NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 8, 2001

3:08 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will 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: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 7, the Senate met pursuant to adjournment. The Journal of Saturday, May 5, 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 Velella.

SENATOR VELELLA: Madam President, at this time may we adopt the Resolution Calendar.

THE PRESIDENT: The question is on the adoption of the Resolution Calendar. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The calendar is adopted.

SENATOR VELELLA: Madam President, are there any substitutions? If so, can we make them at this time.

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

THE SECRETARY: On page 4,

Senator Seward moves to discharge, from the Committee on Insurance, Assembly Bill Number 6481A and substitute it for the identical Senate Bill Number 4024, First Report Calendar 724.

On page 4, Senator Hoffmann moves to discharge, from the Committee on Agriculture, Assembly Bill Number 3515A and substitute it for the identical Senate Bill Number 3545, First Report Calendar 730.

On page 15, Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 4935 and substitute it for the identical Senate Bill Number 2559, Third Reading Calendar 198.

On page 18, Senator Lack moves to discharge, from the Committee on Judiciary, Assembly Bill Number 8357 and substitute it for the identical Senate Bill Number 2936, Third Reading Calendar 249.

On page 21, Senator Morahan moves to discharge, from the Committee on Aging, Assembly Bill Number 2029 and substitute it for the identical Senate Bill Number 1376, Third Reading Calendar 327.

And on page 28, Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 5992, and substitute it for the identical Senate Bill Number 3135, Third Reading Calendar 423.

THE PRESIDENT: Substitutions ordered.

Senator Velella.

SENATOR VELELLA: Madam President, we previously adopted a resolution by Senator Stafford which is at the desk. I'd ask that it be read in its entirety at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Stafford, Legislative Resolution Number 1070, congratulating the Plattsburgh State Hockey Team upon the occasion of winning the NCAA Division III Tournament Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging the standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, This Assembled Body is justly proud to congratulate the Plattsburgh State Hockey Team upon the occasion of winning the NCAA Division III Tournament Championship; this occasion marks the first national title for the 'Cardinals' since the 1991-1992 season; and

"WHEREAS, The members of the Plattsburgh State Hockey Team are Bobby Owen, Tim McNeil, Peter Ollari, Corey Fleischer, Joe Dolci, Jeff Marshall, Brendon Hodge, Mike Daoust, Paul Dowe, Mark Coletta, Brian Toussaint, Ryan Wilson, Andre Carriere, Chad Kemp, Shawn Banks, Mark Cole, Jason Kilean, Derrick Shaw, Brent Armstrong, Jeff Hopkins, Guy Come, Sean Chaytors, Rob Retter, Niklas Sundberg, Mike LaRocca, Frank Barker, Tyler

Keenan, and Bryan Murray; and

"WHEREAS, Three Cardinals have been named Second Team All-Americans: Goalie Niklas Sundberg, defenseman Bryan Murray, and forward Brendon Hodge all were named to the All-American Second Team East; and

"WHEREAS, The athletic talent displayed by the Plattsburgh State Hockey Team is due in great part to the efforts of Coach Bob Emery, a skilled and inspirational tutor respected for his ability to develop potential into excellence; also to be commended for their efforts are Associate Coach Kevin Houle and Assistant Coaches Steve Moffat and John Wells; and

"WHEREAS, The Cardinals closed out their sparkling season with an overall record of 29 and 5; the team was loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, Coach Bob Emery has done a superb job in guiding, molding and inspiring the Cardinals towards their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and

accomplishment, and Coach Bob Emery and the Plattsburgh State Hockey Team have clearly made a contribution to the spirit of excellence which is a tradition of their university; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Plattsburgh State Hockey Team upon the occasion of winning the NCAA Division III Tournament Championship; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the Plattsburgh State Hockey Team and to Coach Bob Emery."

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President.

It is not that often, and it's such a pleasure and such an honor to rise today and congratulate the Plattsburgh State Hockey Team.

Everyone has to understand that we do live in a relatively rural area up where we live, but we have very, very good people. And every single person is a fan of the

Plattsburgh State Hockey Team. It becomes the center of activity during the hockey season.

I do have to say, Madam President, that we remember the hockey team winning in the '90s the national championship, and everyone was so excited. And this year it was the same, if not more. Everyone was just so proud.

And when you think that this team took on teams from the entire nation and won the championship. And as was mentioned in the resolution, hard work, determination, a sense of focus.

Bob Emery, the coach, with his assistant, Kevin Houle, who are also here today, they've just been such leaders, done such a great job. And the assistant coaches, Steve Moffat and Johns Wells.

We're also today joined by the athletic director, Peter Luguri, and the vice president for student affairs, Adam Disk, and also Larry Cowan of the Office of Institutional Advancement.

But we really wanted the team to come here to the Capitol at Albany and to be

honored, because they deserve that honor. And when you see them play, as we watched them this past season, you can really get an appreciation for just how outstanding each and every player is. I share with you that it is real teamwork.

Now, all of you have seen hockey on television. You've seen professional, you've seen college, you've seen other high school hockey, club hockey. I have to share with you and I have to emphasize that when this team plays, beating teams such as -- well, let's take Middlebury. That's a good example. When they take on a team like Middlebury and Middlebury comes out second, you can see just what a good job they've all done.

Some will be graduating; some will be returning. But I finally say -- and this is probably the most important thing that I'll say -- this hockey team and this hockey program in the Plattsburgh area adds so much to our lives up in the northern part of New York State. It teaches us ourselves what hard work will do.

And I would also point out that the

hockey team has gone out and done community work throughout the community, helping older people, younger people, helping others. And finally, they give our young people really something to look up to. And also, we all enjoy the hockey program so much.

And, Madam President, thank you for allowing us to honor the Plattsburgh State Hockey Team and to congratulate all of them.

Thank you.

THE PRESIDENT: Thank you, Senator.

As President of the Senate, I also want to extend my congratulations on a fantastic victory.

You know, I knew we had a star - we all know we have a star in Senator Stafford. But I'm beginning to think there's something in the water in the Plattsburgh area. The stars are radiating all over the galaxy. And it's a fantastic victory, good teamwork, and a good start for you in whatever careers you may choose.

Congratulations. Best wishes.

(Applause.)

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Madam President, may we return to reports of standing committees. And I'd ask that we recognize Senator Lack, from the Judiciary Committee.

THE PRESIDENT: Senator Lack.

SENATOR LACK: You have a report, Madam President, of nominees.

THE PRESIDENT: The Secretary will read.

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

As a judge of the County Court for the County of Allegany, Judith E. Samber, of Alfred.

THE PRESIDENT: Senator Lack.

SENATOR LACK: Thank you, Madam President. I rise to move the nomination of Judith E. Samber, of Alfred, as a judge of the County Court for the County of Allegany.

I should say, in speaking about all three of our judges this afternoon, these are all extraordinary appointments we've received

from Governor Pataki. They were all eminently received by the committee earlier today, this morning.

And I'm very happy to move, as the first judge, Judith E. Samber, for the County Court for the County of Allegany. My colleagues know that this is a -- what we call a three-hat judge, probably the most important judge in the system. Her credentials have been examined by the staff of the committee, they've been found to be extraordinarily and certainly in order. She appeared before the committee this morning, was unanimously moved to the floor.

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

THE PRESIDENT: Senator McGee.

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

I really applaud the nomination of Judith E. Samber. Judith is a prominent citizen who brings a standard of excellence to all her endeavors and sets an example for all individuals by exemplifying what it really means to give of oneself.

Although Judy started her law career in the Bronx, in Family Court, her roots in Allegany County and Western New York begin at Alfred University, where she received her Bachelor of Arts degree in history, graduating cum laude in 1974. She then moved on to Golden Gate University, where she received her Juris Doctorate in 1977.

Her professional history is equally as impressive, previously serving in private practice for over twenty years, as Allegany County assistant district attorney for three yeard, and as Allegany County public defender for 16 years. She is currently a member of the Allegany County Bar Association and a member of the Jones Memorial Hospital board of directors.

I've known Judy for a number of years. Judy has been very, very much involved in community events. She is indeed a community-spirited person. She is a fine appointment. I really applaud Governor Pataki for this appointment.

Judy is joined here today by her family. And I might, as an aside, point out

that the new judge-to-be's husband happens to be the mayor of the city of Alfred, and so we're very glad to have him and the family joining Judy on this great occasion.

And I offer my best wishes and my congratulations to this outstanding candidate for a judgeship.

THE PRESIDENT: Senator Dollinger, you wish to be heard?

