NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 25, 2001

11:11 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this morning to give the invocation is Father Edson J. Wood, O.S.A., United States Corps of Cadets chaplain, at Most Holy Trinity Chapel at West Point.

CHAPLAIN WOOD: May we pray.

Almighty God, we pray You guide this great state and those who lead it. Defend always our liberties; preserve our unity; in the time of our prosperity, temper our self-confidence with thankfulness; and, in the day of trouble, let our trust in You never fail.

Look, too, with Your generous bounty on West Point, which is to be honored here today. We pray You to make all who are associated with her into men and women for

whom duty, honor, country becomes and remains a way of life.

Let this West Point Day be for all of us a happy reminder and a serious challenge, a reminder of past glories and a challenge to keep our motives pure, our goals high, and our vision clear.

Our prayer this day comes from hearts that are open to You, and we ask these things in Your name, which is mighty. May we all say amen.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 24, the Senate met pursuant to adjournment. The Journal of Monday, April 23, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR BRUNO: Would you make the substitutions at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 4, Senator Maziarz moves to discharge, from the Committee on Alcoholism and Drug Abuse, Assembly Bill Number 2637 and substitute it for the identical Senate Bill Number 1632, First Report Calendar 471.

On page 6, Senator Marchi moves to discharge, from the Committee on Finance, Assembly Bill Number 5116 and substitute it for the identical Senate Bill Number 2769, First Report Calendar 489.

On page 12, Senator Goodman moves to discharge, from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 2599 and substitute it for the identical Senate Bill Number 2814, First Report Calendar 556.

And on page 13, Senator Maziarz moves to discharge, from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 7221 and substitute it for the identical Senate Bill Number 3821, First Report Calendar 560.

THE PRESIDENT: The substitutions are ordered.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there are four privileged resolutions at the desk by Senator Skelos. I would ask that the titles be read at this time and move for their immediate adoption.

THE PRESIDENT: Thank you, Senator. The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 1483, honoring St. Christopher's School of Baldwin,

New York, upon the occasion of its 75th Anniversary.

By Senator Skelos, Legislative Resolution Number 1484, honoring Bob Sheppard upon the occasion of his designation for special recognition by St. Christopher's School at its 75th Anniversary Diamond Jubilee Ball.

By Senator Skelos, Legislative Resolution Number 1485, honoring Sister Rosemary Wood, C.S.J., upon the occasion of her designation for special recognition by St. Christopher's School at its 75th Anniversary Diamond Jubilee Ball.

And by Senator Skelos, Legislative Resolution Number 1486 honoring Sister Maria Martin, C.S.J., upon the occasion of her designation for special recognition by St. Christopher's School at its 75th Anniversary Diamond Jubilee Ball.

THE PRESIDENT: The question is on the resolutions. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

SENATOR BRUNO: Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: We have been taking up some of the previous resolutions with the expectation that some of the members who apparently are wandering through the halls will find their seats.

And, Senator, do you know, are members headed in, Senator Paterson? Are members coming in to the -

SENATOR PATERSON: Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: I have called all the members in. They are supposedly coming here right now.

THE PRESIDENT: Thank you, Senator Paterson.

SENATOR BRUNO: Unlike the military, Madam President, people have the prerogative of wandering in other than at the appointed hour of 11:00. It might be a little

drastic, but there have been firing squads invented for less offenses.

(Laughter.)

THE PRESIDENT: I'm sure we misunderstood your remarks, Senator.

SENATOR BRUNO: Madam President, I believe that there is a privileged resolution at the desk.

THE PRESIDENT: There is, Senator.

SENATOR BRUNO: -- by Senator - and retired colonel -- Larkin. I would ask that it be read in its entirety and move for its immediate passage.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 1482, memorializing Governor George E. Pataki to proclaim April 25, 2001, as "West Point Day" in New York State.

"WHEREAS, This Legislative Body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E.

Pataki to proclaim April 25, 2001, as 'West Point Day' in New York State; and

"WHEREAS, By an act of Congress, on March 16, 1802, the United States Military Academy was established within the borders of New York State, on the banks of the Hudson River; and

"WHEREAS, The Academy and its graduates are an integral part of the proud history of this State and Nation; and

"WHEREAS, The leadership and sacrifices of the members of the Long Gray Line have helped this country withstand countless threats to our cherished democratic way of life; and

"WHEREAS, The alumni have excelled not only on the battlefield but in many fields of endeavor. The Academy continues to provide our country with able and dedicated future leaders. Its scenic campus is a mecca each year for thousands of visitors from across our State, continent, and other countries; and

"WHEREAS, The United States Military Academy is in the forefront of our State's outstanding institutions of higher

learning; and

"WHEREAS, Forty-nine years ago, the late James T. McNamara, then a member of the New York State Assembly, and a member of the Academy's class of 1939, was the author of the State Legislature's first 'West Point Day' resolution; and

"WHEREAS, For decades, our Nation has enjoyed the legacy of freedom and the United States Military Academy at West Point has played a vitally significant role in the maintenance of peace and freedom; and

"WHEREAS, The members of this Legislative Body are equally proud to commemorate this event, marking April 25, 2001, as 'West Point Day' in New York State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor George E. Pataki to proclaim April 25, 2001, as 'West Point Day' in New York State; and be it further

"RESOLVED, That a copy of this

resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the State of New York."

THE PRESIDENT: Senator Bruno, for further remarks.

SENATOR BRUNO: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR BRUNO: Madam President, colleagues, we do many very important things in this chamber that affect in a positive way the people of this state and the country, but there isn't anything that we do that is any more rewarding than to recognize those at West Point and respect and honor them and the work that they do.

So I welcome General, Superintendent, the Commander of West Point, Dan Christman, and his officers and his staff; the Adjutant General John Fenimore, Deputy Adjutant General Bill Martin of the New York National Guard; the Brigade Commander, First Captain David Uthlaut, from Charleston, South Carolina, Charleston, South Carolina, who is on his way to the 101st Airborne

Division, where I took my basic training. But at that time it was deactivated. You didn't have to jump out of planes. So we wish you well.

I'm told and had a visit with General Christman that this will be his last visit here as the Superintendent of West Point, because he is going on with his life and doing other things. And that's sad in terms of our recognition of that. But it's also a happy occasion, in that we can recognize your contributions here, starting 36 years ago in the military as a cadet, sitting as one of the twelve others, I'm sure, in some assemblies, not knowing, just as the twelve cadets that are here with the General, not knowing what the future will bring.

And I'm sure when General Christman was there at the Military Academy, the whole book of life was still before him and he was enjoying a chapter. And as he went on writing chapter after chapter, not knowing still what the end of that book will be, he has distinguished himself in every way, in every place that he has been.

And it's a major accomplishment when, 12 years ago, teaching there, was then recognized by the commanding general of the military, our President, that he had all of the qualities to reach the highest that anyone can reach there at West Point to be the commander, to be the superintendent.

So we're indebted to you, General, for all the good things that you have done in your 36 years, and your preparation to go on with your life. And you're going to be doing some other great things, and you'll be writing many more chapters in your book. And we will be following all the good things that will go on, because you are the kind of person that all the cadets and many people look to.

And to the cadets, we simply say: Your life is before you. Some of the pages have been written already, and you have reached where you are now. And you're going to go forward. And we here in the United States look to you. You are representatives of the greatest military academy in the world. And you must be awfully proud when you take a look at the people that have gone before you

and the work that you do.

We live in challenging times in the world today. But looking at you and recognizing you and your colleagues there in the Academy, all of us here in this state and in this country take great comfort in knowing that you're there and you're ready. And whatever obstacles that may be out there, that you will be there in the forefront, helping protect people who desperately need your protection. So we thank you for that, and we welcome you here.

And, Father Woods, we thank you for your prayers and for all the good things that you do in keeping all of the cadets and the officers and the General properly motivated so that they aspire to the highest and the best.

Thank you, Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. It's my distinct privilege today to officially welcome General Christman, his staff, faculty, our alumni association, our representatives from the National Guard here in the State of New York, and, most

importantly, the cadets.

As the Majority Leader said, the life that you've lived, General Christman, is something that every cadet -- those here today, those to come in the future -- can look at and say: There's an idol that I can look at, there's a model that I want to be part of.

Today we're privileged. The Long Gray Line began in Orange County 99 years ago. When you think of what Sylvanus Thayer talked about and what he wanted to build -- duty, honor, and country, three words that you can hear across this planet today, because we are still looking to ensure that those who are going to be our leaders have those three characteristics of duty, honor, and country.

We in the State of New York are very proud to have you in our home. Years ago, you were thought about being part of an island. Now you're the icon for our economy. And those who have never paid attention to the military, and those who have, can look at who served as West Point -- Ulysses Grant, General MacArthur, Eisenhower, Patton, and Schwarzkopf. All distinguished leaders, all

graduates, all members of the Long Gray Line.

Today we're blessed when we look at those cadets that are here today. And at this time I would like to introduce you. When I announce your name, please stand up so that my colleagues and I can give you proper recognition.

We'll start with the First Captain, Captain David Uthlaut, from the State of South Carolina. Which he said to me this morning, just remember me as part of the West Point from the South, Clemson -- Citadel. Excuse me, David.

Cadet Leslie Adamczyk, from the United States Military Academy at West Point.

Cadet Ariel Frometa, from New York City.

Cadet Cory Kwarta, from Webster.

Cadet Charles Lewis, from Pittsford.

Cadet Aaron Lykling, from Rome, New York.

Cadet Jared Sainato, from Chestertown.

Cadet Robert Schneider, from

Kingston.

Cadet James Stout, from Albany.

Cadet Michelle Vargo, from Chemung.

Cadet Joshua West, from Cornwall.

And Cadet Laura Beth Wrzesinski, from Cheektowaga.

(Applause.)

SENATOR LARKIN: You know, as the Majority Leader stated, this is also a special occasion for General Christman. General Christman, who graduated in the class of 1965, will retire on the 8th of June. He's the 55th Superintendent of the United States Military Academy.

If you look at his bio and his career, you will find that he has served in some of the most critical positions in the armed forces. Proudly a member of Indianhead, the Second Infantry Division, in Korea. Proudly a member of the Screaming Eagles, the 101st Airborne, in Vietnam. He served in Germany.

