NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 9, 2001

11:15 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: In the absence of clergy, may we each 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, Tuesday, May 8th, the Senate met pursuant to adjournment. The Journal of Monday, May 7, 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 Skelos, we have substitutions.

SENATOR SKELOS: Madam President, I believe there are some substitutions at the desk. If we could make them.

THE PRESIDENT: Thank you, Senator.

The Secretary will read.

THE SECRETARY: On page 5, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 5227 and substitute it for the identical Senate Bill Number 4757, First Report Calendar 750.

On page 6, Senator Rath moves to discharge, from the Committee on Local Government, Assembly Bill Number 2130A and substitute it for the identical Senate Bill Number 1455A, First Report Calendar 755.

On page 6, Senator Volker moves to discharge, from the Committee on Local Government, Assembly Bill Number 2397 and substitute it for the identical Senate Bill Number 1526, First Report Calendar 756.

On page 9, Senator Lack moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7699 and substitute it for the identical Senate Bill Number 3751, First Report Calendar 782.

On page 9, Senator Lack moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7925 and substitute it for the identical Senate Bill Number 4409, First Report Calendar 783.

On page 10, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 1644 and substitute it for the identical Senate Bill Number 3341, First Report Calendar 792.

On page 14, Senator Larkin moves to discharge, from the Committee on Codes, Assembly Bill Number 1867 and substitute it for the identical Senate Bill Number 3588, First Report Calendar 840.

On page 19, Senator Farley moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 3489 and substitute it for the identical Senate Bill Number 2061, First Report Calendar 887.

On page 21, Senator Seward moves to discharge, from the Committee on Investigations, Taxation and Government Operations Assembly Bill Number 7033 and substitute it for the identical Senate Bill Number 3394, First Report Calendar 906.

On page 21, Senator Seward moves to discharge, from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 7034A and substitute it for the identical Senate Bill Number 3395A, First Report Calendar 907.

On page 21, Senator Nozzolio moves to discharge, from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 2916 and substitute it for the identical Senate Bill Number 3839, First Report Calendar 910.

And on page 21, Senator LaValle moves to discharge, from the Committee on

Investigations, Taxation and Government Operations, Assembly Bill Number 7435A and substitute it for the identical Senate Bill Number 3872A, First Report Calendar 911.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

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

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If we could adopt the Resolution Calendar at this time.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution

Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial calendar at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 190, by Senator Alesi, Senate Print 1134, an act to amend the Correction Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 441, by Senator Leibell, Senate Print 4401, an act to amend the Retirement and Social Security Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 445, by Senator Nozzolio, Senate Print 3239, an act to amend the Executive Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 539, by Senator Marchi, Senate Print 4146, an act to amend the Public Authorities Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 540, by Senator Paterson, Senate Print Number 4764, an act to amend the Public Authorities Law.

SENATOR SKELOS: Explanation.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 597, by Senator Larkin, Senate Print 3683, an act to amend Chapter 43 of the Laws of 1994.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 643, by Senator Saland, Senate Print 1341, an act to amend the Criminal Procedure Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 650, by Senator Volker, Senate Print 3781, an act to amend the Civil Rights Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 652, by Senator Maltese, Senate Print 4088, an act to amend the Penal Law and the General Obligations Law.

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

THE PRESIDENT: Was that a request to lay the bill aside, Senator Paterson?

SENATOR PATERSON: Yes.

THE PRESIDENT: That's what I assumed.

The bill is laid aside.

THE SECRETARY: Calendar Number 670, by Senator Maziarz, Senate Print 4438, an act naming the two hard-surface boat launching ramps.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 674, by Senator Wright, Senate Print 3525, an act to amend the Environmental Conservation Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 675, by Senator Wright, Senate Print 4109, an act to amend the Environmental Conservation Law.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 690, by Senator Meier, Senate Print 4858, an act to amend Chapter 906 of the Laws of 1984.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 691, by Senator Meier, Senate Print 4859, an act to amend Chapter 436 of the Laws of 1997.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR SKELOS: Madam President, if we could take up the controversial calendar now.

THE PRESIDENT: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 190, by Senator Alesi, Senate Print 1134, an act to amend the Correction Law, in relation to making.

SENATOR HEVESI: Explanation.

THE PRESIDENT: Senator Alesi, an

explanation has been requested.

SENATOR ALESI: Thank you, Madam President.

This bill would make it a Class A misdemeanor for anyone who falsely reports that someone is a registered sex offender under Megan's Law.

SENATOR HEVESI: Madam President.