SENATOR DOLLINGER: Thank you, Madam President. Just briefly, for this nominee.

Senator McGee, the reputation of this nominee has made its way up Route 390 to Rochester. When one of my former law partners called me and extolled the virtue of this candidate, I promised him that I would take a good look. He wanted me to promise him that I would vote, and I said, "Well, wait a second, let me just get an opportunity to meet her and say hello and review her resume."

I have done all that. I will report back to him that Allegany County will be extremely well served.

And I congratulate you and wish you

Godspeed.

And again, I've said this on this floor, I've had any differences with the man who occupies the second floor. I continue to have my differences. But I commend him for continuing to appoint top-quality people to the bench in this state. And I think this new justice in Allegany County will be a wonderful addition to that legion of appointments that he has made. And I commend him for this appointment, and I recommend this candidate for your vote.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Thank you, Madam President. I rise because, through the years, I have sat and I have listened to numerous judicial appointees come before the Judiciary Committee and give their qualifications and basically recite the places they've been and the verdicts they've been participating in.

This nominee, instead, gave a history of her travels through the state, formerly of Brooklyn, formerly of Nassau County, having lived in San Francisco, and she

created this tale of someone who was in love with the law, someone who was in love with New York, and someone who Allegany County is very, very lucky to have.

Thank you, Madam President.

THE PRESIDENT: The question is on the confirmation of Judith E. Samber, of Alfred, as a judge of the County Court for the County of Allegany. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

And we extend to the judge and her family best wishes.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Thomas H. Scuccimarra, of Garrison.

THE PRESIDENT: Senator Lack.

SENATOR LACK: Thank you, Madam

President. I rise once again to move the nomination of Thomas H. Scuccimarra, of Garrison, as a judge of the Court of Claims.

This is another extremely credible appointment we received from Governor Pataki. Indeed, Judge Scuccimarra has been before us once before. His credentials are as excellent now as they were the last time we received them.

He was completely vetted by the staff of the committee. He appeared before the committee earlier today and was unanimously moved to the floor.

And it's with great pleasure that I yield for purposes of a second to Senator Leibell.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

And thank you, Senator Lack, for giving me the opportunity to speak in front of the Judiciary Committee this morning.

And we thank Governor Pataki for once again sending us an excellent name.

I had the opportunity to rise in

this chamber some months ago to speak on a nomination for Judge Scuccimarra. And at that time I identified the qualities that I thought we would all search for and look for in a judge. Of course, foremost is integrity, the highest ethical standards, judicial temperament, a knowledge of the law, practical experience, including private practice and judicial experience.

Well, we found then and we can find today quite safely that with Judge Thomas Scuccimarra we have such a member of the judiciary. He comes to us with a long and successful career, both as a practicing attorney -- one of the most prominent in the Hudson Valley -- but also, I might add, as a member of the judiciary, someone who has served for many, many years on both local village and town courts, and now has had impressive and honorable service on the County Court in Putnam County, which has been a multi-hat court, which includes County Court, Family Court, and Surrogate's Court.

We have here today to move Judge Scuccimarra's name for the Court of Claims. I

am greatly honored to have the opportunity to move this nomination. We once again, as I said, commend Governor Pataki for sending us such a fine person.

And I can tell you that every person who has appeared before Judge Scuccimarra knows, whether they are a party to the action or one of the attorneys or a witness in the matter, that they get a fair trial and he treats them with great decency.

I am very pleased to move this nomination. Thank you.

ACTING PRESIDENT MEIER: The question is on the confirmation of Thomas H. Scuccimarra, of Garrison, as a judge of the New York State Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Scuccimarra is with us in the gallery today, and he is accompanied also by

his wife, Barbara, and by his mother, Eleanor, and also by a number of friends who include Mrs. Margaret Pataki, the mother of our great Governor.

Judge Scuccimarra, on behalf of the body, congratulations.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a judge of the Surrogate's Court for the County of Suffolk, John M. Czygier, Jr., of Remsenberg.

ACTING PRESIDENT MEIER: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I'm most happy to stand up and move the nomination of John M. Czygier, Jr., of Remsenberg, as a judge of the Surrogate's Court of the County of Suffolk.

One of my colleagues just asked where Remsenberg is. Remsenberg, of course, is in Senator LaValle's district, in the east end, and I will be yielding to him in just a moment.

But I do want to take a moment of the Senate's time to just personally speak about John Czygier and John Czygier becoming the Suffolk County surrogate.

This is a great confluence of both merit and politics coming together. There is no doubt that John Czygier is probably the finest privately practicing trust and estates attorney in Suffolk County. And the fact that he's becoming the surrogate of our county today is absolutely outstanding.

And for me personally, not only does it mean that a friend is the surrogate of the county, one that I totally respect for his work as an attorney, but an attorney who I've worked with not only in private practice but since he was appointed by Chief Administrative Judge Lippman to his Advisory Council on the Surrogate Court -- in that capacity for a long time, with the Suffolk County Bar Association, and numerous appearances that he's come here to Albany representing the interests of that bar association, which of course I myself am a member of.

But to have John Czygier as Judge

Czygier the surrogate to me is an outstanding appointment by the Governor, and I certainly offer my personal congratulations to him and thanks to the Governor for the nomination.

And if I haven't taken too much of your time, Senator LaValle, I'm only too happy to yield to you for purposes of a second.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LAVALLE: Thank you, Senator Lack.

Mr. President, I have to start off by saying once again, and we can't say it enough times, that this is an outstanding nomination that is sent to us by Governor Pataki.

This morning when I was jogging, I was thinking about what was I going to say on the floor to support John Czygier's nomination. And I thought I would relay a little story and do it in story form.

John Czygier's predecessor, Justice Prudenti, was an outstanding surrogate who had impeccable credentials coming into that position. She felt that she wanted to go back

to the Supreme Court, was reelected, and is also our administrative judge.

Now, usually when that happens, there's a vacancy in any court and or any position, people are scurrying around to find a replacement. This was easy, because people of all party affiliations could attest that there was one candidate, John Czygier, who had the credentials, whose practice in the Surrogate's Court was probably 75 percent Surrogate Court work. Not only practiced in Suffolk County Surrogate, Nassau, Queens, and other courts, has lectured for the State Bar Association and the County Bar Association, is a member of our Surrogate Court section.

But more importantly, when we look at candidates for a judicial position, it's temperament, what kind of person. John Czygier is and has always been the kind of person who is available. Whether you're at the Surrogate's Court and have a question of John when he is very, very busy, he will take, has taken the time to answer a question. You could call John up, and he would take the time and be very patient with you and, of course,

give you the best information.

John Czygier will follow in Justice Prudenti's place maintaining the Suffolk Surrogate's Court as one of the finest, I believe, in the State of New York. Part of the Surrogate Court responsibilities for the judge is administrative work. John's temperament, knowing the personnel and having good administrative background, will mean that Surrogate's Court will continue on the same track.

The citizens of our state, not only in Suffolk County, but those coming before our surrogate, will get fair, good and decent attention.

Madam President, it's a great privilege to move the nomination of John Czygier as Suffolk County Surrogate Court judge.

THE PRESIDENT: The question is on the confirmation of John M. Czygier, Jr., of Remsenberg, as a judge of the Surrogate's Court for the County of Suffolk. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

(Applause.)

THE PRESIDENT: I'd like to acknowledge and welcome not only Judge Czygier, but his wife, Rose, and family and friends who have joined us this afternoon.

Congratulations, Judge, and best wishes.

The Secretary will read.

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

As state director of the Division of Probation and Correctional Alternatives, Sara Tullar Fasoldt, of Loudonville.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President.

It's a pleasure to rise and move the confirmation of Governor Pataki's nominee for Director of Probation. Sara Fasoldt is a professional. She understands the field,

she's compassionate, concerned, a hard worker, an excellent, excellent administrator.

Sara was, in Clinton County, the director of probation. For those of you who do not know where Clinton County is, that's in the province of Quebec -- no, no, it's on the border of Canada. But in Clinton County, like every county, we have problems, and Sara Tullar Fasoldt did a tremendous job as the director.

She came down to work in the Office of Probation here in Albany, and she also has demonstrated the fine work that she does.

She has studied and has done graduate work in the field, and as a matter of fact has studied at Russell Sage, which is not that far from here. She also studied in Switzerland and has her master's from the University of Rochester, after graduating from the college at Brockport, SUNY at Brockport.

I could go on and on, Madam President, but as was pointed out in the committee meeting when a number of Senators read the background on Ms. Fasoldt, they were impressed, as they should be, and I am, of how

involved she has always been in every community that she lives in. She cares for people.