And because of the leadership that he developed in all of these, he was selected for assignment at the Pentagon. Some of us

who've been there always called it the Puzzle Palace. But he served, with distinction, the Joint Chiefs of Staff. And he came home to a school that he graduated from, and taught for four years.

General Christman, we wish you the best. You have been a superintendent of outstanding qualities for us in the Hudson Valley.

And when I say that, I think about the cadets. A lot of people think that these cadets go to school for four years, they get up at 5:30 in the morning, with Father Wood's blessing, and they go to bed at the night with the bugle call. That's not so. That might have been so when the superintendent was a cadet, but in our communities today there's no place in the Hudson Valley that you can see where these cadets are not involved, whether it's helping the young or the old, whether it's in church, whether it's building communities, whether it's repairing, whether it's teaching.

No matter what it is, these cadets at this stage of their life are part of our

communities. They are part of our communities because they've lived with duty, honor, and country.

It won't be long when most of you will be taking off and going to a new assignment, your first assignment. Some of you, like the First Captain, will go to Benning, the home of the infantry. And then, after Ranger training, he'll go on to the Screaming Eagles, and then someplace after another year.

But each and every one of these will be looked at as leaders, not just of the Army, but of leaders of the future of this nation. Many of you will do a career, as General Christman has. Many of you will do your tour and get out, like some of the alumni behind us. And you will go into government or you will go into business, and you will be marked, because the people that will look at you will say, I can pick that individual - that young man, that young woman -- because they have a grounded education in basic principles.

And each and every one of you shine

to us. I'm very proud to have been associated with you. Some of you I know, three are from my own district. But the Long Gray Line will never go away. The Long Gray Line will remind each and every one of us of what you mean to us.

We don't know where the next fray that will cause you to go into battle. You will lead men into harm's way, and they will look to you to provide the guidance and make sure that their life is safe, because they know that you have a principle. That principle is called duty, honor, and country.

Thank you, and God bless you.

(Applause.)

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR BONACIC: Senator Larkin is a tough act to follow.

I know there's a busy agenda today for General Christman and the cadets. But I'd just like to say, for any of my colleagues who have never had an opportunity to go to West

Point and visit that magnificent facility, you should do so.

But the greatness of West Point is not in its mortar and brick. It's the men and women who have come through West Point and who have committed their lives to serving our country, protecting our families, and preserving our freedoms. That's why the United States is the greatest country in the world.

And to you, General Christman, we wish you and your bride continued good health and success in your future endeavors, and we thank you from the bottom of our hearts for everything you have done. Thank you, General.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

This is a great day for all of us when we have the annual opportunity to recognize and welcome our men and women from West Point and to reflect on how valuable their dedication to our country is.

Today is the first time I've had the personal privilege of welcoming one of my

constituents, Charlie Lewis. When I met him, however, I met several of his colleagues at the same time. And I have to say that it was probably one of the safest feelings I've ever had in my life, because we were stuck on an elevator riding up and down for about ten minutes.

And I'd also have to say, as one who pursues, usually fruitlessly, the comedic arts, that it was very frustrating for me, because at least for the first half of those ten minutes they stood rigidly and politely at attention. But I think I finally got through to them.

I would like to also welcome Cory Kwarta on behalf of Senator Nozzolio, and thank all of you for joining us today.

And in recognizing my constituent, I should also say that many of us who served in the Assembly before coming here would remember a great and noble lady who served in the Assembly, Pinny Cook. My constituent, Charlie Lewis, is her grandson. And the old saying is true, I suppose. After visiting with Charlie and recognizing what it takes to

serve at West Point, that the apple doesn't fall too far from the tree. I congratulate you, Charlie, and all of your colleagues.

I would also like to say that the Father, in his invocation, mentioned one line that said "may our trust in You never fail." Obviously, may our trust in God never fail. And I would say, in thanking all of these people -- and, General, especially wishing you good luck -- may our trust in the United States military never fail.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, this is a very felicitous and happy occasion, the 48th consecutive year that I've had the opportunity to extend a hand of welcome to the splendid people and what they represent in terms of our lives in this country.

I just want to leave one important message. You carry such an important signal responsibility, and that's the preservation of liberty on this planet. This is the center point. You are the inspiration of this responsibility. Carry it with the honor and with the love and affection that comes from

this body to those who are with you and come after you, because that's how we feel about you.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

In my years here, this has been one of those special days each year where we're not Democrats or Republicans, but we come together to pay honor and homage to West Point. West Point has done so much for our country. And particularly, today, to honor General Christman in his last stint at West Point.

And to show you how collegiality works, I have a brother who was a West Point graduate, class of 1961, who went on to serve and became a major in the airborne infantry. And lo and behold, he's on the majority side today. Which disappoints me in some part -

(Laughter.)

SENATOR BRESLIN: -- but shows our ability to come together. And come together for such a good reason, that West Point has meant to much so each of us

individually, each of us in New York.

And we should be so proud that it is in New York. But as Americans, we should be doubly proud.

Thank you very much, Madam President.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President.

As always, this is a wonderful day. And, General, congratulations. But congratulations to all the cadets.

In our area, we're very, very proud to have Jared Sainato here, from Chestertown, and Dustin Plumadore, from Saranac Lake.

And, Madam President, if you would allow me also to show just the depth and the families that these great cadets come from, we have, sitting with us in the gallery -- we tried to have him come down on the floor today, but he is very modest. But we have Hayward "Red" Plumadore, who is a legend in this state, who is a legend in Albany, who served in the Assembly. As a matter of fact, he was chairman of the Joint Legislative

Committee on Physical Fitness, and also the Legislative Committee on Boxing in the '60s, Dustin's grandfather.

And his father is here, who is also one who has taught the values that he lessoned. He's the administrative judge in the Fourth Judicial District.

This is a wonderful day. A wonderful group of people. And Red a few minutes ago said to me -- he's a bit younger than I am, but he did say that he knows very well that the river never rises higher than its source. And of course that goes for all the cadets. But we congratulate you all.

And, General, it's wonderful to have you.

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I too would like to add my congratulation to the General on a job well done at West Point and wish him every success in the future. I'd like to also welcome all the cadets.

It's my pleasure today to have a

cadet from Cheektowaga. And I know you're not as familiar with Polish names as I am, Senator Larkin, so I'll take a shot at it. And since she anglicizes it for everybody at her West Point Academy, I'm say it Laura Beth Wrzesinski, but when her father went to the same high school that I went to, a couple of years behind me, all the priests called him "Zhezhinsky." So that's really a quick little Polish lesson.

(Laughter.)

SENATOR STACHOWSKI: It's not the easiest language. Most people get afraid when they see all the letters on the last names. But they're not really that hard to say.

And the fact is that I'm tickled pink to have someone not only from my district but whose father I happen to know. And fortunately for me, she didn't make me guess if he was her father. She said, "You know, my dad went to high school with you," so that took me off the hook, because I was going to ask her, because that name is not that common, if it was in fact her father that had been behind me in high school.

So I'd like to, with that, congratulate the General again, congratulate all the cadets that are here, and in particular welcome Cadet Laura Beth from my district.

Thank you.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I too am pleased to welcome a constituent here today, a fine young man who hails from Oneida, New York, a graduate of Oneida High School. Aaron Lykling is here with the rest of his class, and his mother lives in the city of Rome right now, so he covers two counties, Oneida County and Madison County, where he graduated from high school.

And just to keep the record straight, I'll note that Aaron's major is German, and I bet he could give us a good lesson on a couple of subjects, and he's a guten young man.

My own experience with this particular day has been very touching over the years. And I will speak for some of the women

in this chamber and presume to speak for some who came before us, because I remember when we had no female cadets, and then one or two. And very much to his credit, General Christman has chosen to bring a larger number every year of very fine young women.

He has demonstrated beyond any shadow of a doubt that the United States military now is prepared to recognize leadership in both genders. Duty and honor and country are found in the young women of West Point as well as the young men.

And it makes us extremely proud to be able to welcome all of you to this chamber today.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR HASSELL-THOMPSON: Senator Hoffmann took a little of my thunder in terms of my congratulations to the numbers of women who are presently in the academy at West Point.

But I'd also first like to congratulate and to give best wishes to General Christman. Of all the years of volunteerism and the things that I've ever done, one of the things that has given me one of the greatest pleasures was being a recruiter and being on the Academy Review Board for West Point several years ago.

And at that point, it was my job to find good women to become a part of West Point, and I felt very proud of the fact that I was capable and able to do that. This academy ranks among no other in the world.

And it gave me great pride then and it gives me great pride today, in my first Senate day here for West Point, to congratulate all of you for your accomplishment and your achievements. And you make us feel very proud.

Thank you, Madam President.

THE PRESIDENT: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Madam President.

On behalf of Senator Olga Mendez,

who couldn't be with us today, I would like to welcome Cadet Ariel Frometa, who is from her district, and to say how proud we all are of the accomplishments of our cadets, and to wish Godspeed to General Christman. And may he enjoy the rest of his fruitful beginnings, I shall say, as he goes into a new sphere.

To Cadet Frometa, may this just be the beginning of your life. May you do great things. And we expect them of you because you have done great so far.

Thank you.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

We're having a little problem which caused Senator Connor and a couple of members not to be able to be in the chamber. But I know he would want me to rise and congratulate all of the cadets, and also to General Christman for his 36 years of service.

These are the -- this is the class that helped to fulfill a mission that has been one that men and women, both the living and the dead, have struggled unremittingly and

courageously, to have a viable national force that we could send all over the world, if need be. The sun never sets on people from our country who are around the world. In the past few weeks, we found out how dangerous that service could actually be.

And we're looking at some who have volunteered themselves to put themselves in harm's way and even to risk their lives, if necessary, to fulfill that mission to bring freedom and justice and equality and liberty to all citizens in this country. So it is certainly -- while we regale their efforts, it's certainly a very serious type of work that they do.

And it was also refreshing to hear that at a time when we haven't had the conflicts around the world and with the end of the Cold War and the fall of the Iron Curtain, that in many respects our forces, our military has reapplied itself to some of the social conditions in this country that we want to fight, problems with youth and helping the elderly and health care issues, where always the military is involving itself to try and

improve the quality of life for all of us.

So speaking for Senator Connor and for all of the members, I know that we often disagree in this chamber, but this is one time we really can line up ourselves behind the Gray Line and to support these young people and these people who might not be so young but have spent their lives in dedication to our country.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: I would like to echo something that Senator Marchi said a few minutes ago in another way.

