr. President, if Senator Johnson would continue to yield.

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

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR PATERSON: Senator, can you state with a reasonable degree of medical certainty that there's any data that's ever been printed anywhere or established in any medical journals that substantiate that the taking of psychotropic drugs contributes to the tendency towards violence of an individual?

SENATOR JOHNSON: Well, there is much, much evidence that -- just as one illustration, Eric Harris, who committed the Columbine shooting, was taking Luvox. Some of the side effects of Luvox are agitation, hypertension, mental changes, mental depression, psychotic reaction, delirium, drug-induced, emotional liability, hostility, hallucinations, hysteria, phobia. There are so many possible side effects.

And this has been studied by many organizations. Georgetown University Medical Center published something in October 1997, Time magazine, that she was concerned about the effect of these drugs on children. Now, these drugs are very similar to cocaine in

their effect and in their withdrawal effects.

And one of the studies that was published in the American Journal of Psychiatry, "Mania and Fluvoxamine," which is the trade name for -- for which the trade name is Luvox.

And there are many, many articles here about the children who are doing things and had these drugs in their systems. And some people think there should be another way to do it.

Even Hillary Clinton called recently for a study of children being prescribed these drugs which may not be necessary. She wants to have a conference on children's mental health, put warning labels on these drugs and so on.

We're not going that far. We're not calling for any controls on these drugs. We're calling for let us research these killings and these rapes and other acts by children, and if they're on drugs, we want to know about it.

We think that the manufacturers and the prescribers of these drugs should know the

side effects and what they're causing so we can avoid this happening in the future. We're generating a lot of drug addicts here, maybe unnecessarily.

SENATOR PATERSON: Mr. President, what I'll do is I'll shorten this. On the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: I think that if Senator Johnson or anyone else has a concern in this area and wants to research the value of psychotropic drugs, I think the best way to do it would be not through the police department but through the medical institutions.

In other words, you could accomplish the same purpose just by getting what would be a survey of the doctors in a particular area, the psychiatrists, patients that they serve, and what were the results of that treatment. As opposed to just waiting for crimes to be committed and then evaluating how many of the criminals were using psychotropic drugs. Because if there were

psychiatric disturbances, presumably the psychotropic drugs were being used to try to treat them.

I think that this legislation has a real chilling effect on doctors and medical professionals in the area, because it would dissuade them from using these types of medications, where it is very possible that the lack of treatment or the undertreatment of these patients could actually lead to further violence.

I think that if there is a dialectic effect in what Senator Johnson is talking about, it would be actually the health hazards that many of these psychotropic drugs actually cause and the fact that the medical establishment has not necessarily addressed them.

And in addition, that there are other remedies that the medical associations don't acknowledge that might actually treat a lot of these illnesses as effectively as drugs that hurt the health of the actual patients.

So I can see the necessity for a study. I just don't think that when we're

trying to make changes in medical philosophy that we need the law enforcement institutions to necessarily be part of it.

And that's why I would vote no on this legislation, although I think that research is something that we should always be open to in this country.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Mr. President, I'd just like to say that there have been many studies verifying the effect of these drugs. But we're not asking the police to verify the effect of these drugs.

There have been studies by Hadassah Hebrew University, Yale University. The New England Journal of Medicine has many articles about it. It's been studied by Harvard. The American Journal of Psychiatry has many articles on it, which we've looked up.

The fact is that these drugs were involved in every one of these shootings. And I would think, Senator, you and everyone else in this place would like to know if there's a connection between Ritalin, Luvox, all the

other drugs which they're giving these children, and violence. If these drug are sparking the violence, we have to determine that.

We're going to get the reports from the police. If there's a connection, that's it. That's all we're going to get from the police. They're not going to investigate. That's going to be turned over to the psychiatrists, and we're going to tell them, you've got to find another way to handle these kids. These drugs are many times causing these side effects.

And we can't permits guns to be taken away, and all the other business, based on the fact that people are committing the crimes. We've got to find out why the people are committing those crimes, not blame an inanimate object.

So all we're saying is let us get the facts out if these drugs are involved with these shooting crimes. And if so, we have to determine collectively what to do about that.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Mr. President, to explain my vote.

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

SENATOR PATERSON: I think Senator Johnson would be surprised to know how much I agree with him about the need to study the uses of psychotropic drugs, because I think they're almost automatically given to young people sometimes, and it's become such a tradition that at times it's an actual danger.

But if you're going to study it, I think you have to study it through the use and the connection between the use and any possible violence, not coming after the fact and waiting until a crime is committed, then to find out how many of the individuals that committed crimes were using the drugs.

I think any institution that

conducts any kind of research would tell you that that is really putting the cart before the horse. And that's why I want to vote no.

ACTING PRESIDENT MEIER: Senator Paterson, I'm sorry, how do you vote?

SENATOR PATERSON: No.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1703 are Senators Breslin, Connor, Duane, Lachman, Libous, Onorato, Paterson, Rosado, Schneiderman, A. Smith, M. Smith, Spano, Stachowski, and Stavisky. Ayes, 45. Nays, 14.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to messages from the Assembly.

ACTING PRESIDENT MEIER: Messages from the Assembly.

The chair hands down a message from the Assembly.

THE SECRETARY: On motion of Mr. Bruno, and by unanimous consent, the rules were suspended and said bill ordered to a third reading: Assembly Bill Number 11451.

ACTING PRESIDENT MEIER: Without objection, the rules are suspended. The bill will now have its third reading.

The Secretary will read.

THE SECRETARY: Calendar Number 1713, by the Assembly Committee on Rules, Assembly Print Number 11451, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I was hoping to get unanimous

consent to be recorded in the negative on 1699.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendar 1699.