I'm sure, Madam President, just as she has been doing an excellent job as Acting Director of Probation, I'm sure that she will continue to do this fine work.

And I do commend the Governor for this fine appointment. And we certainly offer our congratulations to a very deserving and hardworking public servant.

THE PRESIDENT: The question is on the confirmation of Sara Tullar Fasoldt, of Loudonville, to serve as the state director of the Division of Probation and Correctional Alternatives. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

And I'd like to acknowledge her presence and congratulate her and wish her the very best.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Rosario Guy Vizzie, Jr., of Leeds.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Madam President, it's a pleasure to yield to Senator Bonacic.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

I'd like to move the nomination of Guy Vizzie, Jr., to the State Parole Board. He served for 25 years in Greene County with distinction, 21 years being the Director of Parole in that county. In 1999, he filled a vacancy in the State Parole Board. With his experience, he deserves reappointment for a full term.

And, by the way, his son is - serves as assistant counsel to Governor Pataki.

And I ask that you move the

nomination.

THE PRESIDENT: The question is on the confirmation of Rosario Guy Vizzie, Jr., of Leeds, as a member of the State Board of Parole, for a term to expire on February 6, 2007.

Senator Montgomery, do you wish to be heard before we vote?

SENATOR MONTGOMERY: Yes, Madam President. Thank you for recognizing me.

I would like to rise to also speak on the nomination of Mr. Vizzie. I met him this morning. And in speaking with him, he agrees with me and many others of us that parole is a very important aspect as it relates to public safety and as it relates to adequate supervision of people who are returning to communities who have been incarcerated in our state prison system.

And so I think he has the kind of experience that we need in a person who is going to head that division. I'm happy to know that he is going to be able to use his experience, both from having been involved with the probation and from that end of it and

now, on the other end of the spectrum, that he will bring some knowledge and understanding and commitment to making sure that parole works well for the people in the State of New York.

So I'm happy to second his nomination.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

And I'd like to acknowledge the presence -- his presence here, and wish you the very best wishes.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the Workers' Compensation Board, Robert M. Zinck, of Henrietta.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President. And again, it's a pleasure to yield to Senator Alesi.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President. Thank you, Senator Stafford, my colleagues.

This is a great pleasure and honor for me to speak on behalf of a good friend, Bob Zinck, and someone who has been recognized by the Governor. And I applaud the Governor in that recognition of Bob Zinck's exceptional talents.

Bob Zinck brings a rare combination of experience in the building trades and business in general, and combined with the fact that he is an elected county legislator in the town of Henrietta, which I have the pleasure of representing in the Senate. I've known Bob for quite a while now, and his family.

And, in applauding the Governor's choice, a very wise choice on behalf of our Governor, which has become something that we're very used to now, I would like to point

out that Bob will give 110 percent to his efforts. His experience in business and his experience and willingness to work on behalf of his constituents will make him an exceptional person for this job.

And again, in applauding the Governor for an exceptional choice, I would say if there is any downside to the nomination at all, it would be the fact that the people in the town of Henrietta will be losing an exceptional county legislator.

And I wish Bob Zinck very good luck in this position and look forward to working with him in the future.

Thank you, Madam President.

THE PRESIDENT: The question is on the confirmation of Robert M. Zinck, of Henrietta, as a member of the Workers' Compensation Board, for a term to expire December 31st in the year 2003. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is

hereby confirmed.

I'd like to acknowledge his presence here this afternoon and wish you the very best.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the Industrial Board of Appeals, Gregory A. Monteleone, Esquire, of Goldens Bridge.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Madam President, may I please yield to the Senator from Northern Westchester -

THE PRESIDENT: Senator Leibell.

SENATOR STAFFORD: -- Senator Leibell.

SENATOR LEIBELL: Thank you very much, Senator Stafford.

Madam President, I'm very pleased to rise on this nomination. We have many positions here that are being filled today, but a member of the Industrial Board of Appeals is certainly one of the more significant.

We always look in these positions for people who bring to us certain qualifications. And we're very pleased that the Governor has submitted to us once again the name of someone who has these qualifications.

Greg has served as a -- worked as an attorney, he has served in the Westchester County DA's office, he's been active in our local bar association in Westchester County. And he has served and studied in the areas of labor law.

I might add that he is also a graduate of St. John's University School of Law, so we know that he is very well educated.

I'm very pleased to speak in support of this nomination. I would like to move it. And I know that Greg Monteleone will do a very fine job for New York State.

Thank you.

THE PRESIDENT: The question is on the confirmation of Gregory A. Monteleone, Esquire, of Goldens Bridge, as a member of the Industrial Board of Appeals. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

And I'd like to acknowledge his presence here this afternoon and wish him the very best.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As director of the State of New York Mortgage Agency, Christopher J. Cade, of Bronxville.

As a member of the New York State Bridge Authority, Morton Marshak, of Monroe.

As a member of the Ogdensburg Bridge and Port Authority, Mary M. Farley, Esquire, of Gouverneur.

As a member of the State Board for Historic Preservation, Charles D. Urstadt, of New York City.

As commissioner of the State Insurance Fund, Terence L. Morris, of Burnt Hills.

As a member of the Palisades Interstate Park Commission, Barnabas McHenry, of New York City.

As a member of the Veterans' Affairs Commission, Herman G. Harrington, of Rensselaer.

As members of the Advisory Council on Alcoholism and Substance Abuse Services, James G. Cloonan, of Oswego, and Elaine Ellis, of Tupper Lake.

As a member of the Continuing Care Retirement Community Council, Craig A. Duncan, of Averill Park.

As a member of the Public Health Council, Francis J. Serbaroli, of East Hampton.

As a member of the State Hospital Review and Planning Council, Robert W. Hurlbut, of Rochester.

As members of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford, Joseph J. Benenati, Jr., of Norwich, and Mary Smack, of Binghamton.

SENATOR STAFFORD: Move

confirmation, please.

THE PRESIDENT: Thank you, Senator Stafford.

The question is on the confirmations as stated by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

Senator Balboni.

SENATOR BALBONI: Yes, Madam President. Would you please recognize Senator Marchi.

THE PRESIDENT: I certainly will.

Senator Marchi.

SENATOR MARCHI: We have a marvelous experience here. It's the annual visitation by distinguished graduates of St. John's University Law School.

You've gone so far without being a St. John's graduate, but that is the ultimate in achievement.

So we're very happy to have them

here. And they're arrayed in back of me. Judge Bellacosa. Judge Rubin. The others didn't come in yet.

Well, we have a host of these wonderful people here.

So I trust that you will welcome them to the Senate and wish them all the best for this day, because there are several programs involving graduates of St. John's University taking place today. So we're honored by their presence.

THE PRESIDENT: On behalf of the Senate, I'd like to welcome Dean Bellacosa as well as the other officials from St. John's. We are honored -- pun intended, Judge. I'll always refer to Judge Bellacosa -- with your presence.

Welcome and best wishes to each of you.

(Applause.)

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Yes, Madam President. Could we please have the reading of the noncontroversial calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 303, by Member of the Assembly DiNapoli, Assembly Print Number 5691, an act to amend Chapter 319 of the Laws of 2000.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 380, by Member of the Assembly Gunther, Assembly Print Number 4612, an act authorizing a transfer.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 394, by Senator Wright, Senate Print 3931, an act to amend the Executive Law and others.

SENATOR PATERSON: Lay that aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 442, by Senator Skelos, Senate Print 420, an

act to amend the Correction Law.

SENATOR PATERSON: Lay that aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 447, by Senator Larkin, Senate Print 1665, an act to amend the Real Property Tax Law.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, would you lay that aside, please.

THE PRESIDENT: Yes, we will, Senator. It is laid aside.

THE SECRETARY: Calendar Number 448, by Senator Larkin, Senate Print 1933, an act to amend the Education Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 476, by Senator Marchi, Senate Print 1162, an act to amend the Education Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 497, by Senator Balboni, Senate Print 850, an act to amend the Family Court Act and the Domestic Relations Law.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 507, by Senator LaValle, Senate Print 3266, an act to amend the Town Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 517, by Senator Rath, Senate Print 3127A, an act to amend the Transportation Law and the Vehicle and Traffic Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 533, by Senator Marchi, Senate Print 2021, an

act to amend the Not-for-Profit Corporation Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 534, by Senator Marcellino, Senate Print 3203, an act to amend Chapter 672 of the Laws of 1993.