Very few people in America expect the members of State Legislatures to reach perfection. But almost all of Americans expect the military to reach near-perfection. And we have been blessed with a wonderful military in this nation, a military that are our representatives to all corners of the earth, a military that abounds with the best instincts, the best character traits, and the best principles that this nation has to offer.

And a nation that stresses liberty and freedom and justice for all is indicative

of what you represent and the message that you give to the people of the world from the United States of America. It is wonderful that we have here today three generations, basically. We have cadets, we have officers, and we have a man who has completed a brilliant career, General Christman is going on to another career, to represent the principles that are the very best principles of the United States of America throughout the free world.

Thank you all.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, at the request of Senator Larkin, I would ask that the resolution be opened to all members in the chamber, other than those that might

signify otherwise.

And, Madam President, I would ask that we waive the rules of the chamber and recognize General Christman.

THE PRESIDENT: Any member who does not wish to be included on this resolution, please notify the desk.

And at this time it is my privilege as President of the Senate to offer the General, Superintendent Christman, an opportunity to speak this morning.

GENERAL CHRISTMAN: Senator Bruno, members of this distinguished Senate, I'm very honored. I'm very humbled by this invitation to say a few words to you.

In looking at this body, standing where I am now, I have a feeling how MacArthur might have felt in 1951 when he addressed a joint session of Congress and uttered those famous words: Old soldiers never die, they just fade away.

I don't intend to fade away. I'd like to stay very active in support of this country and in support of the principles that you represent.

Let me do, if I may, two very quick things. One, to thank you very, very deeply and personally for these honors, to me but mostly to the cadets and to West Point. We are the army of a democracy. Armies of democracies don't involve themselves in elected politics, in campaigns, in presidential outcomes. We salute the outcome and support the people's choice.

That outcome was determined during the Ides of March in 1783 by George Washington in this state, in Newburgh, New York. And we've followed that tradition now for over two centuries in support of the Constitution that I in 1965 swore to protect and defend.

And that's the tradition that these young people are following after me. And there's no finer way to understand that tradition than to come into chambers like this to meet you, to hear you speak, and to understand by your words and by your representation here what a democracy means.

That's what armies are supposed to do, to understand those principles and to support them. But it takes a Senate like this

be a leader like you, Senator Bruno, to bring these principles to life. And as they've done every year since I've been here as superintendent, and now for half a century, New York has done that so beautifully and so wonderfully. And I appreciate that very, very deeply.

And the last thing I want to do is thank you for your service. We had Dr. Henry Kissinger come to West Point last spring, last year, to give the Thayer Award speech. And at the end of that he said, in talking about the Academy -- but it might apply equally to every one of you -- Kissinger said, from an old Roman saying, that the republic is great because of its virtues and its heroes. That was true then, Kissinger said, and it's true today.

And in this Senate are those virtues -- you personify them -- and seated in front of me are those heroes of this republic. And I thank you very deeply for your commitment to public service, to this great institution called West Point, and to our country.

God bless you and thank you very much.

(Extended applause.)

THE PRESIDENT: Thank you, General. On behalf of the Senate, and as President of the Senate, I want to congratulate you as well as the cadets for the fine work that you're doing at West Point. It's certainly a pivotal and a critical responsibility for our entire country that you have performed with excellence and an exemplary manner over the years.

I now have the privilege of joining you in the Red Room to present a proclamation. So we appreciate the patience of the cadets, and the attentiveness -- obviously well trained -- in listening to the wonderful tributes that have been given to you here this morning.

Congratulations and best wishes to you.

Senator Skelos.

SENATOR SKELOS: Thank you.

Madam President, there's a privileged resolution at the desk by Senator

Velella. May we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Velella, Legislative Resolution Number 1500, honoring Marilyn Shulklapper upon the occasion of her designation as recipient of the 2001 Volunteer of the Year Award by the Volunteer Center on April 26, 2001.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: There's a privileged resolution at the desk by Senator Nozzolio. Could we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 1501, celebrating the life and accomplishments of Nicholas Santoro, distinguished citizen and devoted member of his community.

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 Skelos.

SENATOR SKELOS: There's a privileged resolution at the desk by Senator Morahan. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Morahan, Legislative Resolution Number 1502, honoring James J. Kelly upon the occasion of

his designation for special recognition by Dominican College on April 27, 2001.

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 Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: We have a motion.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. On page 24, I offer the following amendments to Calendar Number 197, Senate Print Number 2533A, and ask that said bill please retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the

bill will retain its place on the Third Reading Calendar.

Senator Skelos.

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

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

THE SECRETARY: Calendar Number 17, by Senator Volker, Senate Print 210, an act to amend the Criminal Procedure Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 94, by Senator Skelos, Senate Print 75, an act to amend the Navigation Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 196, by Senator Seward, Senate Print 2131, an act to amend the Town Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 224, by Senator Goodman, Senate Print 723, an act to amend the Transportation Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 263, by Senator Wright, Senate Print 2503A, an act to amend the Public Housing Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 336, by Senator Maltese, Senate Print 193, an act to amend the Executive Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 357, by Senator McGee, Senate Print 3560, an

act to amend the General Municipal Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 386, by Senator Saland, Senate Print 3191, an act to authorize.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 388, by Senator Volker, Senate Print 3308, an act to amend Chapter 198.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

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

SENATOR SKELOS: Thank you, Mr. President. If we could go to the controversial calendar and start with Calendar Number 336, by Senator Maltese.

ACTING PRESIDENT MEIER: The

Secretary will read Calendar 336.

THE SECRETARY: Calendar Number 336, by Senator Maltese, Senate Print 193, an act to amend the Executive Law, in relation to the filing.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Maltese, an explanation has been requested of Calendar 336 by Senator Paterson.

SENATOR MALTESE: Yes, Mr. President. This bill is an act to amend the Executive Law, in relation to the filing time for crime victims' compensation. It is a bill that extends the time for filing a claim where the claimant had no knowledge of the compensation program.

The bill would amend subdivision 2 of Section 625 of the Executive Law specifically to enact the extension of time.

Right now the crime victims must file compensation claims with the Crime Victims Board in person or by mail no later than one year after the occurrence of the crime. The period may be extended now indefinitely if the board feels that there

exists good cause evidencing why a crime victim did not file a claim within the period.

Presently a victim's lack of knowledge about the compensation program does not constitute good cause. The law fails to protect those crime victims who, through no fault of their own, have no knowledge of their eligibility for an award.

The Crime Victims Board has estimated annually that over 26,000 crime victims in New York State have crime-related medical bills or lost earnings and support and may be eligible. Of these 26,000 victims, not even half file claims with the board.

Basically the statutes presently in existence provide that in police stations, precinct houses, district attorney offices, and emergency rooms of hospitals that the pamphlets prepared by the Crime Victims Board shall be available for crime victims.

As a practical matter, in places like the City of New York, where the vast majority of these crimes occur, the reality is that the crime victim and the members of the family where a death occurs have no actual

knowledge that this Crime Victims Board exists and that they may be available for benefits. As a result, very, very few people apply.

The Crime Victims Board itself, under the very able chairmanship of Joan Cusack and the other Crime Victims Board commissioners, do a fantastic job. They have, especially in recent years, reached out to crime victims as a result of newspaper stories, as a result of radio and TV reports, and actually called the victims within a day or so right after the crime is committed. In virtually all of those cases, the crime victim was not aware of the benefits offered by the Crime Victims Board.

What this seeks to do is mandate that, rather than leave it to a situation where if no good cause shall be shown the crime victims then would have only within that year to apply, this indicates that the crime victims commissioners, in the exercise of their discretion, can grant an award even where, in strict legal terminology, no good cause would be shown.

ACTING PRESIDENT MEIER: Senator

Paterson.

SENATOR PATERSON: Mr. President, this was a fine explanation, because I had about six or seven questions, and Senator Maltese -

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

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Well, Senator Maltese actually answered most of them.

I don't have any problem with the extension of the time period. But as usually in these type situations where we're trying to extend a time period, there's some other party in the proceeding whose interests or rights might be hurt. But here I just don't see anything wrong with extending the time period. I'm just a little concerned about how we actually do it.

And my question, Mr. President, is how do we get someone to prove that they did not know something? It's like trying to prove a negative, Senator.

SENATOR MALTESE: Mr. President, I think the good Senator has identified part of the problem.

What we have here is a situation where we're trying to empower the board to do what they do now. In virtually every case, the applicant or the member of the family where the family is deceased or incapacitated or a minor, comes forward and indicates they were not aware of the Crime Victims Board and the ability to claim an award.

And as a practical matter, it's the discretion of the commissioners. And the commissioners, on a statement being made reciting, for instance, the elements of elements of the crime, the fact perhaps that no member of the family was present at the police station or present at the hospital emergency room -- in other words, the board itself is very lenient in extending the benefits of the award to crime victims and members of their family.

SENATOR PATERSON: Mr. President, if Senator Maltese would continue to yield.

ACTING PRESIDENT MEIER: Senator

Maltese, do you yield?

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: I guess, Mr. President, the problem is that when we first started paying more attention to the victims of crimes and we set up these boards and we set certain perimeters of standards for how compensation might be achieved, we really didn't think about the fact that the victims would not be aware of what opportunities they would actually have.

My question is, to Senator Maltese, when we did set the boards up, we did, however, grant the board to extend the time. And I was wondering, what were the issues that met that threshold that we were willing to give the victims more time to apply?

SENATOR MALTESE: Well, Mr. President, I believe it's not set forth in the statute. I believe it's entirely within the discretion of the board.

And I think this board, unlike perhaps other judicial boards in other areas

of state or federal or municipal law, is a board that relies not only on the law but on good common sense. And as a result, they find themselves in first of all the unenviable position that almost no claims are made.

You have a situation where, in 1998, you had total state felony indictments of almost 63,000, and yet in that same year only 18,496 claims were made. In all of that year, which is the last year we have complete figures for, in a state with a vast multi-billion-dollar budget, only $18 million was granted by the board within the parameters of the awards as set forth by their rules and regulations.

So as a result, they do have discretion. It's just that there may be that unfortunate situation where the claimant or a member of the family may, in a desire to be absolutely candid and honest, indicate that they were aware of the rules and regulations and then come forward with no good reason and simply state that they had no good reason for not applying within the period of time.