The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 1704, by Senator Maziarz, Senate Print 7039, an act to amend the Environmental Conservation Law and the Education Law.

SENATOR LACHMAN: Explanation. Explanation.

ACTING PRESIDENT MEIER: Senator Maziarz, an explanation has been requested -

SENATOR MAZIARZ: Excuse me.

ACTING PRESIDENT MEIER: -- by Senator Lachman on Calendar 1704.

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

This bill before us promotes the implementation of a firearm accident prevention program for children in elementary school. The safety program is designed to instruct children that when they find a

firearm, they should stop, don't touch, leave the area, and tell an adult.

The decision of whether to implement a firearm accident prevention program will rest entirely upon each individual school district, as will the type of safety program taught by each school.

Last year the Assembly unanimously, and this body, passed a similar piece of legislation. Several suggestions were made for changing this bill, some of them by - most notably by Senator Schneiderman. Many of -- I should say some of Senator Schneiderman's suggestions were incorporated into this new bill.

I certainly would invite Senator Schneiderman to sign on as a cosponsor of this legislation if he would so choose.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Well, I - Mr. President, if the sponsor would yield to a few questions.

ACTING PRESIDENT MEIER: Senator

Maziarz, do you yield for a question?

SENATOR MAZIARZ: Surely, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: I am overcome with the extraordinary outpouring of courtesy. It's the late hour, I'm sure, at the end of the session.

I have many fond memories of Eddie Eagle, who before Senator Maziarz brought him to me, I was never on national TV, didn't have op-ed columns in the Daily News.

My understanding is the only real difference between this bill and last year's bill is that the language such as the Eddie Eagle program, the specific reference to Eddie Eagle has been deleted. We've actually been calling this the bill formerly known as Eddie Eagle.

Is that the only real substantive difference, Senator?

SENATOR MAZIARZ: Well, you're calling it the bill formerly known as the Eddie Eagle program. I've always called it

the firearm accident and prevention instruction program, Senator.

SENATOR SCHNEIDERMAN: Ah. So through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: But -- but I - just to continue with my answer, if I may, Senator Schneiderman. Eddie has gone to rest.

SENATOR SCHNEIDERMAN: Well, through you, Mr. President. Is there any other firearm -- this does continue the reference, so that any bureaucratic seeking to implement this program would know that they were safe if they used the Eddie Eagle program, to the Eddie Eagle message: "Stop, don't touch, leave the area, tell an adult." Which is in quotes in this program.

Is there any other firearm safety program in the United States that you are aware of that uses the safety message "Stop, don't touch, leave the area, tell an adult"?

SENATOR MAZIARZ: None that I'm aware of.

But I think that message "Stop, don't touch, leave the area, tell an adult,"

is an extremely positive message to send for a firearm accident prevention course.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: So I take it from your answer that you are not aware of any other program with the specific language -- which is in fact owned, I gather, by the National Rifle Association of America. It's got a little copyright thing.

Is there any other program that has lifted or stolen this valuable product of the National Rifle Association?

SENATOR MAZIARZ: This bill, of course, does not mention Eddie the Eagle nor the National Rifle Association, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, there is a copyright on that. Senator Hevesi is also concerned about the possible infringement on the NRA.

I really -- it's Eddie Eagle, also, Senator, not Eddie the Eagle. Eddie Eagle.

Has there been anything done - you've mentioned some of my suggestions have

been incorporated -

ACTING PRESIDENT MEIER: Hold on a second, Senator. You want Senator Maziarz to yield?

SENATOR SCHNEIDERMAN: I would, Mr. President. Through you.

ACTING PRESIDENT MEIER: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Yes, I do, Senator.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Thank you.

You mentioned some of my suggestions had been taken into account. Has anything been done to address the problem that the Eddie Eagle program, while telling children not to -- to stop and not touch weapons, portrays in all of the cartoons weapons as cherished objects of the grownups, things that kids shouldn't touch but that are wonderful possessions of grownups and really positive things to have lying around in your home?

SENATOR MAZIARZ: Well, this is

not the Eddie the Eagle program, Senator. It's not referenced in the bill.

And, quite frankly, the department can use any reasonable source for gathering the necessary criteria to implement this program.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. The hour is late, and as much as I enjoy talking with Senator Maziarz, I would like to go on the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: As much as I sort of enjoy this debate, I do find it sort of astonishing that Eddie Eagle has been taken out, but we have repeated here several times the copyrighted -- by the NRA -- message of Eddie Eagle, making it clear to me that this is, again, the bill formerly known as Eddie Eagle.

I think it was a bad idea last year. Governor Pataki evidently agreed with me. I think it's a bad idea this year.

The "20/20" program that showed the Eddie Eagle program doesn't work has never

been satisfactorily rebutted.

I have gotten a great deal of mail and e-mail from members of the Shooters Committee on Political Education and other organizations in this state relating to Eddie Eagle. In fact, I was awarded the Political Putzhead Award by the Long Island chapter for my opposition to Eddie Eagle. It's just something I'd be proud to -- I was wondering who was behind that. Thank you, Senator.

But I just don't think this is a program that works. It is a program -

SENATOR MAZIARZ: Mr. President. You weren't pointing at -- you weren't indicating that I was behind that?

SENATOR SCHNEIDERMAN: No, no, no. Senator Marcellino was clapping loudly.

SENATOR MAZIARZ: Oh, okay. Okay.

SENATOR SCHNEIDERMAN: It came from Long Island, Senator. It was the Long Island chapter, not the Western New York chapter.

SENATOR MAZIARZ: I apologize, Senator.

SENATOR SCHNEIDERMAN: Well, I realize your reach is far, but -

(Laughter.)

SENATOR SCHNEIDERMAN: I think it it's a bad program.