SENATOR PATERSON: Could you please lay that aside, Madam President.

THE PRESIDENT: Yes, we can. The bill is laid aside.

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

SENATOR BALBONI: Yes, Madam President, could we please have a reading of the controversial calendar.

But please lay aside Calendar Number 442, Senate Bill Number 420, for the day.

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

The Secretary will read.

THE SECRETARY: Calendar Number

303, by Member of the Assembly DiNapoli, Assembly Print Number 5691, an act to amend Chapter 319 of the Laws of 2000.

SENATOR PATERSON: Explanation, please.

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

SENATOR BALBONI: Madam President, talk about a technical amendment. This is a chapter amendment to a law that we passed last year authorizing the assessor of the County of Nassau to accept an application for retroactive real property tax exemption from the Chabad of Port Washington, a wonderful establishment, pursuant to Section 420 of the Real Property Tax Law.

And essentially, the parcel in question, while meeting the criteria for the tax exemption, is correctly covered by Section 462 of the Real Property Tax Law, and this bill would correct a very technical reference to the law made in Chapter 319 of the Laws of 2000.

That's all there is.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, would Senator Balboni stand for a question?

THE PRESIDENT: Senator, will you yield for a question?

SENATOR BALBONI: I'll yield for a technical question.

THE PRESIDENT: You may proceed with a question.

SENATOR PATERSON: Senator, if I understand, Section 319 of the Laws of 2000 is not represented correctly as it's quoted in the section of this law, and you just want to correct that, Senator?

SENATOR BALBONI: That is correct, Senator.

SENATOR PATERSON: Madam President, I am quite pleased with that answer.

And there being no other Senator who wants to speak on the bill, I guess we should pass it, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 380, by Member of the Assembly Gunther, Assembly Print Number 4612, an act authorizing a transfer into retirement plan.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Would you lay that bill aside momentarily? I'm sorry, no, we can proceed with that bill. Thank you.

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

SENATOR BONACIC: Thank you, Madam President.

This is legislation that authorizes four full-time police officers in the Village of Liberty, in Sullivan County, to transfer their retirement status from Section 375(i) to

384(d) of the Retirement and Social Security Law.

In that department, there are 20 police officers, and they are all in 384(d) of the Retirement and Social Security Law. And it was a mistake by the Village of Liberty to put them in a different category, and we want to change it to where it should be.

The amount of the money to take care of these four police officers will be paid entirely by the Village of Liberty. It's a cost of 120,000.

This bill passed the state Senate last year 59 to zero. And this year it passed the Assembly by -- and it's being carried by Assemblyman Gunther, and that passed on May 2nd by a vote of 147 to zero.

THE PRESIDENT: Senator Paterson.

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

THE PRESIDENT: Senator, will you yield?

SENATOR BONACIC: Of course.

THE PRESIDENT: You may proceed,

Senator Paterson.

SENATOR PATERSON: Senator, is there a home rule message on this bill?

SENATOR BONACIC: There is.

SENATOR PATERSON: Thank you.

Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator, will you yield?

SENATOR BONACIC: I do.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, the town will absorb the cost for these four officers?

SENATOR BONACIC: The village will.

SENATOR PATERSON: I mean the village, I'm sorry.

SENATOR BONACIC: Yes.

SENATOR PATERSON: That's the Village of Liberty?

SENATOR BONACIC: That's correct.

SENATOR PATERSON: Thank you.

Madam President, if the Senator

would continue to yield.

SENATOR BONACIC: I do.

THE PRESIDENT: You may proceed.

SENATOR PATERSON: We had a bill yesterday just like this. That was the town of Camillus, in Senator DeFrancisco's district.

This bill basically does the same thing. In other words, the officers were not aware that they had the option to opt in; they didn't. After the fact, they realized it.

And it's really ministerial, so we're going to let them opt in. Is that correct?

SENATOR BONACIC: That's exactly correct.

SENATOR PATERSON: Finally, Madam President, I'd like to inquire of Senator Bonacic the same which I inquired of Senator DeFrancisco, which is are you -- do you have any knowledge or information about why the officers were unaware?

SENATOR BONACIC: Why they were what? Excuse me, Senator.

SENATOR PATERSON: How it came to

be that they didn't know that they had this option.

SENATOR BONACIC: If you'd just give me a second, I will answer that question for you.

Yes. The mistake initially was clerical. They started as part-time officers with the Liberty Police Department, and there was confusion whether it was going to be done, the paperwork, by the village administrator or the police chief of the Village of Liberty Police Department.

And as a practical matter, neither of them did it. The one year expired, and they were out in the cold.

SENATOR PATERSON: Excellent, Madam President. Thank the Senator for his answers.

THE PRESIDENT: Does any other member wish to be heard on this bill?

There is a home rule message at the desk.

The debate is closed.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 394, by Senator Wright, Senate Print 3931, an act to amend the Executive Law, the State Technology Law, and the State Finance Law, in relation to the Office for Technology.

SENATOR PATERSON: Explanation.

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

SENATOR WRIGHT: Thank you, Madam President.

Senator Paterson will find this most exciting, second only to Senator Balboni's earlier bill before us.

We will transfer the powers and duties of the Office for Technology from the Executive Law to the State Technology Law.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Wright would yield for a

question.

THE PRESIDENT: Senator, will you yield?

SENATOR WRIGHT: Yes, I will, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR PATERSON: Senator, this transfer of the Office of Technology from the Executive branch, will it entail any real substantive changes in how the office operates now?

SENATOR WRIGHT: It will not, Senator.

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

THE PRESIDENT: Senator, will you yield?

SENATOR WRIGHT: Yes, I will.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Then that being the case, Senator, can you just explain to me why they wanted to do this?

SENATOR WRIGHT: Because by putting all the pieces of technology together, we'll have one section under "T" and be able to find "technology." And that's as simple as I can put it, Senator.

SENATOR PATERSON: Good enough for me, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

Senator Balboni.

SENATOR BALBONI: Yes, Madam President. There will be an immediate meeting of the Aging Committee in the Majority Conference Room, an immediate meeting of the Aging Committee in the Majority Conference Room. Thank you.

THE PRESIDENT: There will be an immediate meeting of the Aging Committee in the Majority Conference Room.

THE SECRETARY: Calendar Number 447, by Senator Larkin, Senate Print 1665, an act to amend the Real Property Tax Law, in relation to refiling.

SENATOR MONTGOMERY: Explanation.

THE PRESIDENT: Senator Larkin, an explanation has been requested by Senator Montgomery, I believe.

SENATOR LARKIN: Madam President, this bill amends the Real Property Tax Law by changing the events that require a veteran to refile an alternative veteran's real property tax exemption.

Under the current law, to retain a veteran's exemption, a veteran need not refile an exemption form unless the percentage of the disability increases or decreases.

What this bill does is require a veteran to refile a tax exemption form if there are other changes that have occurred which affect qualifications for the exemption or the amount of the exemption.

This bill is needed because the municipalities that administer the alternative exemption procedure cannot effectively do so if they are not informed about the changes that effect their veterans' eligibility for tax exemption; i.e., change of ownership, transfer of the ownership to a relative, new spouse, or something of that magnitude.

This bill is supported by the City of New York and has no known opposition.

THE PRESIDENT: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Thank you very much, Madam President. Would the sponsor yield for a question?

THE PRESIDENT: Senator Larkin, will you yield?

SENATOR LARKIN: Yes.

THE PRESIDENT: You may proceed, Senator Smith.

SENATOR MALCOLM SMITH: Through you, Madam President, do localities have an option of not granting these property tax exemptions?

SENATOR LARKIN: This is in the

law. There's already procedures in the law.

And the only thing that we're doing is to correct it so that when a veteran is getting an exemption, we want to make sure that he's entitled to it, whether it's an increase or a decrease. And local governments don't have the information. The intended benefit receiver, the veteran, has that information, and he has to give it to the local municipalities.

SENATOR MALCOLM SMITH: Will the sponsor yield for one more question, Madam President.

THE PRESIDENT: Senator, will you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed.

SENATOR MALCOLM SMITH: Through you, Madam President.

If the localities have the option of granting the maximum amount, do you know what percentage of the localities in New York will be granting the maximum amount?

SENATOR LARKIN: I'm sorry,

Malcolm, you'll have to speak up.

SENATOR MALCOLM SMITH: If localities have the option of granting the maximum amount, do you know which localities in New York will be granting the maximum amount?

SENATOR LARKIN: It's strictly up to the localities.

But the basic part of it is - you've got to understand what the premise of this bill was.