So what we're seeking to do in this

case is reward honesty and candor and give an award even where, in the judgment of the commissioners, an award should be made as far as equity and justice, so that equity and justice could be served.

SENATOR PATERSON: Mr. President, I think what I'll do is I'll just speak on the bill. And if -

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: And if Senator Maltese wants to comment on this, I'd welcome his point of view.

But, you see, I don't think we need the law to -- that we don't have to pass this law to change the circumstances.

Now, what I do think is that there are times when as lawmakers we are making a law to influence a policy or to send a message more than in the law we have to make this change. Because I think on common sense right now, since the board can grant extra time, they should just go ahead and do it.

But I think what the board may be really saying to us is, We need more

information that we can transfer to the public. So just the act of passing this law, even though it just empowers them to do what they can do right now, is going to be something that will help to publicize. Because often it's as important to publicize as it is to actually legislate.

The fact is that victims who would seemingly be interested in this compensation aren't doing it because they don't know about it, and our act today would hopefully help to make people who have already been victimized by perpetrators not to be victimized again by our inability to inform them of rights that they may actually have or privileges that they may actually have.

So I can vote for the bill with just the understanding that this board probably has the power to do this, but what they really need is to have their message heard.

SENATOR HEVESI: Mr. President.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr.

President. Would the sponsor yield?

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you.

Through you, Mr. President, in listening to this discussion, an obvious question comes to mind. It may be a strange question, but I'll put it to the sponsor nonetheless.

Why is it that there exists a time limit for victims to file for claims when our purpose here, our overriding purpose is to compensate these individuals? Is there some practical consideration which, after a protracted period of time, would preclude the board from making a rational judgment as to whether they're deserving or not? Why do we have a time limit at all?

SENATOR MALTESE: Mr. President, Senator Hevesi has come up with a question that is very appropriate.

The problem, I think, is one of application. Here we have a law which, while in some cases limits the awards, there is no

cap on medical expenses. And since you could very well have, in this day and age, medical expenses that could amount to literally in some cases even millions of dollars, but certainly in the hundreds of thousands, what this seeks to do is at least put some type of -- what the original law seeks to do is put some type of limitation.

We've inquired as to whether or not there should be even this one-year limitation. And as a matter of fact, as a result of our inquiries, and following along with what Senator Paterson has indicated as far as knowledge, Chairwoman Cusack has indicated that she intends on working more closely with this legislative body and the Assembly as far as further, within the parameters of the law, publicizing the benefits available from the Crime Victims Board.

So I guess that's a long way around to answering the question, that there may be some governmental reason as far as a budgetary reason to set some sort of a limit, only because the amount of medical expenses that could be reimbursed has no limit. So as far

as a budgetary reason, I suppose that's the reason for the time limit.

And in a way, also, I guess it's an answer to some of us that may be procrastinators in this world -- and there are a lot of us. For instance, in the last year, some 2,000 people, 2,000 claimants filed late for the benefits from the Crime Victims Board. That would be after the year. Fortunately, in the exercise of the discretion of the commissioners operating under the good cause shown, they granted all but 15 claims.

SENATOR HEVESI: Thank you, Mr. President. Would the sponsor yield to an additional question?

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

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HEVESI: Thank you.

Through you, Mr. President, if the sponsor could just indicate whether or not there's any kind of legal requirement for those individuals or entities who would

obviously come into contact with crime victims to in fact notify them -- police officials, emergency room officials. Do they currently have a legal requirement to make the notification?

SENATOR MALTESE: Mr. President, did I understand a requirement on the part of the police?

SENATOR HEVESI: The question is, is there a requirement on the part of those individuals or entities who would naturally come into contact with crime victims to in fact notify them of the existence of the Crime Victims Board?

SENATOR MALTESE: Mr. President, yes, there is. There's a requirement, and the requirement is set forth right in the statute, as it requires not only police departments, precinct houses -- and it even goes further, while not very precise, as any appropriate place where crimes may be reported, as well as hospital emergency rooms. So they all have the requirement.

The problem is one of practicality. It is not something that every day the members

of the police department or members of the Crime Victims Board, which is severely understaffed, can go out and make sure that all precinct houses and all hospital emergency rooms and so on have the appropriate posters.

They do, as a practical matter, visit many police stations and many officers throughout the state to make sure that they're aware of the law. And they have a program that circulates posters and mails out posters.

But especially in emergency rooms, you have a situation that the nature of the beast, the fact that emergency rooms are ordinarily so hectic and staff changes from time to time, allocating the responsibility to put up posters is tough to do. And as a result, many of these victims do not have even the opportunity to be aware of the program because the posters are not there and the pamphlets are not there.

But the responsibility exists, and it is on the police and the emergency room personnel.

SENATOR HEVESI: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Hevesi, on the bill.

SENATOR HEVESI: Very briefly, Mr. President. I support this legislation. I commend the sponsor for bringing it to us today.

If the language of the law which requires the entities coming into contact with victims simply requires them to put up posters in a police precinct or a hospital, I would suggest that that's probably inadequate. And the proof of that are the statistics that Senator Maltese has shown us today, where the reason why we need this legislation is because there are a great many crime victims who aren't even aware of the program. So the current methods aren't working.

So, number one, I would probably suggest that we take a look at tightening that up so that there has to be a direct, one-on-one human interface where crime victims are apprised of this program and informed as to how to go about making a claim.

The second issue, and I think it's an important one, is if the one-year time

limit that we are seeking to give the Crime Victims Board permission to extend now is in place to cap the amount of money that crime victims receive, I think that's just wrong. I don't understand why that's -- why that should be our purpose.

I was kind of expecting to hear an answer that it becomes much too difficult after an extended period of time to establish that an individual is eligible for benefits.

If that's not the case -- and I understand that there may be no caps on the monetary damages. And we may want to look into doing that, we may not. But to simply say after a year you can't file a claim anymore unless there are special case circumstances, maybe as provided for in the legislation we're doing right now, I think that kind of defeats what our purpose here is, which is to provide some compensation for individuals who have been victimized.

And if that's the case right now, this legislation seeks to address a problem that we should probably be addressing in a much broader scope, which is let's do an

economic analysis of how much it would cost, do that assessment, and come up with the funding if we deem it necessary as a Legislature to provide adequate funding for any crime victim if they can establish that they're eligible for the benefits that we have laid out for them.

I think that's the appropriate thing to do. Because if somebody two or three years after they've been victimized finds out that they are eligible, notwithstanding the passage, potential passage and signing into law of this legislation, we're denying them claims, benefit money, simply because we want to hold the costs down. And that's wrong.

So I would suggest to the sponsor and everybody else that we take a serious look into doing that.

Notwithstanding that, I don't want to preclude anybody from recovering funds after the one year, so I'll support this legislation.

ACTING PRESIDENT MEIER: Any other member wish to be heard on this bill?

Debate is closed.

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: Just very briefly, Mr. President.

I would advise Senator Maltese this is the most dangerous bill and concept that we're going to do this year. Because what that bill says is that if you don't know you have a claim, you get to extend the statute of limitations.

I would tell you, Senator Maltese, that the reason why that's so dangerous is because the notion that not knowing you have a claim as the basis for extending the statute of limitations will make all of our statute of limitations in our civil law system pretty much meaningless.

And I would suggest that -- I'm going to vote in favor of this bill, because I

think we ought to do it for crime victims. But I would suggest that the better way to do it would be just extend the statute of limitations for a period of up to three years.

The problem with this bill, Senator -- and I support it. If you want to waive the statute of limitations, which we have hundreds of in this state, because people don't know they've got claims, I would suggest that that's a radical change in our system of civil justice.

And although the trend is starting here, I would just suggest that before we go too far down the road, if we're going to make that kind of fundamental change by saying one year -- but oh, by the way, if you didn't know, we'll give you an unlimited amount of time, that is a radical departure from what we usually do in this state.

I would suggest if you get to a conference committee, just extend the statute of limitations, make it three years whether they knew or not. That should be plenty of type. I'll vote aye under those circumstances, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 386, by Senator Saland.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 386.

THE SECRETARY: Calendar Number 386, by Senator Saland, Senate Print 3191, an act to authorize the City School District of the City of Poughkeepsie.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator Saland, an explanation has been requested of Calendar 386.

SENATOR SALAND: Thank you, Mr. President.

This is a local bill introduced on behalf of the City of Poughkeepsie School

District, the purpose of which is to correct information which was filed back in 1993, the purpose of which is to determine the district's age facility index. There are errors in that information.

What this would enable the school district to do would be to file corrected information, the net result of which would be that they would be eligible for some additional $24,000 in minor maintenance and repair aid.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: I have some questions, if the sponsor would yield.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: When was this error discovered? Through you, Mr. President.

SENATOR SALAND: This error was discovered a couple of years ago. It became

relevant with the advent of minor maintenance and repair aid.

And there's some question as to who is responsible for the error, whether it was SED or whether it was the local district. The bottom line is at that point -- at this point it's irrelevant as to whom was responsible, we're just trying to correct by enabling them to refile.

We've passed this bill twice in the Senate since the discovery of the error. Unfortunately, there's been no action in the Assembly. I'm encouraged to believe that that will be corrected this year.

SENATOR STAVISKY: Mr. President, if the sponsor will continue to yield.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: Has the building aid, the repair aid that we've been talking about, been calculated? And I see

through your memo that the figure is $24,000. Is this aid, this $24,000 in aid, for each year since 1993?

SENATOR SALAND: No, that aid cannot be retroactive. It's only for the current year. So were this to pass both houses and be signed by the Governor, they would be eligible for this particular school year.

SENATOR STAVISKY: Mr. President, if the sponsor will continue to yield.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: Have there been any other school districts with a similar situation that you're aware of?

SENATOR SALAND: I'm sorry, I don't have the answer to that question, Senator Stavisky.

SENATOR STAVISKY: Will the sponsor continue to yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: The Assembly has had two chances to take up this bill. Why have they not passed it?

SENATOR SALAND: I wish I could give you the answer to that question.

It's not a particularly costly bill. It would seem to be equitable in what it's attempting to do. We have reason to believe that the failure to act in the two preceding years will not mar their better judgment in this year.

SENATOR STAVISKY: So we don't know if this has happened in other school districts.

One last question, Mr. President.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: Can you describe the nature of the error?

SENATOR SALAND: Well, what -- I can't describe the nature of the error, Senator Stavisky. What I've been told is that the school district maintains that they are - they're blameless, that in fact it was some calculation that was done in the State Department of Education that presented this problem or presents this problem to them.