I'd also like to close with something on a more serious note. We just passed a series of gun safety bills. We have not passed a child access prevention bill, which to me is the most critical way to keep kids from being injured and killed with guns.

The Eddie Eagle program was developed by the NRA in an effort to block a child access prevention program in Florida. That is the genesis of Eddie Eagle. That's when it was developed, to try and be put in the place of that. It uses a substitute to prevent people from actually enacting a child access prevention program. Fortunately, they were not successful in that state.

I look forward to us passing a child access prevention law in this state. And I don't think that Eddie Eagle, the bill formerly known as Eddie Eagle, or any other foul legislation of this kind has any place in

the State of New York.

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Mr. President, very briefly on this bill.

I was -- with all sincerity, I was about to vote yes on this legislation, because the reference had been removed, until Senator Schneiderman told me that that particular language that remains in the bill, which is a positive message, is in fact copyrighted by the NRA.

And the practical implication of that is that nobody else, therefore, can use the language. And that if any materials are going to be used in conjunction with the program set out in this legislation, it has to be the Eddie Eagle program.

And we have other problems with that Eddie Eagle program, which were outlined in prior debate. And I think Senator Maziarz may have acknowledged that by removing the reference.

But if the practical implication is

there is no change as a result of this copyrighted line, then we have in fact not resolved the problem, and I cannot in good conscience vote for this legislation.

Though the message is good, and I support the message. I don't know why it had to be drafted with that particular language.

We have just enacted some legislation here that was very broad in scope. We could just simply say, in this legislation, gun control, a gun safety message for children, and leave it broad, leave it open. Instead of the exact language in the Eddie Eagle program. Because we don't like that program, for reasons that I won't get into right now.

So unfortunately, Senator Maziarz, I can't vote for this. And I'd like to vote for it, because I do think a message like this, exclusive to this message in and of itself, without all the other baggage that comes along with Eddie Eagle, would help to protect kids.

So I'm going to vote no on this. I wish we could revisit this and do it some

other way. But Senator Schneiderman is, again, right on target.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I'll be very brief too.

I'm going to vote against this bill. Because what I find so interesting about it, Senator Maziarz, is the phrase in which you say "the teaching of firearm safety is critical to reducing the number of firearm accidents among children." I couldn't agree with that more. That's a wonderful statement.

But then it says "during a time in which the media often displays unsafe and irresponsible firearm handling." To the best of my knowledge, a child has never been hurt by the media's portrayal of irresponsible firearm handling.

You know how they die, Senator Maziarz? It's when their parents fail to put trigger locks on them. It's when their grandparents leave a shotgun lying around. It's the irresponsible handling of guns by their parents and in their homes that causes

them to die. The media has nothing to do with it.

I would suggest what that statement suggests is that what you're interested in is the media projection about safety. And if you were really concerned about safety, what we'd do is forget Eddie Eagle and tell parents if you don't put a trigger lock on the gun, you're going to be punished. It's a crime. Then we'll absolutely obliterate or severely reduce the amount of violence, unintended violence with kids.

This is a bill that deals with the media. I'm far more interested in dealing with the reality. And the reality is pass the child safety prevention act. And believe me, Eddie Eagle or anybody else, we won't need him in the classroom, because we'll have sent the right messages to adults and parents.

I vote no.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1704 are Senators Connor, Dollinger, Duane, Hevesi, Lachman, Onorato, Paterson, Rosado, Sampson, Schneiderman, A. Smith, M. Smith, Stavisky. Also Senator Breslin. Ayes, 45. Nays, 14.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Breslin.

SENATOR BRESLIN: Mr. President, I wish to call up my bill, Print Number 6665A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1680, by Senator Breslin, Senate Print 6665A, an act to authorize the City School District of Albany.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Mr. President,

I now ask and move to reconsider the vote by which this bill passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR BRESLIN: Mr. President.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Mr. President, I ask that the bill be restored to its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: So ordered. The bill is restored to third reading. And the bill is recommitted.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1709, by Senator Goodman, Senate Print 8231, an act to amend the Penal Law and the Criminal Procedure Law, in relation to the offense of money laundering.

SENATOR CONNOR: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is

a message at the desk.

All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

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

SENATOR CONNOR: Read the last section.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR VELELLA: Mr. President, can we return to Calendar 58B while the

Majority Leader is tied up. He's asked that we do that.

ACTING PRESIDENT MEIER: Certainly. For the record, that completes Supplemental Calendar 58C.

The Secretary will return to 58B.

THE SECRETARY: Calendar Number 1651, by Senator Spano, Senate Print 7886A, an act to amend the Labor Law, in relation to the maintenance.

ACTING PRESIDENT MEIER: Senator Velella.

SENATOR VELELLA: Is there a message at the desk?

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

SENATOR VELELLA: Move to accept the message.

ACTING PRESIDENT MEIER: All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1660, by Senator Spano, Senate Print 7887A, an act to amend the Labor Law, in relation to felonies.

ACTING PRESIDENT MEIER: Senator Velella.

SENATOR VELELLA: Is there a message at the desk?

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

SENATOR VELELLA: Move that we accept the message.

ACTING PRESIDENT MEIER: All

those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1693, by the Senate Committee on Rules, Senate Print 8229, an act to amend the Retirement and Social Security Law, in relate to providing.

ACTING PRESIDENT MEIER: Senator Velella.

SENATOR CONNOR: Is there a message at the desk?

SENATOR VELELLA: I yield to Senator Connor.

(Laughter.)

ACTING PRESIDENT MEIER: Yes, there is a message at the desk.

SENATOR CONNOR: I move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2000.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

That completes the reading of Supplemental Calendar 58B.

Senator Velella.

SENATOR VELELLA: Can we stand at ease for a moment, please.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:24 p.m.)