When it was first initiated, there was an exemption given. And what we're doing now is -- all we're doing is to say that they must refile to ensure that what benefits they're given they're entitled to. Period.

SENATOR MALCOLM SMITH: Thank you, Madam President. That will suffice.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 448, by Senator Larkin, Senate Print 1933, an act to amend the Education Law, in relation to expanding.

SENATOR MONTGOMERY: Explanation.

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

SENATOR LARKIN: By who?

THE PRESIDENT: Senator Montgomery requested an explanation.

SENATOR LARKIN: Senator Montgomery, this bill amends the Education Law to expand the types of education courses which Vietnam veterans and Persian Gulf veterans will be eligible to receive tuition assistance, to include correspondence courses, electronic distance learning courses.

Under the current law, Vietnam veterans' and Persian Gulf veterans' tuition award programs are already approved, and those who are enrolled in this undergraduate or

graduate degree training programs. And this bill allows veterans to get tuition assistance for distance learning, similar to what we do a lot of times now in our high schools in our rural areas, classes from a Regents-approved postsecondary institution.

Distance learning includes classes where the student is separated from the source of instruction and communication occurs via printed matters, correspondence, computers, televisions or whatnot.

This legislation will not increase the cost to the state, because about one-third of the 3 million that is allocated to this program is spent. A funding source already exists to carry out this function.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. Would the sponsor yield for a question or so?

THE PRESIDENT: Senator Larkin?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed,

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you.

Senator Larkin, this is a very good program. I've certainly always supported it. And I've advertised it in my own district, and I think we've done outreach extensively.

But there still seems to be a problem with veterans really seizing the opportunity, based on this law. Do we have any idea, have we tried to figure out why there is such an underutilization of this program?

SENATOR LARKIN: Well, that's one of the purposes of why we put this bill in, because we found a lot of people, especially in the rural parts of our state, they just can't get down to the community college or they can't get up to Plattsburgh, to Senator Stafford's place, or to Long Island.

They have a need, and the need is for the distance learning. And what we found out is when we looked at the high schools that were doing the distance learning, we found out that, for example, in some of the rural parts,

in John Bonacic's case, and mine, they were having a limited number of students participate.

School aid had two or three students that wanted to take French. They're not going to hire a teacher just for French.

But now, by putting the distance learning in, they can put three or four units together and be focused from one central point, and you can get 10 or 12 or 15 students. And that was the purpose here.

If this is approved, we will be going out through the Veterans' Affairs to start a New York-wide campaign to get this done.

SENATOR MONTGOMERY: All right. Madam President, if Senator Larkin would continue to yield.

THE PRESIDENT: Senator, do you continue to yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Montgomery.

SENATOR MONTGOMERY: Senator

Larkin, do you -- is there any problem with including another class of veterans -- i.e., Korean War veterans?

Is that something that we can also do to try and expand the number of people eligible and therefore maybe more people will use it?

SENATOR LARKIN: Well, I believe that this incremental movement on this part to take from the Vietnam veterans and include the Persian Gulf, in that area, we're making a step in the right direction. And from the numbers that we've looked at in the State of New York, this will help us to fill that gap.

We may want to, next year, look at the numbers in Kosovo. Right now, those numbers from New York were limited.

And I think that this is the right step at this time.

SENATOR MONTGOMERY: All right. Madam President, just one more question.

THE PRESIDENT: Senator, will you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR MONTGOMERY: Yes, thank you. Madam President, through you.

I'm just wondering why this bill didn't pass in the Higher Education Committee before. Or did it pass -- do I not have the correct information -- in the Assembly? Is there some reason why the Assembly won't pass it?

SENATOR LARKIN: I don't know. We've talked to them and they said - Mr. Tocci said that he was very much interested in it because he's been getting calls from veterans' counselors. Because the veterans' counselors are the ones that are telling us across the state that we need a vehicle to open this up.

This opens it up. You've got $3 million that are appropriated. We're spending about one-third of that.

We believe that by the extension for the Vietnam and Desert Storm to the distance learning we'll close that gap, we'll provide the educational requirements that are

needed. And the big thing is we're expanding a program and yet we're not requiring additional dollars.

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

Madam President, on the bill briefly.

THE PRESIDENT: You may proceed, Senator, on the bill.

SENATOR MONTGOMERY: Yes. It's a very good bill. It's a very good program. And I think Senator Larkin's approach is definitely appropriate.

But I hope that we can also, if Senator Larkin would be kind enough to suggest, that we should perhaps investigate whether or not there are any administrative barriers to people actually accessing it. I'm not sure. I don't think we know definitively just why it's so underutilized.

But I would like to see, and I'm sure that most of us, if not all of us, would like to see our veterans take advantage of this since it's available. We want to support them in this way.

So I'm all in favor of it, and hopefully we can continue to look at ways in which we can make it more accessible.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Marchi, Senate Print 1162, an act to amend the Education Law, in relation to the establishment.

SENATOR PATERSON: Explanation.

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

SENATOR MARCHI: Madam President, this bill would provide for the establishment of a quasi-independent board of education in

Staten Island, Richmond County.

It would continue the fiscal relationship between Staten Island and the City of New York, the amount. And the funds that are currently flowing to Staten Island by reason of the present circumstances would continue and would be dependent on the continuance of that relationship. There is no change in the employment, the people. That would be preserved.

And it would also enable a locally elected board of education with very specific requirements for election and the procedures attendant to put in place a board of education.

This would be the ideal community to essay that effort.

District 31 is the only district in the city of New York which is wholly contained within a borough. It fits exactly and would be in conformance with the present circumstances. So it would give them a quasi-independent responsibility for the operation of the school board, depending on the local election.

We have passed this bill on prior occasions, but we have yet to engender a kindred sentiment in the other house. But we are hoping that that might take place.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: Yes. Madam President, through you, will the very distinguished Senator from Staten Island yield.

THE PRESIDENT: Senator Marchi, will you yield?

SENATOR MARCHI: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR LACHMAN: Senator Marchi, could you explain further how this establishment of a Staten Island Borough School District would relate to the central Board of Education, would relate to the Mayor, and would relate to the community school board that now exists on Staten Island?

SENATOR MARCHI: Well, on a funding basis, it would change really nothing.

But on an interior management, the election of the school board would create the

circumstances by which the administration of that district would operate. And it would be a locally oriented membership and managerial -- exercise of managerial responsibility within the county.

SENATOR LACHMAN: Madam President, I have one final question, if the Senator would yield, before I speak on the bill.

THE PRESIDENT: Senator, will you yield?

SENATOR MARCHI: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR LACHMAN: Does your bill eliminate the community school board that now exists, and does it eliminate any relationship to the central Board of Education?

SENATOR MARCHI: It does eliminate for operational purposes -- the control would be internal within Staten Island. It would be up to the new board on how they reorganized themselves locally, but the decision would be made by the local board of education.

SENATOR LACHMAN: By the borough-wide board, not by the local community school board that now exists?

SENATOR MARCHI: Right. Right.

SENATOR LACHMAN: Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill, Senator Lachman.

SENATOR LACHMAN: I seldom disagree with my learned colleague, for whom I have the highest respect. But unfortunately, I have to disagree on this bill.

I think it's a bad precedent. It's based upon a premise which I do not fully accept, and that is that governance of a school system or a school board is the major ingredient in the improvement of education.

It's also based upon another premise. I think the bill arose during the time when Staten Island had this fever and then this vote against secession from the rest of the city of New York.

If you create a separate school board for the Borough of Richmond, then why not create a separate school board for the

Borough of Brooklyn or the Borough of Queens or the Borough of Manhattan or the Borough of the Bronx?

And I don't think we have the full understanding what relationship the Staten Island school board would have with the existing central Board of Education or with the duly elected members of your community school board in Staten Island.

So I regretfully, on this issue, Senator, unlike other issues, have to part company from you. And I will vote no.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Just by way of a brief commentary, this has widespread support in the community of Staten Island.

I know that what you suggested might eventuate. I remember Senator Galiber, who was a very close friend of mine, when he was a member of this house had introduced the same legislation. It did not gain support in the other four major counties, because they're all counties of over a million population.

It would seem that that is the one district that is easily distinguished from the

rest of the city, both by way of geographical location -- out there in the Atlantic somewhere -- and the feeling of the people and the relationships that exist on an island-wide basis.

We have all the analogous membership organizations. Where there is a bar association, the medical society, everything is predicated on a Richmond County basis. You don't find that analogous in any other area of the City of New York.