We're not about to try and do any kind of investigation as to who may be at fault. We acknowledge the fact that there was an error. I believe both SED and the City of Poughkeepsie School District acknowledge that fact.

And we're merely trying to take corrective action that will secure some additional funding for them and I think be the appropriate and just response to their problem.

SENATOR STAVISKY: Mr. President, that last response brings up another question that I think ought to be addressed.

ACTING PRESIDENT MEIER: Senator

Saland, do you yield to another question?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: Was this an error in calculation or in the submission of data by the City School District of Poughkeepsie?

Shall I repeat my question?

SENATOR SALAND: Well, let me see if I can go back to your prior question. And I'm not sure what your current question is, but it may perhaps address it.

My ever-capable staff has just advised me that apparently the reason for the error was that SED claimed that they did not receive information with regard to two of the schools that comprise the school district of the City of Poughkeepsie. The City of Poughkeepsie maintained that they had sent that information to them and, had they had it, their rate would have been calculated appropriately.

I don't know if that responds -- I

think it may respond to your prior question. Whether it responds to this one also, I don't know.

SENATOR STAVISKY: It answers both questions.

And I thank Senator Saland for his comments.

ACTING PRESIDENT MEIER: Senator Dollinger.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I appreciate Senator Saland's advocacy for this. I'm always astounded, I guess, that we talk about accountability in education. It appears as though we can't fix the accountability between SED and the school district for who made what error.

I always find it astounding, I guess, that accountability is such a huge issue in education and we've got this little building sitting across the street and obviously a fine school district and we can't

figure out who is accountable for this minor mistake that only affects $24,000, much less, as you know, we face enormous accountability questions in our education system and we can't seem to pinpoint where that accountability lies.

Senator Saland, I'm going to vote in favor of this bill, as I believe I have in the past. And I would just urge you to consider the possibility that we send a message to our colleagues in the Assembly, a message from this house, a formal message - which we've never done. We don't use that process. But let's send a message to the Assembly that this bill should not fail to get to the floor simply because Mr. Kirwan is the sponsor in the other house.

That's what's happening. My guess is that there's no other reason other than it's a Republican who happens to be on the bill. And it seems to me that's an outrageous thing to happen in the Assembly. It's equally outrageous when it happens here.

And I would just encourage us, let's start to put that issue right on the

table so that what appears to be a simple mistake -- we've got lots of money in the State Education Department, we can afford to correct this mistake for $24,000. Let's do it in the other house. Let's tell the other house to do this bill.

And I would suggest that when the other house does do it, that we should do the same thing here. That there shouldn't be bills that languish for these kinds of changes -- I'll call the other house. Let's send them a message.

But I think that that's what we ought to do, is send a formal message -- and, Senator Saland, if you want to put it on the floor, I'll vote in favor of it -- that we send a message to the Assembly that says, This bill ought to be done.

There's way too much of that where, frankly, colleagues in this house, Republicans, put together bills and they don't pass the Democratic Assembly, Democrats in this house put together bills that don't pass the Senate. Frankly, it is partisanship to the hilt. But it does a huge disservice to

million of New Yorkers. In this case, it does a $24,000 disservice to the people who reside in the City of Poughkeepsie School District.

I will never understand it. I don't countenance it when it happens here. And if the fault lies in the other house, those laggards over there ought to get off their duff and pass this bill, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Senator McGee's bill, Calendar Number 357.

ACTING PRESIDENT MEIER: The

Secretary will read Calendar 357.

THE SECRETARY: Calendar Number 357, by Senator McGee, Senate Print 3560, an act to amend the General Municipal Law, in relation to enhancing the use of mediation.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT MEIER: Senator McGee, an explanation has been requested by Senator Dollinger for Calendar 357.

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

Yes, this bill would allow -- give an option to municipalities to use the mediation in any kind of resolution of a municipal planning and zoning dispute. It's less costly in many occasions to the individuals who are involved in the dispute. It's a method of keeping, if you will, things out of court, not clogging the courts, but also an ability for the municipalities to sit down along with the individual who has the question on the zoning problem.

So it's a win-win situation. It's an option. It's not a mandated bill.

SENATOR DOLLINGER: Mr. President, if the sponsor will yield.

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

SENATOR McGEE: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Just for clarification -- through you, Mr. President - when does the mediation process kick in? This is in a whole panoply of potential disputes involving zoning issues and rezonings and planning board decisions. And I know -- I think this is a good bill from many perspectives. But just explain to me how it kicks in, what triggers the effort to mediation.

SENATOR McGEE: When the municipality feels that they're at a point where they're either going to go to court or they can solve this without any kind of court case, then they can move into the mediation dispute settlement at that point.

Now, I would also point out that the solution or the understanding or agreement

that's come to with the mediation process is not a binding one on the municipality. It's agreed upon. It's actually where two people, two entities sit down and talk, come to a mutual agreement on a dispute.

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

ACTING PRESIDENT MEIER: Senator McGee, do you yield?

SENATOR McGEE: Certainly. Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: I believe there's a reference in the bill memo to the experience in other states. Could you just briefly recount other states that have utilized alternative dispute resolution mechanisms during their zoning process? Is there any sense of any great success or -

SENATOR McGEE: Absolutely. There is a sense of dispute mediation success. And I would also say that this same process is being used in many areas right now in the

dispute -- being able to settle in small claims court. Rather than going to small claims court, they use a mediation dispute resolution, and that has worked there.

So I think that this is a good example of neighbors being able to sit down and talk to each over and solving a problem rather than going into the expense of a court case.

SENATOR DOLLINGER: Thank you, Mr. President. Just briefly on the bill.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: There's that old line, Mr. President, from Robert Frost about good fences making good neighbors. One of I think Senator McGee's conclusions is that in this case the good fences, the disputes that we have between neighbors over zoning issues, the critical questions of what communities are going to look like, oftentimes do arouse a great deal of agitation.

And it seems to me that the alternative dispute mechanism as a way to avoid litigation, to avoid community groups

having to sue to overturn decisions by zoning boards or planning boards or conservation districts, all of those things, I think that having the option of an alternative means of discussion and mediation is eminently reasonable.

It would go a long way to making better neighbors out of people who are both current neighbors and future neighbors. Because, as I know the sponsor knows, many of these involve housing developments that eventually are incorporated into our communities.

So I think this is a good bill. And, Senator McGee, I want to commend you as well because there are two Democratic sponsors of this measure, and I applaud your including them in that. I know that both Senator Stachowski and Senator Breslin appreciate that courtesy. It is one that, of course, I'm hoping will become the norm rather than the exception. And I commend you for it.

ACTING PRESIDENT MEIER: Senator Sampson.

SENATOR SAMPSON: Yes, Mr.

President. Will the sponsor yield for a couple of questions?

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

SENATOR McGEE: I certainly do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, how will this -- once the decision for mediation has been met, if one breaches it, how do we enforce the decision that was made in the mediation session?

SENATOR McGEE: Through you, Mr. President, there really is it not what one would call an enforcement part of this. It's an agreement. It would be an agreement on both sides. So when the two parties agree, there's really not a reason for enforcement.

SENATOR SAMPSON: Through you, Mr. President.

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

SENATOR McGEE: Yes, I will. Thank you.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR SAMPSON: Even though they agree, but suppose one of the parties breached this agreement. Then what happens next if one of the parties breached the agreement?

SENATOR McGEE: Breached the agreement?

SENATOR SAMPSON: Yes.

SENATOR McGEE: Then I would suspect, quite honestly, that they would have -- at that point they would have -- if there was an agreement that was reached, they would have already gone through the voluntary mediation, dispute resolution settlement. If they in fact came to an agreement and one of the parties then backed out of it, I would suspect that they would probably go to court in that case.

SENATOR SAMPSON: Oh, so that's still left open?

SENATOR McGEE: Well, if there's an agreement, then you assume that the dispute is settled. If there's an disagreement, then you aren't going to be able to use the

mediation. If they can't come to an agreement, then they would naturally go to court, I would assume.

SENATOR SAMPSON: Okay. Thank you.

ACTING PRESIDENT MEIER: Any other member wish to be heard?

Debate is closed.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect 180 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 224, by Senator Goodman.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 224.

THE SECRETARY: Calendar Number 224, by Senator Goodman, Senate Print 723, an

act to amend the Transportation Law, in relation to increasing penalties.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: Senator Goodman, an explanation has been requested.

SENATOR GOODMAN: Mr. President, once upon a time there was a man named Roy Goodman who had some furniture that needed to be moved from one apartment to another. He hired a mover and got an estimate for the job. And when the job had been completed, he was presented with a bill that was five times greater than the original estimate.

Upon discussing this matter rationally with the mover, at least I thought rationally, I was informed that if I didn't like the new charge, they would simply keep my materials, all of my household goods on their truck and not return them until we reached an agreement.

This, needless to say, caused me a certain amount of grief, as a result of which, as chairman of the Senate Investigations Committee, I decided it would be useful to look into the practices of the moving

industry. That, in turn, gave rise to the preparation of a copious report, which was prepared in early 1993, and which was issued for the purpose of exposing the abuses of the moving industry.

Such abuses are very substantial, and the bill before us is designed to help curb them. The kinds of abuses which are involved would, for example, involve the low-balling of estimates of the type that I just described to you. The customers may have furniture or personal effects damaged, misplaced, or simply stolen.

The customer may have the need for insurance in the event of damaged merchandise or damaged personal effects. And in that event, there's often no proper insurance clause in the arrangements with the mover or, if there is, the insurance company can't be located.

So over and over again, my office has received complaints with regard to this. And for the five last years, the Senate has passed this bill and it has failed to pass in the Assembly. Regrettably, there's no

rational reason given for this failure. And I think the time has finally come for us to prepare an adequate protection -- to arrange an adequate protection for consumers so that they not be repeatedly be cheated by movers who are unlicensed.

This bill specifically relates to unlicensed movers, and it declares that if a mover is unlicensed, has not complied with the appropriate registration procedures, that penalties will become increasingly severe, in arranging for punishment.

I think it's imperative that the bill be passed. And also, we're going to apply special, frankly, pressure on the Assembly to recognize the need for this. There can be no excuse for further delay of this very significant consumer protection.

And, Mr. President, let me just outline to you the penalty structure which would then be in effect. It would involve substantial fines in the amounts of several thousands of dollars.