(Whereupon, the Senate reconvened at 11:25 p.m.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Can we ask for an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in Room 332.

(Whereupon, the Senate stood at ease at 11:26 p.m.)

(Whereupon, the Senate reconvened at 11:47 p.m.)

ACTING PRESIDENT MEIER: Senator Bruno.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 7859D, by Senator Marcellino, an act in relation to creating the State Council on Scrap Tire Management;

8237, by Senator Marcellino, an act to amend the Environmental Conservation Law;

976, by Senator Skelos, an act to amend the Insurance Law;

5170A, by Senator Saland, an act to

enact the Families in Transition Act;

5494A, by Senator Spano, an act to amend the Retirement and Social Security Law;

6266A, by Senator Seward, an act to amend the Insurance Law;

7317B, by Senator Dollinger, an act in relation to authorizing;

7376A, by Senator Bonacic, an act authorizing a transfer;

7879, by Senator Nozzolio, an act to relation to authorizing the Village of Phelps;

8071, by Senator Kuhl, an act to amend the Education Law;

8127, by Senator Hannon, an act to amend the Public Health Law;

8192, by Senator Spano, an act to amend the Public Authorities Law;

8200, by Senator Goodman, an act to amend the Penal Law and the Criminal Procedure Law;

8236, by Senator Morahan, an act to amend the Education Law;

8238, by Senator Volker, an act enacting the Sexual Assault Reform Act;

And 8239, by Senator Saland, an act to amend the Education Law.

All bills ordered direct to third reading.

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

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up the noncontroversial reading of Calendar 58D.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar with regard to Supplemental Calendar 58D.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MEIER: Senator

Bruno.

SENATOR BRUNO: Can we call up Calendar 1714.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1714.

THE SECRETARY: Calendar Number 1714, by Senator Marcellino, Senate Print 8237, an act to amend the Environmental Conservation Law.

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

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

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

SENATOR BRUNO: Move to lay the

bill aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

SENATOR BRUNO: Can we take up, at this time, Calendar Number 1726.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1726.

THE SECRETARY: Calendar Number 1726, by Senator Morahan, Senate Print 8236, an act to amend the Education Law.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

SENATOR BRUNO: Lay it aside temporarily.

THE SECRETARY: Lay the bill aside temporarily.

SENATOR BRUNO: Can we take up Calendar Number 1727.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1727.

THE SECRETARY: Calendar Number 1727, by Senator Volker, Senate Print 8238, an act enacting the Sexual Assault Reform Act.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, there is, Senator.

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

message is accepted.

SENATOR BRUNO: Can we lay the bill aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

SENATOR BRUNO: Will you take up the noncontroversial reading of Calendar 58D.

ACTING PRESIDENT MEIER: With regard to Calendar 58D, the Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 1714, by Senator Marcellino, Senate Print 8237, an act to amend the Environmental Conservation Law, in relation to the dispensing.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1715, Senator Skelos moves to discharge, from the Committee on Insurance, Assembly Bill Number 5037 and substitute it for the identical Senate Bill Number 976, Third Reading Calendar 1715.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1715, by Member of the Assembly DiNapoli, Assembly Print Number 5037, an act to amend the Insurance Law, in relation to providing.

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.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, at this time -- I'm sorry, you're announcing the

results.

ACTING PRESIDENT MEIER: The Secretary will announce the results.

THE SECRETARY: Ayes, 56. Nays, 3. Senators Kuhl, Meier, and Seward recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we at this time take up Calendar Number 1727.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1727.

THE SECRETARY: Calendar Number 1727, by Senator Volker, Senate Print 8238, an act enacting the Sexual Assault Reform Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 57. This act shall take effect February 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Bruno.

SENATOR BRUNO: Can we take up, at this time, Calendar Number 1726.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1726.

THE SECRETARY: Calendar Number 1726, by Senator Morahan, Senate Print 8236, an act to amend the Education Law, in relation to improving school safety.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 24. This act shall take effect November 1, 2000.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR BRUNO: Can we at this time take up Calendar Number 1724.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1724.

THE SECRETARY: In relation to

Calendar Number 1724, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 11358 and substitute it for the identical Senate Bill Number 8192, Third Reading Calendar 1724.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1724, by the Assembly Committee on Rules, Assembly Print Number 11358, an act to amend the Public Authorities Law, in relation to the guidelines.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time take up the regular order calendar.

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

THE SECRETARY: In relation to Calendar Number 1716, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 7646C and substitute it for the identical Senate Bill Number 5170A, Third Reading Calendar 1716.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1716, by Member of the Assembly Green, Assembly Print Number 7646C, an act to enact the Families in Transition Act of 2000.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 10. This act shall take effect in 60 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1717, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8012A and substitute it for the identical Senate Bill Number 5494A, Third Reading Calendar 1717.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1717, by the Assembly Committee on Rules, Assembly Print Number 8012A, an act to amend the Retirement and Social Security Law, in relation to peace officers.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1718, by Senator Seward, Senate Print 6266A -

SENATOR BRUNO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1719, by Senator Dollinger, Senate Print 7317B, an act in relation to authorizing.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1720, by Senator Bonacic, Senate Print 7376A, an act authorizing a transfer into retirement

plan.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1721, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 11123 and substitute it for the identical Senate Bill Number 7879, Third Reading Calendar 1721.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1721, by the Assembly Committee on Rules, Assembly Print Number 11123, an act in relation to authorizing the Village of Phelps.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1722, by Senator Kuhl, Senate Print 8071, an act to amend the Education Law, in relation to increasing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of July.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1723, by Senator Hannon, Senate Print 8127, an act to amend the Public Health Law, in relation to health information.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 16. This act -

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1725, by Senator Goodman, Senate Print 8200, an act to amend the Penal Law and the Criminal Procedure Law, in -

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Bruno, that concludes the reading of the noncontroversial calendar for Supplemental Calendar 58D.