So we have distinctly different and distinguishable qualities. We have a newspaper that is read by the entire island, along with some other publications. But just the newspaper reporting birth and our departure from this vale of tears is something that this is -- there are more people that read the daily newspaper than all the other newspapers of New York City combined. And that has always been the case.

So that the intensity of the feeling and the desire -- this board does a pretty good job anyway. Irregardless, as they may say in Brooklyn. They do a pretty good

job, because the grades are good. But there's every consideration and evidence that this opportunity would be seized upon to embrace it and to enhance the whole educational process on Staten Island.

I did have -- I had once exchanged correspondence with Lani Guinier, who has a very disputatious kind of reference to make. She has asked for something like that in other areas, but it was not a prevailing consideration. And we could not adopt cumulative voting, which was her -- which undergirded her plan, to the ballot that we have today. And we could harness that very easily into present ballot system.

So there are a host of considerations, and the feeling back home that this would be a positive step forward. And it has been the existing situation in Staten Island for many years.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, if Senator Marchi could yield to a couple of questions.

THE PRESIDENT: Senator Marchi, will you yield for a question?

SENATOR MARCHI: Yes.

THE PRESIDENT: You may proceed.

SENATOR MONTGOMERY: Thank you.

Senator Marchi, I was looking through the bill and I don't see the section that talks about how the new district would be financed. And I'm just wondering if this is an independent school district to be financed based on property taxes, as other school districts outside of the New York City area.

SENATOR MARCHI: Well, the funds would come from the City of New York, Madam President, in response to the inquiry by the Senator.

They would come from the City of New York, and they would be measured by the usual criteria, the number of people involved and the resources that are available. And we're perfectly happy to have that continue.

So the fiscal aspects are covered. Nothing would really change. It would be a question of internal management. And that's -- that sums it up completely.

SENATOR MONTGOMERY: Okay. Thank you. Just on the bill, Madam President.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR MONTGOMERY: Yes, I do have a problem, although I think that Staten Island certainly has every right to want their own independent school district.

But I certainly do have a problem with the fact that here we will create an independent school district without any connection to the school district in New York City -- the chancellor does not have any authority, essentially it's creating almost a private, separate district. But we're all funding it.

And so if the Borough of Staten Island and the residents of Staten Island feel that they want an independent school district, then I feel that it should be established under the state law that every other school district is established under.

And certainly the Big Five is very different from every other school district that's independent, and I think that this one

should be treated in the same way.

So I'm going to vote no on this, although I want to make it very clear that I certainly respect Senator Marchi's intent to establish a school district for his district, his borough, and that is fair. But I don't think it's fair to ask for New York City to pay for -- you know, in terms of local education dollars while it is a totally independent and separate school district.

THE PRESIDENT: Senator March.

SENATOR MARCHI: Madam President, I just want to reassure the Senator. I respect your feelings and your response to it. I will point out that the State Commissioner of Education has a very -- it must meet with approbation there every step of the way.

It doesn't alter the fiscal relationship, because we are a plus factor in the contribution of taxes and whatnot. That is not altered in any way.

What would happen is that the internal management would continue on the semi-independent board, but fiscal dependency and fiscal relationships and their

subordination to the judgment of the State Board of Education and the Regents of the State of New York would continue.

And they -- they're not invited to take a free ride or anything. I mean, they're under the same strict regulation that is the experience of the board itself, the central board. However, it does -- is responsive to the specific question of the altered feeling that we have by way of separation and the existence of a different climate.

When I first came up here, I had a farm colony that I represented. I believe that there is still one farm left in Staten Island. And I know that you appreciate Staten Island, because I know you come down there often to some of our facilities and structures.

So I do hope that it -- I'll have to work very hard with the Assembly, however, since I've been passing it since 1994.

THE PRESIDENT: Senator Gentile.

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

THE PRESIDENT: You may proceed,

Senator, on the bill.

SENATOR GENTILE: Madam President, I am the only member of this house that has the privilege of representing both Brooklyn and Staten Island. And in that, I've come to certainly know the views of my learned colleagues from Brooklyn but also have come to learn the views of Staten Islanders, and particularly Senator Marchi, on this piece of legislation.

And I must say that having represented Staten Island and knowing about the issues and the problems and the virtues of Staten Island schools, certainly I understand where the Senators from the other boroughs may be coming from. But I must say that having represented Staten Island, the fact is that Staten Island and their schools, the schools on Staten Island, are unique in many different ways.

One way particularly is in the transportation issue. And as you know, Senator Marchi, we always have that concern, that concern particularly about the lack of transportation to the schools, public schools

throughout Staten Island.

Now, that issue doesn't reverberate around the rest of the city. And therefore, the central Board of Education is not as or not always as responsive as it should be to a particular issue that's particular to Staten Island.

And given your legislation, if we had a separate school district, I would surmise and anticipate that that issue about student transportation, only that one issue of student transportation, would be better addressed because of the local school district.

Certainly we still pay -- Staten Islanders still pay city taxes and all the taxes that they're required to pay to the City of New York, so the funding stream should not be different. It should remain as is, because Staten Island is still a part of New York City.

Your proposal, Senator Marchi, I believe just addresses the fact that among many issues, there are issues that particularly affect Staten Island schools

that, by experience, the central Board of Education has not been able to address sufficiently because it is particular to that borough.

And you make a good point, Senator Marchi, that if we are ever, in the City of New York, to try and do separate borough school districts, Staten Island is ideally the one to use as a pilot project. Because, as you point out, Staten Island has only one school district. The entire island of Staten Island is one school district.

That is not the case in Brooklyn not the case in Manhattan, not the case in Queens, not the case in the Bronx. It is almost impossible under the current structure in any of the other four boroughs to do a similar project, because of the multiplicity of school boards and school districts in the other four boroughs.

That's not the case in Staten Island. We have only one school district. So to convert that into its own -- one school board, to convert that into its own school district, it is rather a logical next step to

try a project by which a borough has its own school district that is more sensitive to the needs and issues of that individual borough.

So while I appreciate the words of my learned colleagues from Brooklyn, and having been born and bred in Brooklyn, but I am an adopted son of Staten Island, I believe this is a good bill, a bill that at least we should give a run and try.

So, Senator Marchi, I congratulate you and applaud you for this. I will be voting in the affirmative.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 476 are Senators Brown, Dollinger, Duane, Espada, Hevesi, Kruger, Lachman, Markowitz, Montgomery, Onorato, Oppenheimer, Santiago,

Schneiderman, A. Smith, M. Smith, and Senator Stavisky. Ayes, 42. Nays, 16.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 497, by Senator Balboni, Senate Print 850, an act to amend the Family Court Act and the Domestic Relations Law, in relation to the issuance of orders.

SENATOR DOLLINGER: Explanation, please.

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

SENATOR BALBONI: Yes, Madam President. Thank you.

This is a bill that builds on the success of a chapter that we passed in 1998 which allowed judges in County Court to issue orders of protection on behalf of witnesses during the pendency of a domestic violence trial or hearing.

Previously, the law did not permit a judge to do that, only to issue a order of protection on behalf of victims of the offense.

In the Governor's approval message in 1998, he stated the need to extend this ability to other courts, specifically the Family Court. And it is from that veto message that this bill was born.

And I'd like to note that the original chapter was sponsored by myself and supported by every single member in this chamber, as was this particular amendment, which passed last year.

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

THE PRESIDENT: Senator Dollinger.

Senator Balboni, will you yield for a question?

SENATOR BALBONI: I yield.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Just so I understand it, was that a veto message from the Governor of the earlier bill that gave rise to this legislation?

SENATOR BALBONI: Madam

President, through you, if it had been a veto message, I would have referred to it not as a chapter but as a bill.

SENATOR DOLLINGER: Through you, Madam President, I thought Senator Balboni referred to a veto message that he had picked it up in.

Let me ask the fundamental question. Does this bill -- through you, Madam President, if Senator Balboni will yield.

SENATOR BALBONI: I yield, Madam President.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Does this bill prevent a lawyer or an investigator on behalf of a lawyer from contacting a witness during a Family Court proceeding?

SENATOR BALBONI: Maybe.

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

THE PRESIDENT: Senator Balboni, do you yield?

You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Isn't it in fact the case that oftentimes when a lawyer becomes aware of a witness list from an opposing party, and he wants to know -- since oftentimes, as you know, the Family Court pretrial disclosure process may be significantly limited in that he may not be able to get deposition testimony or subpoena witnesses prior to trial -- wouldn't it be appropriate for an adversary, a lawyer, to hire an investigator to contact the witnesses?