And I may add one interesting fact to this. I've just received a summary of a

number of complaints that have occurred since the issuance of our report. I'm happy to say that the report itself did have some deterrent quality, but unfortunately not nearly as much as the passage of a law will have. Therefore, I urge the house to act on this promptly and well.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Mr. President, through you, will the Senator yield?

ACTING PRESIDENT MEIER: Senator Goodman, do you yield?

SENATOR GOODMAN: Yes, I will. Glad to, Senator.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: Senator Goodman, what is the current maximum civil penalty for unlicensed movers of household goods?

SENATOR GOODMAN: There is no specific civil penalty, unfortunately, Senator.

SENATOR LACHMAN: There is no civil penalty at this point.

Now, according to the sponsor memorandum, which I might have misread, under existing law there are no minimal penalties for unlicensed movers of household goods. Yet I believe that under Chapter 444 of the Laws of 1992, did not the Legislature establish minimum penalties for unlicensed movers of household goods?

SENATOR GOODMAN: Would you mind repeating your citation again, Senator? I'm sorry, I didn't catch it.

SENATOR LACHMAN: Chapter 444.

SENATOR GOODMAN: Of what year?

SENATOR LACHMAN: I believe it was 1992.

SENATOR GOODMAN: I'm sorry to say, Senator, I cannot respond to that at this point. But I assure you that since this - you said it was November of '92?

SENATOR LACHMAN: No, I said -- I don't know what month. I wasn't here then.

SENATOR GOODMAN: Because this report that I referred to was written after

the date that you cited. And at that time, there was no penalty on the books that we're aware of.

SENATOR LACHMAN: Perhaps we can discuss this further -

SENATOR GOODMAN: I'll be glad to.

SENATOR LACHMAN: -- and get to that response.

SENATOR GOODMAN: In any event, was there some point that you were trying to make about that? I'd be happy to respond. Was there some purpose to the question beyond the -

SENATOR LACHMAN: Yes, it leads into another question as well.

Through you, Mr. President, will the Senator continue to yield?

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

SENATOR GOODMAN: Mr. President, I do.

May I just say that it seems to me that we've now adopted a new practice in this house every time someone asks a question of

saying through you, Mr. President. Although I think you're a hardy fellow, I don't see why everything should have to pass through you in any physical sense. So maybe we could dispense with that superfluous piece of language and move things along a little more expeditiously.

SENATOR LACHMAN: I was thinking in the spiritual sense, Mr. President, rather than -

SENATOR GOODMAN: I'm not asking for a ruling, but obviously the rules of the house -

ACTING PRESIDENT MEIER: I have no idea what they mean by that. But I'm not physically wounded, in any event.

Senator Lachman, I think Senator Goodman yields.

SENATOR LACHMAN: Okay. Thank you both, gentlemen, Mr. President and Senator Goodman.

SENATOR GOODMAN: Through you, Mr. President, I yield.

(Laughter.)

SENATOR LACHMAN: In 1993 I

believe that the State Legislature gave to the Commissioner of the Department of Motor Vehicles the authority to deny a registration of renewal of the same vehicle under any applicant's name who was convicted of being an unlicensed mover of household goods. Would you know what the procedure is at this point for this type of suspension?

SENATOR GOODMAN: I would not offhand know what the motor vehicle aspects of this were, Senator. I'd be glad to try to find out and advise you of it.

Was there again some thought you had in connection with this bill?

SENATOR LACHMAN: Yes. Not through you, Mr. President, but Senator Goodman -

ACTING PRESIDENT MEIER: Senator Goodman, do you yield?

SENATOR GOODMAN: Yes, I'll be glad to.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LACHMAN: Well, on the bill itself.

ACTING PRESIDENT MEIER: Senator Lachman, on the bill.

SENATOR LACHMAN: Yes. I'm sure that our offices will be in coordination regarding some of the questions that I had asked. But I do think, Senator Goodman, it is an excellent bill. It is long overdue. Last year it passed this house by a vote of 59 to zero. Unfortunately, it is another example of a bill that has not gone through the Assembly.

I commend you for this bill. Even though some of my questions weren't completely answered, I hope they will be in the near future. And I do hope that the Assembly sees the wisdom that this should not be a one-house bill but a two-house bill and that it will be signed into legislation.

Thank you.

ACTING PRESIDENT MEIER: Any other member wish to be heard on the bill?

Debate is closed.

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, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Will you call up Calendar 196, Senate Bill 2131, by Senator Seward.

ACTING PRESIDENT MEIER: The Secretary will read -

SENATOR MORAHAN: I'm sorry, I stand corrected. Please call up Calendar 263, Senate Bill 2503A, by Senator Wright.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 263.

THE SECRETARY: Calendar Number 263, by Senator Wright, Senate Print 2503A, an act to amend the Public Housing Law, in relation to increasing.

SENATOR DOLLINGER: Explanation, please, Mr. President.

ACTING PRESIDENT MEIER: Senator Wright, an explanation has been requested by

Senator Dollinger.

SENATOR WRIGHT: Thank you, Mr. President. Through you, the bill before us amends the Public Housing Law as it relates to the Village of West Carthage Housing Authority changing the membership of the board of directors from five to seven.

ACTING PRESIDENT MEIER: Senator Sampson.

SENATOR SAMPSON: Through you, Mr. President, will the sponsor yield for some questions?

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

SENATOR WRIGHT: I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, will the new members be public housing residents or residents from the area?

SENATOR WRIGHT: They will be residents of the housing area.

SENATOR SAMPSON: And through you, Mr. President, if the sponsor will continue to yield.

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

SENATOR WRIGHT: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: The five existing appointments, are they residents of the development or from within the community?

SENATOR WRIGHT: They are from the community as opposed to the development per se.

SENATOR SAMPSON: And through you, Mr. President, if the sponsor will continue to yield.

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

SENATOR WRIGHT: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: What criteria, if any, did the mayor use or the elected official use in appointing those members from the community to sit on this board that represents this public housing area?

SENATOR WRIGHT: I'm not familiar

with the criteria the mayor used for his designations.

SENATOR SAMPSON: Okay. And through you, Mr. President, one last question for the sponsor.

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

SENATOR WRIGHT: Yes, Senator Sampson.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: And will the board of directors reflect in the future more than just one member of the public housing - a public housing resident on the board?

SENATOR WRIGHT: That I can't answer. Those appointments certainly would be left to the mayor.

But the appointments to date have conformed with both federal and state regulations as it relates to housing appointments, and I'm sure that will continue to be the case.

SENATOR SAMPSON: Thank you very much.

SENATOR WRIGHT: Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Hearing none, the debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Will you call up Calendar 17, Senate Bill 210, by Senator Volker.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 17.

THE SECRETARY: Calendar Number 17, by Senator Volker, Senate Print 210, an act to amend the Criminal Procedure Law, in relation to fingerprinting.

SENATOR DOLLINGER: Explanation, Mr. President.

SENATOR MORAHAN: Mr. President, Senator Volker will be in in a moment. So if you'll just bear with us until he arrives. Thank you.

ACTING PRESIDENT MEIER: Senator Volker, Senator Dollinger has requested an explanation of Calendar 17.

SENATOR VOLKER: Mr. President, this is a bill that I believe was the only bill we were unable to pass as a result of a series of hearings that we did in New York City, that Assemblyman Lentol and myself did in New York City in -- I think in the early '90s, if I'm not mistaken, or maybe the mid-'90s, relating to unlicensed operation.

The city had a horrendous problem, had had a number of fatalities relating to unlicensed drivers. Quick story, a cop comes to the scene of an accident, he finds out - it's a fatal accident. He finds out both drivers are unlicensed. He walks over to the tow truck driver, asks him for his license. He's unlicensed. The ambulance pulls up, and he jokingly asks the ambulance driver for his license; he's unlicensed. He finally just

threw up his hands and said, This is ridiculous. The person who was involved in the fatal accident had 25 summonses for unlicensed operation.

This bill, what this bill would do is it would set up a system -- we already did aggravated unlicensed operation as part of that process. We changed the rules and increased the penalty a little bit. Not really very much, because the Assembly really didn't want to. But what this bill would do for a multiple -- a person who's already been convicted of unlicensed operation essentially twice, this person would then be charged with aggravated unlicensed operation and could be fingerprinted.

And the reason for that has to do with the fact that in -- particularly in New York City -- and I say that because it could happen other places, but this is particularly true in New York City, with the volume and so forth, it is very difficult to find who people are.

A classic example is that a number of people have multiple licenses. That is,

they have one license under James Jones, some people have a license under Frank Smith, whatever.

Or even more interesting is someone I had. I had a fellow, let's just say his name was James Jones. He had one license under James Jones. He lost that. Then he had one under James S. Jones. When he lost that one, he had another one under S.J. Jones. Just as an example.

And of course, if you don't have any way of tracking that person, it would take forever before you finally were able to find it. So what this does would allow fingerprinting in cases of multiple unlicensed operation.

And, by the way, just so -- the penalty is a B misdemeanor for aggravated unlicensed operation. It's still a misdemeanor, it's not a felony.

ACTING PRESIDENT MEIER: Senator Duane.

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

ACTING PRESIDENT MEIER: Senator

Volker -

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: In a year, do you know how many people would fall under this law?

SENATOR VOLKER: You know, it would be very difficult.

I think the system is better today than it was. There was a severe problem in the city with dovetailing the New York City Motor Vehicle Bureau, or whatever it's called, with the New York State Motor Vehicle Bureau. In other words, there are different computers and so forth.

It's been estimated, or at the time it was estimated that there may have been as many as 400,000 or 500,000 people driving around New York City -- that was just an estimate. A lot of people were driving with unlicensed cars and trucks.

That was based on not just New York City residents but people, for instance, who were driving through or whatever, based on the

numbers of unlicensed operation people that they were picking up in a year. They found one fellow that had 125 summonses for unlicensed operation.

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

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

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm wondering what the cost would be for this. You know, fingerprinting more people means more administrative work -

SENATOR VOLKER: Yeah.

SENATOR DUANE: -- more recordkeeping.

SENATOR VOLKER: I don't think the cost would be that expensive.