THE PRESIDENT: Senator Hevesi.

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

THE PRESIDENT: Will the sponsor yield?

SENATOR ALESI: Yes, Madam President.

THE PRESIDENT: Thank you, Senator Alesi.

You may proceed, Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President.

I was just wondering, when the initial legislation passed in New York State creating the sex offender registry, was there not any protection built in to prevent a situation from occurring such as the situation

that this legislation seeks to prevent?

SENATOR ALESI: Senator, when the initial legislation was passed, an awful lot of work went into it and an awful lot of negotiation with the Assembly was required.

And I think that it was through the fine efforts and diligence and insight of Senator Skelos that we have Megan's Law today. And Megan's Law as it stands today does include so many of the vitally important aspects to protect people from sexual predators.

As you know, as time goes on we learn things from instances that happen after the fact. And in this case, an instance which happened in New Jersey, incidentally, where someone falsely reported someone as a sex offender, gave impetus to the drafting of this part of the legislation.

SENATOR HEVESI: Thank you.

Madam President, would the sponsor continue to yield?

THE PRESIDENT: Senator Alesi, will you continue to yield?

SENATOR ALESI: Yes, Madam

President.

SENATOR HEVESI: Thank you, Senator, for that explanation. I fully appreciate the legislation which created the system in New York State.

And I think that your bill here today is a good piece of legislation. I was simply trying to inquire as to why the protections that we're providing today had not been placed in the initial legislation.

But that being the case, I understand that there was a case in New Jersey that was the impetus for this bill. Do we know of any cases in New York State where a similar situation occurred, or would this legislation simply serve as a deterrent to prevent anybody from falsely accusing somebody of being on that registry?

SENATOR ALESI: Through you, Madam President, I have always held that if we find a set of circumstances anywhere in the world that would help us protect our citizenry, we shouldn't necessarily wait for it to happen in New York State.

And although I don't know whether

any instances like this have happened since then, I appreciate again the leadership that was shown in drafting the original Megan's Law, under Senator Skelos. And I think that New York State can continue to show a leadership role by simply drafting this part of the legislation that would enhance Megan's Law.

SENATOR HEVESI: Thank you.

Madam President, would the sponsor continue to yield?

THE PRESIDENT: Senator Alesi, will you continue to yield?

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

THE PRESIDENT: You may proceed.

SENATOR HEVESI: Thank you, Madam President.

What year was the original Megan's Law legislation passed in New York State?

SENATOR ALESI: Through you, Madam President, I would be happy to answer questions on any aspect of the bill at hand. However, this bill really isn't dealing with the original Megan's Law as it stands.

I believe it was drafted a few years ago, however.

SENATOR HEVESI: Madam President, would the sponsor yield for a final question?

THE PRESIDENT: Senator, will you yield?

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

THE PRESIDENT: You may proceed, Senator Hevesi.

SENATOR HEVESI: Thank you.

Senator, since I believe that your bill is a good bill, I'm concerned that it has not been signed into law in the past several years, though it has unanimously passed this house, both in 1999 and 2000. That's why I was asking the question as to when the original Megan's Law was passed in this state, not for any negative purpose.

So my question to you is, since this is obviously a good idea, why isn't it the law yet, though we have passed it unanimously for several years in a row?

SENATOR ALESI: Through you, Madam President, the New York State Assembly,

which is loath to deal with criminal activity in an effective and efficient way, has seen fit not to address this issue. And I think that the New York State Assembly is shirking its responsibility in protecting people from false simulations and false allegations under Megan's Law.

SENATOR HEVESI: Madam President, on the bill.

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

SENATOR HEVESI: Thank you, Madam President. I thank the sponsor for his answer.

I support this legislation. I've voted for it for the past several years. I'm only troubled by two things. One, the fact that it was not included in the initial legislation -- which is unfortunate, but we can remedy that here today -- and the fact that it hasn't passed the last two years in the Assembly and been signed into law.

And I'm not sure whether the sponsor's assessment, though well-intentioned, is accurate. I can think of no reason why the

Assembly would not want to deter and penalize individuals who would falsely report folks who are on the sex offender registry. And so if there's some other purpose -- and I'm going to reach out to the Assembly and see why they haven't taken up this bill.

But myself and my colleagues have brought to this floor on a number of occasions this year the question or concern of why a bill that's passed in this house has not passed in the Assembly. And, you know, I'm loath to almost ask the question anymore, because it seems that I'm creating an invitation and my colleagues are creating an invitation for shots to be taken at the Assembly.