And my question is whether this protection order would prevent a lawyer or his investigator from having access to an impartial witness, which of course they would like to know what their testimony is before the moment of trial so that they can determine whether a negotiated settlement is appropriate or, for that matter, just to be prepared.

SENATOR BALBONI: Madam President, through you. Senator Dollinger, as you are well aware, the court is in the position to fashion this order of protection and determine to whom it shall apply and in

what context. That is the only way we could try to put together a safety net for individuals testifying in domestic violence proceedings.

But the law has been in effect since 1998, and there has been no complaint from the bar or from any litigants that the law that we passed in 1998 that allows this protection to be afforded to witnesses during the pendency of a domestic violence trial has in any way deterred the ability of defense counsel to interview or examine a witness to a domestic violence proceeding.

SENATOR DOLLINGER: Through you, Madam President, if Senator Balboni will continue to yield to a question.

SENATOR BALBONI: I continue to yield, Madam President.

THE PRESIDENT: The Senator does yield.

You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Through you, Madam President. Senator Balboni, how often has this process been used in other courts other than the Family Courts?

You've suggested that there haven't been any complaints. Do you know how many times this provision of providing a protection order for a witness in a trial, how many times it's actually been utilized so we can then evaluate how frequently or how possibly frequent the complaints might be?

SENATOR BALBONI: Madam President, the Office of Court Administration has not been able to do a monitor of this type of a process, as it is on a case-by-case basis. And we've not been able to track the actual numbers or the orders of protection.

However, I am sure that if there were complaints in any way, shape, or form that we would have heard about it.

SENATOR DOLLINGER: Through you, Madam President, if Senator Balboni will yield to just one other question.

SENATOR BALBONI: I yield, Madam President.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: Where in the bill does it provide that this witness

provision, witness protection provision will apply only during the pendency of the actual trial?

Could this not apply, would this not apply if the witnesses were designated during the pretrial proceeding, and therefore the order of protection would last for a longer period of time?

SENATOR BALBONI: Madam President, through you. As you are aware, Senator Dollinger, an order of protection can be fashioned for an individual during any proceeding should there be a realization by the court that the individual is in physical danger and there is a possibility of physical danger.

Procedurally, whether or not this actual statute will apply in a pretrial proceeding or during the actual trial or hearing itself is up to the court.

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

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: I commend

Senator Balboni for following up the approval message of the prior statute, with the Governor, in his legal judgment, making a conclusion that we should expand this bill to protect witnesses who testify in these proceedings as well.

However, I would caution Senator Balboni, although I'm going to vote for this bill, that I would examine a possible exception. I would use my own license, I guess, in my approval vote to send a little message.

And that would be that this provision, there be a specific direction to the courts of this state that this should not interfere with the administration of justice, that a lawyer for a litigant should be able to hire a private investigator and have them contact a witness who, again, has been identified previously, who has no role other than that of a witness in the case, and therefore it would be important that counsel have access to them through the power of subpoena or through an investigator. A common practice certainly in upstate New York, and I

assume throughout the rest of the state as well.

So with my approval vote, Madam President, I would suggest that the next amendment that we do to a chapter like this would be to make it very clear that it's not designed to restrict the practice of law and the vigorous representation by a lawyer of a client which may, in some cases, require that they get statements and information from an independent witness prior to the time of trial.

Under those circumstances, Madam President, I am going to vote in favor of the bill.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 507, by Senator LaValle, Senate Print 3266, an act to amend the Town Law, in relation to exemptions.

SENATOR DOLLINGER: Explanation.

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

SENATOR LAVALLE: Madam President, what we are doing is adding to subdivision 18 of Section 176 of the Town Law another exemption for fire districts.

There are already 14 exemptions. We are adding a 15th that would allow the payment of charges for leased telephone lines in order to maintain an adequate fire alarm system.

Under the present law, there is a blanket exemption of up to $2,000. It varies by formula if a fire district is in a township that has a full valuation system.

If they do not have an exemption, as is the case for the leasing of telephone lines to maintain an adequate alarm system, they must go by proposition, which means that

during each year, during the time when members are chosen to the board of fire commissioners, a proposition would be put up for all the people in the fire district to vote on.

We believe that this -- having an alarm system is very important item that should join the other 14 exempt items under the Town Law. And just to give you an example of some of the exemptions, just three of the already 14 exemptions, things such as payments under contracts for water supply and for the furnishing, erection, maintenance, and care of fire hydrants. Compensation -- another exemption is the compensation of paid fire district officers. A third one is contributions to the New York State Employees Retirement System and New York State Policemen and Firemen's Retirement System on account of past and current services of paid fire district offices and employees.

So these are some of the exemptions. There are many others; there are 11 others that already are in law. We are, by this legislation, adding a 15th exemption to the Town Law.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Through you, Madam President, will the sponsor yield to just one question?

SENATOR LAVALLE: Yes.

SENATOR DOLLINGER: Senator LaValle, we have exceptions to this rule that seem to be swallowing the basis for the restraints on expenditures by fire districts and commissions.

My question is, why not just abolish these what appear to be anachronistic legislative controls from Albany on all the expenditures made by these fire companies? We -- I think -- I would assume you share this opinion that -

SENATOR LAVALLE: Yes.

SENATOR DOLLINGER: -- these are organizations that have volunteer bases, they have community bases, they have community support, and yet we have this anachronistic system in which we still cap their expenditures and to which we continue to make exceptions.

My question is, why not just abolish this anachronistic system of control of by the State of New York and Albany of these kinds of expenditures?

SENATOR LAVALLE: Senator, that is really a good question. Because I know, as one legislator on behalf of the fire districts, I have several bills that, you know, want to add to the list because we have not kept it current.

There is, I gather, a suspicion on the part of people locally that they would rather fire districts, rather than lifting the $2,000 figure or changing the figure, eliminating it entirely, that it would be too easy for fire districts to maybe go hog wild.

On the other hand, what we have created is handcuffs on the fire districts that have them come to Albany, filing bills to deal with 21st century policy issues such as this. Or I think I have a bill dealing with the exemption of fuel oil and so forth. And many of us, with the price of gasoline going up, that may come to bear and cause great problems for our fire districts.

But it's -- as you can see from my discussion, on one part, one hand, people are afraid of giving the fire districts carte blanche to go ahead and move forward. On the other hand, we have put handcuffs on them that is too restricting, there is no doubt about it.

And maybe there is a middle road. But until we carve that middle road out, they are coming before the Legislature to receive help and attention.

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

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR DOLLINGER: Once again, Senator LaValle, always a studious and thorough response to questions.

I understand the point that Senator LaValle makes. It just seems to me that if we believe in mandate relief -- and I know Senator Rath and I have debated the big mandate relief bill -- here's the best kind of mandate relief that we can do.

This is a -- my guess is this is a

series of controls on expenditures of fire districts probably finding its roots in the '30s and '40s when, because of lack of proper communication, they were considered a long ways away, they were somewhat independent from towns and villages, they didn't have that direct oversight.

So we decided we would put expenditure controls, we would in essence provide them with the accounting -- in many cases I'm sure they didn't have the sophisticated accounting tools and the sophisticated budget and money management tools, because they were small fire districts.

Now here we are stuck with an anachronistic system of control where we continually provide exemptions through the diligent work of Senator LaValle, we provide exceptions. We say, well, we've got this control in place, but we're now going to exempt this, this, this, this, this.

And we finally get down to the point where we're exempting the payment of charges for leased telephone lines in order to maintain an adequate fire alarm system. Could

there be anything that's more at the heart of a fire district than maintaining a fire alarm system? And yet we have to write in a statutory exemption for them to be able to do this.

I would suggest to those on the other side who share my passion for mandate relief, this is the mandate relief that we ought to do. Let's let the local fire districts decide where they're going to spend their money, let's give them all the options they want. And we can pass a bill at some point, Senator LaValle, which will unfortunately eliminate all 15 exemptions but at the same time give the fire districts carte blanche, because as we know, they are accountable because they're directly elected.

And so from my point of view, so long as we have that direct election accountability, we ought to take the handcuffs from the 1930s and '40s off our fire districts. Let them spend what they can justify to their voters for adequate fire protection.

I would suggest to those who might

be listening that warm up the mandate relief, this is one place to start. I'll vote in favor.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 517, by Senator Rath, Senate Print 3127A, an act to amend the Transportation Law and the Vehicle and Traffic Law, in relation to penalties.

SENATOR DOLLINGER: Explanation, please.