SENATOR BRUNO: Mr. President, at this time we would like to take up the

controversial calendar, if there is any controversy in the chamber.

The hour is now 12:05. The clock is running. And I have a feeling that some Senators are going to be running right behind it.

ACTING PRESIDENT MEIER: On that note, the Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 1723, by Senator Hannon, Senate Print 8127, an act to amend the Public Health Law, in relation to health information.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

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

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: I'll be extremely brief.

I know that this bill has been the subject of enormous debate, enormous

discussion in this Capitol, certainly in this house, in the Health Committee, and I think in the general public.

I'm going to vote in favor of this bill, Mr. President. But I still think there are other things that need to be done. I think that the issue of what types of settlements ought to be disclosed to the public, we ought to use the Massachusetts model. It works in Massachusetts. It's been accepted there. We're clearly capable of doing it. I think it's been instructive to consumers. It's a good thing to do.

I would also include as much disclosure as possible with respect to physicians and their relationship to HMOs. I think that also can be valuable consumer information, especially as HMOs interact with physicians dealing with recordkeeping and other kinds of issues that consumers should have information about.

I think this bill takes a half step to getting this job done. I think we should have taken the whole step. And I will be extremely disappointed if we leave this

Capitol today without the most important thing, which is instead of a bill from the Assembly and a bill from the Senate, we had a law to benefit the people of the State of New York.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR HANNON: Mr. President.

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

SENATOR HANNON: Mr. President, this bill is a most comprehensive bill. It not only deals with the things Mr. Dollinger mentioned, but it deals with hospital report cards, it deals with continued ratings of HMOs, it deals with making sure that the public will continue to have access to all the information it needs now.

It has a patient safety center. It has a number of other things, including

filling loopholes that will protect people throughout this state, all in this addition to the consumer information.

And without the provisions in this bill, we wouldn't actually cure the problems caused by the Doctor Z case, we wouldn't actually address what was done in the Lisa Smart case. These things are necessary. I believe it's a terrific bill. I believe if the Assembly were to look at it, they would concur.

Thank you.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1723 are Senators Alesi, DeFrancisco, Duane, Farley, Gonzalez, Hoffmann, Larkin, Libous, Maziarz, McGee, Meier, Rosado, Saland, Seward, Stafford, Volker, Wright. Also Senator Kuhl. Also Senator Leibell. Also Senator Nozzolio. Ayes, 39. Nays, 20.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to motions and resolutions. I believe that there is a privileged resolution at the desk by Senator Seabrook. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read the title.

THE SECRETARY: By Senator Seabrook, Legislative Resolution commemorating the 8th Annual Caribbean American Family Day Festival 2000, to be celebrated in conjunction with the 38th anniversary of the political independence of Jamaica, on September 3, 2000.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Can we return to messages from the Assembly.

ACTING PRESIDENT MEIER: Messages from the Assembly. The chair hands down a message from the Assembly.

The Secretary will read.

THE SECRETARY: On motion of Senator Bruno, and by unanimous consent, the rules are suspended and said bill ordered to a third reading: Assembly Bill Number 11352.

ACTING PRESIDENT MEIER: Without objection, the rules are suspended. The bill will have its third reading at this time.

The Secretary will read.

THE SECRETARY: Calendar Number 1729, by the Assembly Committee on Rules, Assembly Bill Number 11352, an act to amend the Public Authorities Law, in relation to conforming.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up Calendar Number 57.

ACTING PRESIDENT MEIER: The Secretary will read Calendar Number 57.

THE SECRETARY: Calendar Number 57, by Senator Saland, Senate Print 1031G, an act to amend the Education Law, in relation to the protection of pupils.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, there is a message at the desk.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of

necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Read the last section.

THE SECRETARY: Section 14. This act shall take effect July 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up Calendar Number 1705.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1705.

THE SECRETARY: Calendar Number 1705, by Senator Marcellino, Senate Print 7859D, an act in relation to creating the

State Council on Scrap Tire Management.

SENATOR BRUNO: Is there a message at the desk?

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

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed say nay.

(No response.)

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Bruno.

SENATOR BRUNO: Can we take up Calendar Number 1728.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1728.

THE SECRETARY: Calendar Number 1728, by Senator Saland, Senate Print 8239, an act to amend the Education Law, in relation to clarifying.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is message at the desk.

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

house.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as a chapter of the Laws of 2000.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 1725.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1725.

THE SECRETARY: Calendar Number 1725, by Senator Goodman, Senate Print 8200, an act to amend the Penal Law and the Criminal Procedure Law, in relation to hate crimes.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the same date as a chapter of the Laws of 2000.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Since this is a chapter amendment and the hour is late, may I suggest that we do the same vote as last week on the main bill, with the exception that Senator Mendez, I believe, was excused and I think would now like to be added to a yes vote.

Okay? So same vote as last week, with the addition of Senator Mendez in the affirmative. Is that -

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Yes, Mr. President, that's a fine suggestion.

ACTING PRESIDENT MEIER: The Secretary will announce the results of Calendar 1725.

THE SECRETARY: Those recorded in the negative on Calendar Number 1725 are Senators DeFrancisco, Farley, Kuhl, Larkin,

Libous, Maltese, Marchi, Maziarz, McGee, Nozzolio, Volker, and Wright. Ayes, 47. Nays, 12.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Connor.

SENATOR CONNOR: Yes, Mr. President.