I can't see any reason why in this particular instance the Assembly would not want to do what this bill seeks to do. So I'm going to talk to them and find out why.

Having said that, this is a good bill, and I commend the sponsor for bringing this bill to us. We don't want to in any way create any doubts about the ability of Megan's Law in New York State to do what it's designed

to do, because I don't want that law to be taken apart in the public's eye, because I think it's a good law.

And if individuals are abusing that law, as they have obviously done in New Jersey and could do in New York State, by accusing somebody of being on the registry when in fact they're not on the registry, that's behavior that's unacceptable, and we need to deter it. That's what this legislation does.

And I can see absolutely no reason why we wouldn't want to go ahead and make this the law of the land. I commend the sponsor, I urge my colleagues to support it in both this house and in the Assembly.

Thank you, Madam President.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Madam President, I appreciate the Senator's support, and I appreciate his willingness to reach out to his colleagues in the Assembly so that we can effectively protect people from being falsely identified under Megan's Law.

Thank you, Senator.

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 November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 441, by Senator Leibell, Senate Print 4401, an act to amend the Retirement and Social Security Law, in relation to the employment of retired persons.

SENATOR PATERSON: Explanation.

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

SENATOR LEIBELL: Thank you, Madam President.

This bill would amend Section 212 of the Retirement and Social Security Law to increase the amount that public retirees can earn in positions of public service without

diminution of retirement benefits, from $18,500 to $20,000 annually.

This section of the law has been annually amended since 1996 to adjust this income figure so as to reflect inflation and rising costs of living. The schedule of increases has been reflective of the limitation in scheduled amounts under federal law.

The fiscal note on this bill indicates a negligible amount of additional annual cost to the state and local retirement systems.

THE PRESIDENT: Senator Paterson.

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

SENATOR LEIBELL: Yes, Senator.

THE PRESIDENT: Senator Leibell, will you yield?

You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, as you stated, this policy that we have increased the retirees' amount was commenced in 1996. And I notice that the first three years, we

commenced it at a rate of $1,000, and - actually, the first four years, and the last two, we would have increased it for $1,500. This is above the CPI, which is fine with me.

But I guess my question to you is, how do we calculate what the increase should be?

SENATOR LEIBELL: We have in the past mirrored the federal schedule, which was Social Security.

SENATOR PATERSON: Madam President, just to clarify, one further question.

SENATOR LEIBELL: Yes, Senator.

THE PRESIDENT: Senator Leibell, do you yield?

SENATOR LEIBELL: Yes.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

So, Senator, in other words, we have waited until we saw what the federal increase was, and have then just reflected it? So in other words, it would -

SENATOR LEIBELL: Yes, historically we have waited for their schedule to be released, and then we have followed it.

SENATOR PATERSON: All right, Madam President. Thank you.

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, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Nozzolio, Senate Print 3239, an act to amend the Executive Law.

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

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

THE SECRETARY: Calendar Number 539, by Senator Marchi, Senate Print 4146, an

act to amend the Public Authorities Law, in relation to the use of video conferencing.

SENATOR PATERSON: Explanation, please.

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

SENATOR MARCHI: Yes, Madam President.

The bill would amend the Public Authorities Law to allow videoconferencing of monthly meetings which are required in the conduct of the business. And for the purpose of establishing a quorum, you have to have at least four in attendance. This would allow teleconferencing to constitute attendance at the meeting, because the technological arrangements make it possible.

Incidentally, it's -- they are installing the facility, in any event, in their new headquarters in New York. It would make it available immediately if we authorized the teleconferencing of meetings, with the same force and effect as if they were there.

Naturally, it's desirable to have them in attendance for the circumstances

before and after a meeting, but this would erase an obstacle and a difficulty that I don't think we need. There's no profit to continuing the present system when we give a definite ear to the technological advantages which only widen the opportunity for consistent participation in these proceedings.

THE PRESIDENT: Senator Onorato.

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

SENATOR MARCHI: Yes, Madam President.

THE PRESIDENT: Senator Marchi yields.

You may proceed, Senator Onorato.

SENATOR ONORATO: Senator Marchi, I notice we've passed this legislation on three previous occasions. Is there any reason that the Assembly did not take it up? Have they shared their reasons with you why they haven't taken it up in the other house?

SENATOR MARCHI: Well, I should have been able to give you a response on that. It is a department bill, so I'm sure that the

bill has been introduced and is available to them for action. But I would hope that passage would -- and I'll address that issue specifically, and I'll check with my cosponsor.