Remember, it really -- once you establish the fingerprinting, in fact, I suppose it's arguable that you're going to save money. Because you're going to find a

few people who maybe have multiple unlicensed operation that would be arrested out into the future. Because once they establish who this person actually is, then that person -- for instance, if you don't -- even if you don't know at the time and you find out in tracking it down that this is the same guy under a different name, he's then going to be arrested under even a more serious charge, because of forgery and all that sort of stuff. You're going to get him off the road, he or she.

And so I think the answer is I doubt that there would be that much increased cost. It might be a slight cost. But over the long haul, it would almost certainly save the City of New York and the State of New York considerable money.

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

ACTING PRESIDENT MEIER: Senator Volker, do you yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm curious as to whether or not the sponsor knows if there are any other states that do this.

SENATOR VOLKER: I think the answer is that there are other states that do more than this.

Our penalties for unlicensed and unregistered operation are, I think, comparatively very low. I would suspect, and my recollection is, that some states out in the West, if you have multiple unlicensed operations, it's almost certainly a felony in some states.

And we probably -- and that's part of the problem. The way we have treated this kind of an offense, I would think we would be at lowest rung, probably, of states as far as the penalties for unlicensed operation. I don't have -- I can't give you every state, but if my recollection was correct, New Jersey's penalties are higher than ours, and I think Connecticut also. But, I mean, I obviously can't be sure of that. I haven't checked it in a few years.

But this has become a big problem

for insurers, because insurers get very concerned. And they of course ask for your driver's license, but somebody can just put a number on there and the insurance companies generally don't check it. So you've got a guy that maybe will have 35 summonses and the insurance company won't know it until they finally are able to catch the guy and determine that this is the guy.

And that's why the fingerprinting would turn up this kind of a situation on the computer.

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

ACTING PRESIDENT MEIER: Senator Volker, do you yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I heard an example, and I'm assuming it's an example of aggravated unlicensed operation of a motor vehicle, I don't know whether it's in the third or second degree, but a person -- I

believe the example you gave was someone that had, you know, like a forged license or used someone else's license. Was that an example?

And if maybe the sponsor could provide another example of an unlicensed operation in the third or second degree.

SENATOR VOLKER: The normal situation -- and I'm not saying that that's - but that would be -- that could not continue to happen if you had the fingerprinting, is what I was pointing out. Because the fingerprinting would show up and it would hit that the person who was using multiple names. He also then, by the way, or she, could be charged with a more serious offense, is what I'm saying, than aggravated unlicensed operation. But that would only be based on the fact that you had the fingerprints.

The normal case, I suppose, would be somebody is arrested within 18 months and convicted of unlicensed operation. They're arrested a second time for unlicensed operation and convicted. And the third time, that's when the fingerprinting would trip in. And they then would be subject to -- with a

previous in 18 months and a -- and plus another, and then they would be subject to being fingerprinted.

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

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Have the district attorneys or bar associations or defense attorneys or civil rights groups, for that matter, weighed in on this legislation?

SENATOR VOLKER: I've never heard of any civil rights groups. This bill -- not really the DAs. Because remember, this is a misdemeanor, it's not a felony. So that the DAs don't get directly involved in it.

The AAA has come out for this legislation. This is a City of New York bill, by the way. And it was a City of New York bill prior to the -- I think prior to this administration. I'm pretty sure that this initially came from the City of New York under the previous administration and was readopted

by the president mayor.

But I don't ever remember hearing any opposition to this from anybody.

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

ACTING PRESIDENT MEIER: Senator Volker, do you yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I know there wasn't a public hearing this year or last year or the year before on this bill. But I'm wondering if there has ever been a public hearing.

SENATOR VOLKER: Oh, yes. In fact -- maybe I didn't make it clear -- this is the last of a group of bills that we - that Assemblyman Lentol, myself, Senator Galiber, I think Senator Paterson, if I'm not mistaken -

SENATOR PATERSON: Absolutely.

SENATOR VOLKER: -- was involved, and several people who are passed on. We had

a hearing in New York City; I think we had several hearings.

And this bill was one of them. There were, I think, four or five others. The others have passed. One of those bills actually created aggravated unlicensed operation, which we didn't have before.

And this is the bill that went a step farther. I believe initially this bill would have made it a felony, a Class E felony. I think that's why, I think, the Assembly didn't want to do it. Because we've passed this bill here. But we no longer have that. So we're hoping to be able to get this through the Assembly.

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

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I notice that the sponsor mentioned some deceased and some still serving Minority Senators on it, but I note that there are no Minority Senators on the

bill this year. I'm wondering why that is.

SENATOR VOLKER: I guess we just didn't get to it this year. I -- I -- I - there has been a lot of Minority support for this on both sides, frankly. But I don't think there's any Minority legislators either in the Assembly or the Senate on this bill. Minority meaning Republicans in the Assembly or Democrats in the Senate.

SENATOR DUANE: And through you, Mr. President, if the sponsor would yield for a final question.

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I was wondering if the sponsor would be open to having Minority members sign on to the bill if they still thought it was good.

SENATOR VOLKER: Well, it's something we can certainly consider, Senator.

SENATOR DUANE: Thank you.

ACTING PRESIDENT MEIER: Any other Senators wish to be heard on the bill?

Then the debate is closed.

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator McGee.

SENATOR McGEE: Please call - Mr. President, please call Bill 388.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 388.

THE SECRETARY: Calendar Number 388, by Senator Volker, Senate Print 3308, an act to amend Chapter 198 of the Laws of 1978.

SENATOR OPPENHEIMER: Explanation, please.

ACTING PRESIDENT MEIER: Senator Volker, an explanation has been requested of Calendar 388.

SENATOR VOLKER: Quite quickly,

in total honesty, this was a bill that Assemblyman Eve and I first sponsored in 1978.

What had happened is there was a program in New York City called the School Health Services Pre-School and School-Age Program. And Assemblyman Eve and I said we thought that this would be something that should be -- something that should be very important and would be good for Buffalo. So in 1978 we passed legislation that would provide this program for Buffalo.

A few years later, some people from Syracuse and Rochester thought it would be a good idea also, so we included Syracuse and Rochester. And then in 1984 -- the reason I know this is I'm reading the memo, so I -- in 1984, Chapter 233 of the Laws of 1984 extended this program for two years, and we began this program statewide.

And that's the genesis of this program. It has been reenacted first for two years, then for a short period of time, because there was some discussion about changing the nature of the program. It was extended for a year, and then we went back to

two years again, back in 1995.

This bill enables the program to continue. However, there then has to be a line in the budget that provides the funding. That line in the budget has increased over the years exponentially.

And we argued for a while whether -- one of the reasons that held it up was some people said, Well, we ought to have more money. And as some of us pointed out, that's a budget issue, really. It's not a - this just enacts the program. The budget issue is something that really occurs -- and everybody gets his share of it as part of the budget.

SENATOR OPPENHEIMER: Thank you, Senator.

Through you, Mr. President -- I think we're going to stop saying that. If the Senator would yield for a question.

ACTING PRESIDENT MEIER: There you go.

SENATOR OPPENHEIMER: I knew there was another way.

ACTING PRESIDENT MEIER: I think

that's a splendid idea.

Senator Volker, will you yield?

SENATOR VOLKER: I certainly will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR OPPENHEIMER: I agree completely with you that this is one of the best programs, equal to the importance of sliced bread.

I therefore don't understand why we have not extended it more than one or two years. We started off extending it six years. Why can't we extend it six now?

SENATOR VOLKER: Well, we actually didn't extend it six years.

SENATOR OPPENHEIMER: Originally?

SENATOR VOLKER: The actual fact was -- and this is really Art Eve who -- in all candor, Art Eve and I spawned this program, but it was his -- I say his city. I did represent a piece of the city at that time, but really it was Art Eve's. In 1984, we expanded it throughout upstate New York and in subsequent years to the entire state.

The reason that we have only extended it each year was a couple of reasons. Both sides, both houses preferred to extend this year by year as much as anything because of the numbers in the budget. Because the numbers in the budget change each year.

So that, for instance, if somebody -- and what did happen, the reason it went from two to one year was because people were objecting to the amounts. And therefore, rather than extend it for two years and freeze the amount of money in the budget, the decision was made to do it only for one year so that they could argue next year that the budget amount should be more or, I suppose, less. But it's never been less, it's always been more.

So that's what really happened. It's really because this is tied to the budget. In other words, it's hard for outsiders to understand -- you understand it. We pass this bill, this gets the program extended, but it doesn't get you the money. The money comes out of the budget.

SENATOR OPPENHEIMER: I

understand what you're saying, Senator. But so many things that we pass increase every year, and yet they're permanently in the budget. And this really should be a permanent part of the budget. But I'm talking to the choir, so -

SENATOR VOLKER: Yes. It's not my decision, if you know what I mean.

SENATOR OPPENHEIMER: Exactly.

Do you know how many school districts are now involved in it?

SENATOR VOLKER: I truly do not. There are innumerable school districts across the state. I know all the major cities. And the qualifications, I think, are -- I would think that all the needy -- well, I guess the definition of needy is obviously -- but all your districts that would be considered at-risk districts or whatever I believe are part of this.

I really -- I'll check it on it, but that's my recollection, that districts who don't have their own health programs, for instance, or poor health programs, are involved in it.

SENATOR OPPENHEIMER: Well, thank you, Senator.

SENATOR VOLKER: You're welcome.

SENATOR OPPENHEIMER: On the bill for a moment.

ACTING PRESIDENT MEIER: Senator Oppenheimer, on the bill.

SENATOR OPPENHEIMER: Sometimes I really wonder what the advanced thinking is, the thinking that stretches beyond this budget or next budget. The fact is if we don't mind the health of young children, it's really an issue of do we pay now or do we pay later. If we can keep the children healthy, then there's a likelihood that as they grow into adolescents and into adulthood, that they will remain healthy and they will have an understanding of good health.

Not to provide this, not to make this a permanent bill, I think is -- it may be penny-wise, but I think it's very pound-foolish. And I strongly support it, and I am sure everybody else does. And we just have to start taking a little longer view here in state government and not look just budget

to budget.

I'll be voting yes.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I won't ask any questions of the sponsor, but I would just like to comment on the legislation.

I want to commend the sponsor, Senator Volker, for having this vision 25 years ago. And this really is one of the, I think, best and most important things that we've done in the Legislature as it relates to providing health care for children and adolescents in our state.

And as I've said in the past when we've debated this legislation or commented on this legislation, I am very disappointed once again that we are not making it permanent. Because I see -- I see no reason why this is not a permanently fixed part of our health-care delivery system.