Mr. President, Senator Bruno, my colleagues, what a session this has been. You know, as I said several times in the past weeks when I saw my Republican colleagues go into conference and they'd say, "Oh, are you having a conference?" I'd say, "No, we conferenced that bill back in January when we prepared our motions to discharge."

The fact is, this has been a year of milestones. It began even before this session started, last December, when we saw the Senate Minority push, push an idea that Senator Bruno had, and Senator Bruno pushed back, and we ended up with what I think has certainly gone a long, long way to restore the confidence of the public in the Legislature. And that is our voluntary ban on gifts and

meals from lobbyists.

And as I said at the time, I don't think anybody was doing anything wrong, but there was an appearance problem. I think coming through this whole session, looking around the room, that ban has actually helped all of our appearances in more than one way. Senator Spano is certainly looking svelte these days.

We at the time also did a clinic access bill, something that the Senate Democrats had pushed for for some time.

And then, going into this session, I don't know where to start. Tonight we saw something that for this house is monumental, a gun safety bill. Not a perfect gun safety bill, but a start. It's only a start, but it's a gun safety bill upon which we can build.

And for that certainly I have to acknowledge a number of my Democratic colleagues who have over the years -- not just this year, but over the years brought to this floor the issue of gun safety, made motions to discharge and amendments. Senator Dollinger

on assault weapons. Senator Gentile on the interdiction program. Others of my colleagues, some who are no longer here.

You know, I thought tonight, as we were doing the gun bill, I thought of Senator Gold and Senator Leichter and others who for years and years and years pushed gun safety in this house. And the Assembly, for year after year after year, they passed gun safety bills and assault weapons bans, and this house never took it up until tonight.

For that we certainly owe those members of my party who pushed for it for years. We certainly owe an acknowledgement to Governor Pataki, who certainly brought the issue much to the fore a couple of months ago with his initiatives, which certainly captured the imagination of the public and got the issue rolling again. And, of course, our Majority Leader, Senator Bruno, who had the courage to put it out here for a vote even if it wasn't his cup of tea, based on his vote.

That really is what this Senate ought to be, a small-D democratic body where these issues are worked out by the

representatives of the people expressing themselves and voting the interests of their constituents to a result. And that we did.

Other things that were done this year, both in the budget and otherwise, EPIC expansion, something that this conference pushed, something that Senator Gentile did year after year after year as budget amendments, motions to discharge.

This conference was the first to introduce a bill to hold the counties harmless on the cost of HCRA, something that this house and the other house adopted as part of the budget.

The farm workers' minimum wage, I remember Senator Mendez many, many years ago first championing the farm workers, even before the Daily News, and pushing those issues and holding hearings.

And so we made some progress with respect to fairness for farm workers. We didn't go far enough, Mr. President. Much remains undone in that area. And I hope we will be able to continue to push and prod and make progress on that next year.

You know, the initiative the Majority took on the -- to lower airfares is something that was first brought to the fore in the press and with the public in a report issued by the Democratic conference in 1998, when then-Senator Catherine Abate pushed that issue. And I'm delighted to see that we did something about that at the initiative, this year, of Senator Bruno.

Hate crimes. Hate crimes. This house finally, just last week, passed the hate crimes bill. A little slow at the draw on that. But hopefully, before an hour is out, it will be resolved with the other house and we'll have a hate crimes bill in New York and finally join every other state on the Eastern seaboard, with the exception of South Carolina, in having a hate crimes law.

That's something that's been pushed for years and years and years by the Democratic members of this house.

And again, we're delighted that the Majority Leader brought that to the floor and put it to a vote. And hopefully -- well, let's say not hopefully, Mr. President. We

better not leave Albany this night without a hate crimes law. We'd best not leave Albany without it. I'm optimistic we will finally adjourn with a hate crimes law, a bill agreed to by both houses. But it would be an absolute tragedy, it would be an absolute disgrace for this state if we were to leave here without an agreed-upon bill.

We also dealt with the issue of primary ballot access. We made some noise over here. Our Republican colleagues responded. Unfortunately, we don't have a law. We don't have a law because, as I pointed out at the time we did the bill here, in a debate with Senator Maltese, that the Democrats need an alternative. We're not allowed, under our party rules, to accept as a part of the permanent law something that doesn't address our party rules.

Hopefully that will get worked out by the time we're back in session. But an issue the Senate Democrats are proud to have pushed for both parties, because we want that ease of ballot access for Democratic candidates as well.

The marriage tax penalty, which was addressed in the budget by the Majority, started the -- gee, now I'm getting into an area of technology I'm not competent with - the e-petition drive, through e-mail. Senator Dollinger took a lead on it, some of the other colleagues did. We got thousands of signatures by e-mail. What shocked me, in the end we had a little bitty disk like this, but they tell me there were thousands of signatures somehow on it. I stand in awe of that. But an idea that we pushed.

A permanent COLA is something this conference has championed literally, literally for over a dozen years. Pesticide neighbor notification, and on and on and on.

And so I say to my colleagues in the Minority, we finally proved at long last, ideas matter. Ideas matter in this Legislature. Ideas matter in this State Senate. There's nothing like a good idea and a little election-year fear to move a legislative agenda.

So as we close the session, I do say on a personal note, nobody can do these

kind of jobs alone. And I'm certainly not alone. I am proud to have had the support of all my colleagues in the Senate Democratic conference, particularly the more-than-able assistance of my Deputy, Senator David Paterson; of our ranker on the Finance Committee, Senator Bill Stachowski; of our Chairperson, Senator Olga Mendez; our Assistant Minority Leader for Policy and Administration, Efrain Gonzalez; the Assistant Minority Leader for Floor Operations, Senator Dollinger; and the Whip, Senator Ada Smith; the floor leadership; and all of my colleagues who serve in other roles.

I do appreciate all of your assistance. I thank you. We couldn't have done -- had such a great year without you.