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

SENATOR RATH: Madam President,

it's a very simple technical amendment to a bill that we passed and was chaptered last year, commonly called -- in our office, anyway -- the steel coil bill.

And in one place the word "loan" was written in instead of "load." We're just doing a spelling correction there.

And we're also identifying a license endorsement for drivers hauling steel coils and defining a scope for such endorsement. This was also in the bill last year, but what happened, the specifics and the technicalities of that endorsement had already been given by way of numbers to another category.

And so what we're doing is just making it possible for the DMV to move forward and give that kind of identification to the steel coil haulers.

SENATOR DOLLINGER: Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, will the sponsor yield to just one

question?

THE PRESIDENT: Senator Rath, will you yield?

SENATOR RATH: Sure.

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: Why do we need a specific license provision for someone who drives something involving the transportation -- it is the transportation, the hauling of steel coils? What is unique about steel coils that requires us to have a specific regulation for that?

SENATOR RATH: Senator Dollinger, we have some roads in our community that have some pretty sharp carves, some portions of the throughways and expressways. And a steel coil rolled off of one of these trucks recently, in the last two or three years ago, and crushed a car -- and the inhabitants, of course.

And the requirements here that will be written in will have to do with how these coils are secured and making sure that the drivers are trained properly, that they're not going too fast on these curves. Because all

of us have driven next to these trucks with these coils, and as you're going past them, you're looking and thinking -- particularly if you come from where our news media has been, where we know that one of these just rolled off and rolled onto a car that was going past it.

So that's what this is all about.

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

And again, I appreciate Senator Rath's answer to my question.

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: It seems to me that -- and we do this perhaps all the time here, which is I look at steel coils being transported on the back of a flatbed truck much the same way that they would transport lumber or steel rods or coaxial cable with the big round spools that they spool all this stuff on. And I guess I look at this and say, Do you need a specific steel coil endorsement?

I mean, does it take an endorsement to realize that when you're transporting stuff

on the back of an open flatbed truck you have to tie it down, you have to secure it, you have to put up barriers so that it can't roll off the back of the truck?

I would suggest, and with all due respect to Senator Rath, that the steel coil endorsement may end up like the mattress tag, if you recall our debate about the mattress tag which was attached in the '30s and '40s to certify this -- that the steel coil endorsement may end up one of those little regulations that we put onto business which is really not all that different from other things transported which have -- and, Senator Rath, I don't deny the danger of these things falling off the truck to other motorists, that there's a danger there.

But it just seems to me that to make it so specific to steel coils is that this, 30 years from now, may end up like being the mattress tag that we debated a couple of years ago.

So I guess I'll vote in favor of it. But as we mandate more and more endorsements and more and more restrictions,

some future senator may look at this little bill and say, Ah, there's something we can do in mandate relief, let's get rid of the steel coil endorsement. It may be the right thing to do today, but in the future people may look back at it and say it's government going just a little too far and a little too specific.

I'll vote in favor of it based on Senator Rath's comments, but we ought to keep that in mind.

THE PRESIDENT: Does anyone else wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 533, by Senator Marchi, Senate Print 2021, an act to amend the Not-for-Profit Corporation Law.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Madam President, would you please lay that bill aside.

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

SENATOR BALBONI: Thank you.

THE SECRETARY: Calendar Number 534, by Senator Marcellino, Senate Print 3203, an act to amend Chapter 672 of the Laws of 1993 amending the Public Authorities Law.

SENATOR SCHNEIDERMAN: Explanation.

THE PRESIDENT: Senator Marcellino, an explanation has been requested by Senator Schneiderman.

SENATOR MARCELLINO: Thank you, Madam President.

This particular bill would include the Harborfields Public Library among the public libraries eligible for construction and financing through the New York State Dormitory Authority.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. If the sponsor would yield for a few brief questions.

THE PRESIDENT: Senator Marcellino, will you yield for a question?

SENATOR MARCELLINO: Certainly.

THE PRESIDENT: You may proceed, Senator.

SENATOR SCHNEIDERMAN: I wonder if -- I see the list in the legislation. What is the criteria for the libraries that have landed on this list as opposed to most of the libraries in the state, which have not?

SENATOR MARCELLINO: They're all public libraries, Senator, and they all own their own facility.

SENATOR SCHNEIDERMAN: Through you, Madam President, if the sponsor will continue to yield.

THE PRESIDENT: Senator, will you yield?

SENATOR MARCELLINO: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR SCHNEIDERMAN: So the

distinction is that they own the building as opposed to rent? Is that what I gather from your answer?

SENATOR MARCELLINO: Apparently that's one of them, yes.

SENATOR SCHNEIDERMAN: And for libraries where the municipality owns the library, instead of the library district itself or an independent library authority, would those also be covered, if a municipality owns a library?

SENATOR MARCELLINO: The libraries that are covered are the ones that are specifically listed in the particular bill, in the particular part of the law. They're the only ones eligible for this financing.

The purpose of this particular situation is the Harborfields people would like to take advantage of the lower financing capabilities by going through the Dormitory Authority and save some money for their taxpayers.

SENATOR SCHNEIDERMAN: And through you, Madam President, what's the

estimated cost of this?

SENATOR MARCELLINO: Approximately $8 million is the cost of the project that they wish to engage in. If everything were to work out, the library might save some significant amount of money to that and keep the interest payments to approximately $7.8 million.

SENATOR SCHNEIDERMAN: Thank you. Sounds good to me.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Senator Dollinger.

SENATOR DOLLINGER: Just briefly on the bill.

I listened to the colloquy between Senator Marcellino and Senator Schneiderman. It seems to me that there's ample basis to conclude that every public library in New York State should be able to take advantage of the Dormitory Authority financing.

Could you think of anything more valuable and more directly related to the education of our children, which is what the Dormitory Authority was designed to do, than

to use it to fund the construction of public libraries, irrespective of whether they're owned or maintained or on loan?

We ought to be using the savings devices that Senator Marcellino is going to use for this library, we ought to use it for every single library. That seems to make better sense.

And my sense would be -- I would again ask Senator Rath, who has led the fight on mandate reform, one of the mandate reforms to do would be eliminate these artificial barriers to public libraries utilizing the beneficial financing available through the Dormitory Authority, Madam President.

SENATOR MARCELLINO: Madam President.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: If I may, I just had a fantastic thought. I'm going to have my staff research the possibility of having all public libraries with the capability of taking advantage of Dormitory Authority financing capabilities.

I don't know where it came from, but it just hit me as I was sitting here that this would be a great idea to study that. My staff is more than willing to get right to it.

Thank you, Madam President.

THE PRESIDENT: Does any other Senator wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, Madam President. I would like to request unanimous consent to be recorded in the negative on Calendar Number 476.

THE PRESIDENT: Hearing no objection, Senator, you will be recorded as voting in the negative on Calendar Number 476.

SENATOR HASSELL-THOMPSON: Thank

you.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Yes, Madam President. Could we please return to the motions and resolutions calendar.

Apparently there is a privileged resolution at the desk by Senator Goodman. I would ask that the title be read and then move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Goodman, Legislative Resolution Number 1694, congratulating Gertrude Hess Parker upon the occasion of her designation for special recognition on May 9, 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 Balboni.

SENATOR BALBONI: Please recognize Senator Dollinger.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I believe at the desk there is a written notice of an intention to, pursuant to Rule XI, to move to amend the Senate Rules and add a new rule, XV, to create ethical standards for members, officers and employees of the New York State Senate. I would simply ask that it be recorded in the Journal, Madam President.

THE PRESIDENT: The notice has been received, Senator Dollinger, and will be recorded in the Journal.

SENATOR DOLLINGER: Thank you.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Yes, thank you, Madam President. Is there any housekeeping at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR BALBONI: Oh, goody. Can

we do that, please.

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Thank you, Madam President.

On page number 20, I offer the following amendments to Calendar Number 304, Senate Print Number 3328, and ask that said bill retain its place on the Third Reading Calendar, on behalf of Senator Saland.

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

SENATOR McGEE: Thank you.

THE PRESIDENT: You're welcome.

Senator Balboni.

SENATOR BALBONI: Yes, Madam President, does that conclude the housekeeping for the day?

THE PRESIDENT: That concludes the housekeeping, Senator.

SENATOR BALBONI: There being no further business, I move that we stand adjourned until Wednesday, May 9th, at 11:00 a.m.

THE PRESIDENT: On motion by

Senator Balboni, the Senate stands adjourned until Wednesday, May 9th, 11:00 a.m.

(Whereupon, at 5:05 a.m., the Senate adjourned.)