It's the most efficient way of delivering health care to young people. It is very cost-effective. It is a health system

that provides both health and mental health services at the site where young people are, or very near. And we all -- all of those of us who have experienced the outcome of school-based health services can attest to how wonderful it is and how important it is.

So again, Senator Volker, I compliment you as the sponsor of this legislation. I compliment Assemblyman Eve, the two of you who had this vision the 25 years ago. It was so important. Your leadership in this house I'm sure made all the difference, and we appreciate that.

But I just hope that your colleagues, my colleagues will support you in moving this to permanency because we so desperately need this as a system that is integrated into our health-care delivery system.

So, Mr. President, I am very, very happy to be supportive of this legislation today.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Thank you, Mr.

President. Just briefly on the bill.

Like my colleagues who have spoken before me, I want to commend Senator Volker for this piece of legislation and also take this opportunity to thank Senator Volker for championing pieces of legislation for the city of Buffalo, where I reside, for the many years that he has been in the State Senate.

As Senators Montgomery and Oppenheimer said, this is an important piece of legislation for the children of our state, to ensure their health. And while we are extending this, this is the type of initiative that should be made permanent. And, Senator Volker, as you continue to work in this area, I would be more than happy to join you in supporting the permanentization of the school health program.

Thank you.

ACTING PRESIDENT MEIER: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Yes, thank you, Mr. President. I just wanted to lend my voice to giving congratulations and appreciation to Senator Volker for this

particular bill.

But I have to echo the concerns of Senator Oppenheimer and Senator Montgomery as well as Senator Brown, and that is from a cost-effective measure, clearly, making this a permanent situation would be better for the state. It would allow for some security for those who are even providing the services within these particular health facilities for the students.

And it would just make some sense for us as a state, who seems to at times talk about being prudent in how we allocate funds and how we spend them, to make a program such as this permanent.

So I just wanted to be on record not only supporting the bill but echoing the statements of my colleague that such a program should be one that is permanent.

Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

The debate is closed.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator McGee.

SENATOR McGEE: Would you call up, please, Calendar Number 196, Senator Seward's bill.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 196.

THE SECRETARY: Calendar Number 196, by Senator Seward, Senate Print 2131, an act to amend the Town Law, in relation to permitting.

SENATOR BROWN: Explanation.

ACTING PRESIDENT MEIER: Senator Seward, an explanation has been requested of Calendar 196.

SENATOR SEWARD: Certainly, Mr. President.

Now, this bill amends the Town Law to change the date by which towns are required

to prepare their annual accountings. Under existing law, the date is January 20th. This bill would extend that to a full 60 days after the close of the town's fiscal year.

And the reason behind this proposed change is that the current date of January 20th, I have heard from a number of my towns, particularly the smaller towns, is not practical, because it does not allow sufficient time to close accounts at the end of the year. There may be some expenses in late December that are thrown over into January when they're actually paid. The January 20th date doesn't allow enough time to reconcile the towns' checkbooks and to perform all the necessary functions in terms of doing an accounting.

It's interesting to note, under existing law, if a town has a town comptroller or if a town hires the services of a certified public accountant, they get, under existing law, the full 60 days in which to finalize their town accounting. So what this bill would do would be to give the same 60-day period to those townships that do not have a

town comptroller or do not utilize the services of a certified public accountant.

In fact, the State Comptroller requires the same 60-day period for the towns -- he gives them, the towns, that same period of time to submit their annual financial report to the State Comptroller.

So what this bill does is place in law the same 60-day uniform time period for all townships, whether or not they have a CPA or a town comptroller. And it's pegged toward the same time period for them to get the annual financial report in to the State Comptroller.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Thank you, Mr. President. Through you, will Senator Seward yield for a question.

ACTING PRESIDENT MEIER: Senator Seward, will you yield for a question?

SENATOR SEWARD: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Thank you. In

Senator Seward's explanation, it seems like he anticipated my question. The current law allows 60 days if a town has a comptroller or a CPA. But if a town does not, it seems to limit that town to 20 days to file its annual report, its annual financial report.

And I'm wondering, does it make sense, then, to try to provide for every town to have a CPA or comptroller so they can be more efficient in being able to respond to this financial reporting requirement?

SENATOR SEWARD: Well, Mr. President, I would not want to be associated with legislation to require townships to either have a comptroller or a hire the services of a CPA, because I know in my area there are many townships -- you know, they're small municipalities -- very often the town supervisor keeps the town books himself or he hires the services of a bookkeeper who may not be a CPA. And they have the comptroller audit the books periodically. Obviously, they have to make these annual reports to the Comptroller after the 60-day period.

And, you know, that seems to work

fine for many municipalities. So I would hate to be involved in any effort to require them to spend more money, which I think would be needless, in terms of adding personnel or hiring a CPA. I don't believe that's necessary.

What is necessary, I believe, and that's the reason I'm sponsoring the bill, is just to give them a little more time to finalize their books for the previous fiscal year.

In fact, it's interesting, I think it's inconsistent in existing law that when you hire these services to be done, you get more time, but if you're doing them yourself, as many towns do, you get less time. It seems that's a bit backwards.

But I think rather than attack that issue, I think we ought to just make it uniform in the law, as this bill does.

SENATOR BROWN: Mr. President -

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: -- will Senator Seward yield for another question?

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

SENATOR SEWARD: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Senator Seward, does this request come from the Town Boards Association or some other body to do this?

SENATOR SEWARD: I had heard from a number of my towns in my district, you know, regarding this legislation. And we drafted the bill. And I can't produce a formal memo from the Association of Towns, but I do know that they are supportive.

SENATOR BROWN: And just one final question Mr. President.

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

SENATOR SEWARD: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Does the State Comptroller support this legislation?

SENATOR SEWARD: Mr. President, I can't report the views of the State

Comptroller. I'm just not aware of it. I'm not aware of his support or certainly not -- I can't say that I'm aware of any negative views that the Comptroller would have on this.

In terms of how the towns relate to the State Comptroller, this bill does not impact that. The State Comptroller gives them 60 days to finalize their books in terms of getting their report in to him. That remains the case under this bill. All this does is give the towns themselves the requirement that they have to audit their own books, it gives them that same 60-day period as the Comptroller has given the towns in terms of getting the information in to the Comptroller.

SENATOR BROWN: On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Brown, on the bill.

SENATOR BROWN: I want to thank Senator Seward for answering the questions that I had.

This certainly seems like a very commonsense measure. As Senator Seward indicated, it seemed like the current law was

kind of backwards in that if a town did not have a comptroller or a CPA, they had 20 days. If the town did, they got 60 days. I think this gives the towns more time, as Senator Seward has indicated, and cleans up the disparity that existed in the present law.

And I certainly support it and will be voting for this piece of legislation.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

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, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Montgomery, why do you rise?

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

Number 17.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 17.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Will you please call up Calendar 94, Senate Bill 75, by Senator Skelos.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 94.

THE SECRETARY: Calendar Number 94, by Senator Skelos, Senate Print 75, an act to amend the Navigation Law, in relation to the termination.

SENATOR OPPENHEIMER: Explanation, please.

ACTING PRESIDENT MEIER: Senator Skelos, an explanation has been requested of Calendar 94 by Senator Oppenheimer.

SENATOR SKELOS: This legislation, which passed unanimously last year and is supported by numerous police organizations, would authorize a police officer to direct the termination of the operation of any vessel in an unsafe

condition.

Generally, statistics show that unsafe vehicle conditions are a large focus of marine police activity and are a large contributor to the cause of accidents. I believe this bill will help reduce accidents on our waters. And because the Navigation Law doesn't specify or enumerate what a lawful order can be from a police officer in this type of situation, we're looking to specify it so they could terminate the vessel's voyage.

SENATOR OPPENHEIMER: Thank you. If the Senator would just yield for a couple of questions.

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

SENATOR SKELOS: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR OPPENHEIMER: We have similar concerns and communities. And I'm questioning because here, I'm reading, it says operating overloaded, failing to have navigation lights, petroleum leakage. Don't our police already have the power to stop

these activities?

SENATOR SKELOS: It is unclear. And that's why we're trying to make it clear.

As I said in my explanation of the will, there are numerous law enforcement organizations that have come to us and have said, yes, they can issue a violation or some sort of summons, but they're unclear as to whether they can terminate the voyage of that vessel. And that's what we're clarifying with this legislation.

SENATOR OPPENHEIMER: I see. That was the one point I was trying to figure out, if it was terminating the operation.

I have another question, if the Senator will yield.

ACTING PRESIDENT MEIER: Senator Skelos, will you yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR OPPENHEIMER: And I know we can use this on Long Island Sound. I'm wondering if we can use it on other lakes or rivers, or is it just -

SENATOR SKELOS: Yes. Yes.

SENATOR OPPENHEIMER: Anywhere there's a water body?

SENATOR SKELOS: Yes.

SENATOR OPPENHEIMER: Excellent.

Well, this is a fine bill, and it certainly will be very helpful in my community, which has a very large harbor of 1800 small craft. And anything we can do to make the harbor a cleaner, safer place is something we're delighted to do.

So I thank Senator Skelos for this bill.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Morahan, that completes the controversial calendar.

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

ACTING PRESIDENT MEIER: Yes, I believe there is, Senator. Take care of that now?

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MEIER: The Secretary will read the substitution.

THE SECRETARY: On page 38, Senator Rath moves to discharge, from the Committee on Local Government, Assembly Bill Number 1768 and substitute it for the identical Senate Bill Number 2628, Third Reading Calendar 421.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Would you, on behalf of Senator LaValle, on page 35, Calendar 387, Senate Bill 3225A, ask that bill to be amended and keep it on its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The

amendment is received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR MORAHAN: Okay. Mr. President, would you recognize Senator Dollinger.

ACTING PRESIDENT MEIER: Yes, I will.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I just give notice pursuant to Rule XI that I will move to amend the Rules of the Senate to include a new rule, XV, which deals with the ethical standards of officers, employees, and members of the Senate.

ACTING PRESIDENT MEIER: The notice is received at the desk, and it will be entered in the Journal.

Senator Morahan.

SENATOR MORAHAN: Yes. There being no further business, I move we adjourn till Monday, April 30th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until

Monday, April 30th, at 3:00 p.m. Intervening days will be legislative days.

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