And then there's the staff, the people who really do the work, do the real work while we make the speeches. And I do want to acknowledge certainly my counsel, Ed Wassermann; Mike Fallon, our deputy counsel; and of course Keith St. John, our floor counsel.

On the administrative side, Mona

DeMay, our chief of staff; Lorenda Harris, our deputy chief of staff; and Richard Hernandez, our deputy secretary. Mercy Miglino, our director of communications; Michael Rosano, the deputy director of communications for the Minority; and Bill Reynolds, our press secretary. And then, of course, John Ewashko, the Secretary to the Finance Minority. Christine Rutigliano, the director of budget studies. Roger Cohen, the director of the fiscal studies. Eric Lugo, the deputy secretary to Minority Finance.

And someone I can't forget, because I have a confession to make. Someone I depend on enormously, our whole conference depends on enormously, and I stood up here two years in a row, last year with him sitting right here looking at me, and forgot to mention him. And it was an oversight, but by no means -- we do depend on him, and we appreciate his efforts. And that's Mark Leinung, our director of program for the Minority.

So to my colleagues in the Majority, to Senator Bruno, who I have said many times, and I mean this, it is always a

pleasure to work with. He has always treated me with courtesy and with respect, and I do appreciate that.

And to my other colleagues in the Majority, this is a tough year and a tough business we're in. I wish you all, for the rest of the year, well. Some of you less well than others, perhaps.

(Laughter.)

SENATOR CONNOR: But nonetheless, I wish all of you, each and every one of you and your families, good health and an enjoyable rest of the year.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

Listening to my colleague Senator Connor, you can't help but be impressed by all the good things that he was able to accomplish in this very Senate chamber that we share together.

And I'm very, very proud of all of the things that Senator Connor relates to that

happened here in this chamber. And I'm proud of my colleagues here in the Majority that played some role in helping to make sure that the issues that Senator Connor related so well -- I'm not sure he missed any -- that we got them to the floor, we were able to have discussions, and they passed this house.

So we're grateful that we can address some of these very critical issues for the people of this state, pass the legislation, and move it.

I had a list -- and, Marty, I wasn't taking notes, so I'm going to run down through, since this probably has been one of the most productive legislative sessions that we have enjoyed in this chamber.

And this very week we did the gun safety bill, sexual assault, school violence, background checks on employees of schools and daycare facilities, pesticide notification, money laundering, keeping the Stock Exchange in New York City, which is critically important to the city and to the entire state and the country.

In the budget, we did the EPIC

expansion, College Bound, record school aid increases, 1.3 billion tax cut package, GRT elimination, transportation funding, with New York Soars as part of it, and more help for local governments than we have provided in years.

We did the permanent COLA for the public employees, the pension adjustments, hate crimes, sex assault reform, fire-safe cigarettes, saving abandoned babies, dozens of bills to protect people's privacy and personal information, improving the quality of life for farm workers.

Now, there is a litany of page after page. But that pretty well highlights the kinds of things that we did together. And those are things that we can very, very proud of.

And I really want to thank my Majority members, who have been leading me in the right direction, guiding my every step of the way, really and truly making this one of the most outstanding sessions that we have shared together.

And I really want to say a special

note of thanks to my Deputy Majority Leader, Dean Skelos, who is in the chamber much of the time when I am doing some of the other things that are necessary to get done. And our Finance Chair, Senator Ron Stafford. And our Vice President Pro Tem, Senator Owen Johnson. And our Senior Assistant Majority Leader, liaison to the Executive, Senator Guy Velella. And there were times when he wasn't liaisoning too well, I might say.

(Laughter.)

SENATOR BRUNO: But he managed to pull it all together.

And Chair of the Majority Program development, Senator Tom Libous. And our Assistant Majority Leaders, Senator Kuhl and Senator Spano, for their support. And -- and the others.

And I certainly want to extend my gratitude to Speaker Silver for the bills that we can get done together. And hopefully there are still some that we will get done before this morning gets too much further.

Governor George E. Pataki has truly provided the leadership to get many of these

very, very difficult issues to the floor and to help us get them done. I've been on phone with the Governor a half a dozen times in the last hour, soliciting his help to try and get this last bias crimes, the hate crime bill put together.

Because we all, as you all know, passed the bill, and the Assembly is struggling with that bill. It was a Governor's program bill. They have a difficult time, apparently, with the authorship of that bill. And we're dealing in the substance, not in authorship. I hope they can resolve that difference within these next several minutes, because we are going to be long gone. So I hope somebody is listening.

But I really want to say to the Governor, because I have a feeling he may be listening, that we couldn't have done most of what has happened here in this chamber without his leadership, without his support, and without his partnering with us. And especially the budget, that he took an active part in this year to help us all the way, and we had one of the best and earliest budgets

that we have had in this state in a lot of years.

And all of us here who are in elective office depend on the people who are by our side, in front of us, and behind us. And those are the staff people that truly make this place run, run our offices, and help us run or lives in an orderly way. I want to thank all of them.

Our Secretary to the Senate, Steve Boggess, who normally is standing in the doorway. I hope he's not in there taking a nap. But I would trust that he's in doing what is important as we wind up the session.

And my personal staff, Marcia White, who I believe is here, and is the press secretary. Amy Leach, who is our executive secretary. Pat Stackrow, my executive assistant. Leslie King, who handles much of the scheduling in our life. Dick Burdick, who does more things than I can relate. And so many others that I'm going to not be able to mention, and I'll be hearing about that, probably, tomorrow.

The people working at the Senate

desk, our Clerk, Tommy Testo, and the people that you see up there, spend a lot of hours, weekends, more than any of us can keep up with. So we're indebted to you for not just your diligence but all the accuracy and the good nature that you always seem to have up there.

And our sergeants-at-arms, who help us keep things together.

Our counsels that we can't function without. You can't function in this business without counsels. Ken Riddett, our chief counsel, Frank Gluchowski, who help us keep it together, and all of the other counsels that support them and support us.

Abe Lachman, our Finance chair - not our Finance chair, our secretary of Finance, our chief fiscal advisor. Abe is as diligent, works as hard as anybody can work. And Mary Louise Mallick, who assists him. And Lee VanRiper. And all of the other staff that do the good work that they do. Communications Director John McArdle; Mark Hanson, who assists him; and Chris McKenna, and an office of others.

And, you know, there are hundreds of people who support us that we aren't able to mention -- that side of the aisle, this side of the aisle -- in our respective offices. And we function because of the work that they do. Many of them are here; others are listening. But they're there for us, and I want to say really a heartfelt thank you to all of them.

We're winding up a session, it's been a productive session. We've talked about it. We will brag about it as we go forward. We are hopeful that within these next minutes, as we are pondering closing this session and leaving, that we can finish a last piece of unfinished business that some people have some interest in here in this chamber.

And I'm not sure whether that's going to happen or not, because we have been since midnight waiting for the Assembly to act on the bias bill. And do we know any more now than we knew at midnight?

We are, as you might judge, just sort of spinning our wheels a little and marking time and waiting to see whether or not

we can be helpful. But we can only wait a certain amount of time, and then I'm afraid that we're going to go on and do some productive and constructive things in our life.

Senator Connor, do you have something in mind?

SENATOR CONNOR: Senator Bruno, I'd like to request that we stand at ease for a few minutes. And perhaps members could stand at ease and -- but still in session, and -

SENATOR BRUNO: We will just rest comfortably here for a few minutes. Don't go too far, please, from your chairs or the chamber. Ah, Senator -- Senator, please don't leave us.

(Laughter.)

SENATOR BRUNO: You don't have to stand at ease, but please sit at ease, be relaxed.

Because this session has been so productive and so worthwhile that we want to make sure that we end it in a very positive note.

We are not going to adjourn, but if some of the members have a travel schedule and feel compelled to start moving in the direction, be my guest. We are going to not formally close the session at this time, but I don't expect that anything controversial is going to come up over these next five or ten minutes.

So I know some of you have plans on traveling. So I really I want to wish you, while you're in the chamber, well, a safe summer, a healthy summer.

And we want to wish you back here -- most of you, anyway -- after November. And we'll look forward to seeing you in January. And we hope to see you on the same side of the aisles, in your same seats, in the same numbers. Okay?

(Laughter.)

SENATOR BRUNO: And if we take up this issue, as we conclude, on the bias bill, if the Assembly gets it back to us, it will be the same vote that we had in this chamber in the previous vote. Plus Senator Mendez, who has registered her vote since she's been here.

We are standing and sitting at ease.

(Whereupon, the Senate stood at ease at 1:00 a.m.)

(Whereupon, the Senate reconvened at 1:41 a.m.)

ACTING PRESIDENT LACK: Senator Skelos.

SENATOR SKELOS: If we could return to messages from the Assembly.

ACTING PRESIDENT LACK: The Senate has received a message from the Assembly.

THE SECRETARY: The Assembly returns Senate Bill Number 4691A, Assembly Reprint 30002, an act to amend the Penal Law, the Executive Law, and the Criminal Procedure Law, in relation to hate crimes, with a messages that it has concurred in the passage of the same, with amendments.

ACTING PRESIDENT LACK: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT LACK: There is

a message at the desk, Senator.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LACK: Motion of Senator Skelos to move the message of necessity. All those in favor, aye.

(Response of "Aye.")

ACTING PRESIDENT LACK: Contrary, nay.

(No response.)

ACTING PRESIDENT LACK: The message is accepted.

The bill is before the house, Senator.

Senator Skelos, you move to concur in the amendments made by the Assembly and take the vote on the original bill as passed on June 7th of the year 2000?

SENATOR SKELOS: Yes, with the exception of Senator Mendez, who I believe will be recorded in the affirmative.

ACTING PRESIDENT LACK: Senator Mendez to be added and recorded in the affirmative.

Same vote as the bill passed on June 7, 2000, with the addition of Senator

Mendez. That would be 49-12.

The bill is restored to third reading.

The Secretary will read the last section.

THE SECRETARY: Calendar Number 1316, by Senator Goodman, Senate Print 4691A, Assembly Reprint 30002, an act to amend the Penal Law and the Executive Law, in relation to hate crimes.

SENATOR SKELOS: Mr. President, I believe the vote is 47-12.

ACTING PRESIDENT LACK: Yes. 47-12, with two members excused.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect in 90 days.

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 12.

ACTING PRESIDENT LACK: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT LACK: Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at the desk?

Mr. President, I'd like to thank Senator Velella, Senator Morahan, Senator Meier, Senator Lack -

ACTING PRESIDENT LACK: Thank you, Senator Skelos.

While you're doing that, Senator Skelos, here are some bills that could be recommitted. Senator Skelos, we've got bills that could be recommitted if someone would move to recommit them.

SENATOR SKELOS: Yes. At this time if we could recommit all the bills to the Senate Rules Committee.

ACTING PRESIDENT LACK: All bills that remain on the calendar are recommitted to the Senate Rules Committee.

SENATOR SKELOS: And there being no further business, I move that the Senate stands adjourned, subject to the call of the Majority Leader, intervening days being legislative days.

ACTING PRESIDENT LACK: The Senate stands adjourned, subject to the call of the Majority Leader.

(Applause.)

(Whereupon, at 1:45 a.m., the Senate adjourned.)