But it is a department bill. And I'm sure that under the circumstances it would be unusual if we didn't have one there. So I would hope that our action here today will spur them to action down the line.

SENATOR ONORATO: If the Senator will continue to yield for another question.

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

SENATOR MARCHI: Yes, Senator.

THE PRESIDENT: Thank you.

You may proceed, Senator Onorato.

SENATOR ONORATO: Senator Marchi, do you have any idea about the cost of the video equipment?

SENATOR MARCHI: Well, they are installing those facilities in any event, because of the available of teleconferencing directly. And supplying a visual element is advantageous for other purposes; you don't

have to have a formal meeting. So it's going in. We're spending that money to give them the capability of doing it.

The question is will we have the law follow the suggestion that is broadly implicit in the advance that has been made, and I think with us an imperative that we approve it.

SENATOR ONORATO: Thank you, Senator.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 540, by Senator Paterson, Senate Print 4764, an act to amend the Public Authorities Law, in

relation to authorizing.

SENATOR STAVISKY: Explanation.

SENATOR ADA SMITH: Explanation.

THE PRESIDENT: Senator Paterson, an explanation has been requested by several members.

(Laughter.)

SENATOR PATERSON: Madam President, would you please tell my colleagues to get in line.

I'd like to lay this aside for the day, please.

(Vocal disappointment.)

SENATOR PATERSON: Maybe they can spend the weekend thinking up these questions they want to ask me.

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

THE SECRETARY: Calendar Number 597, by Senator Larkin, Senate Print 3683, an act to amend Chapter 43 of the Laws of 1994.

SENATOR DUANE: Explanation, please.

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

SENATOR VELELLA: While we wait for Senator Larkin, I'd like to announce a meeting of the Higher Education Committee in the Majority Conference Room.

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

Senator Larkin, an explanation has been requested by Senator Duane, I believe.

SENATOR LARKIN: Yes, Senator. This bill was requested by the Town of Esopus.

I can give you a long litany of the bill, but in basic common sense, when the board at the library had asked for this last year, they gave us suggested dates of what they wanted in the bill. After a clear explanation to them, they still wanted it in that manner.

Since that time, Mr. Kirwan, the Assemblyman, and I have met with them. And basically they wanted the vote on the first of June. And everybody would be terminated, so then the new board wouldn't be able to take effect until the following June.

And while there's a lot of changes,

little things in it, it all boils down to having the vote on the first of June and the board to take office on the 15th of June.

THE PRESIDENT: Senator Duane.

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

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

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: The original legislation, as I understand it, was passed in 2000. Did I understand the sponsor to say that the Legislature was aware of the gaps that were going to happen, but the local board -

SENATOR LARKIN: We were going by what they submitted to us. It's their library, it's their board of trustees elected by the people of the town of Lloyd. And that is the information that they presented to us.

After we passed the bill and it was signed into law this fall, some of the board

of trustees came to us and said, It's a great bill, we like the way it is; however, because of the staggered terms that we have, some of us will be elected next year but won't be able to take our seats for another year.

So we looked at it, we went to the State Education Department, who had approved the original concept, the State Education approved it, and we made this change to the bill to accommodate the board of trustees, the library, and the constituents.

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

THE PRESIDENT: Senator Larkin, will you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Duane.

SENATOR DUANE: Did this bill have a hearing in the committee on -- did this bill go through the Committee on Local Government last year?

SENATOR LARKIN: Yes.

SENATOR DUANE: And through you, Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator Larkin, will you yield?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR DUANE: Was there a hearing on the bill? Did the trustees, the library trustees come to the hearing?

SENATOR LARKIN: Madam President, this legislation was brought to our attention, the correction, by the board of trustees in the hamlet of Esopus in the town of Lloyd. We, in turn, put this bill together at their request. Period.

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

THE PRESIDENT: Senator Larkin, will you yield for another question?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed.

SENATOR DUANE: Did the Senate bill drafters and the Senate staff themselves go through the bill before it went to the committee?

SENATOR LARKIN: Madam President, I don't know that. All I know is that this bill was originally prepared at the request of the trustees of the library, with the consent of the State Education Department, and now they want to make a change in it.

This is a local government issue, Senator, and I believe that the local government board, the board of trustees, have the -

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

THE PRESIDENT: Senator Larkin, will you yield?

SENATOR LARKIN: Madam President, I don't like to be interrupted by somebody sitting by one member. If they want me to answer a question, I would appreciate the assistants to back off while I respond to the

Senator.

Yes, go ahead.

THE PRESIDENT: Do you have a question, Senator Duane?

SENATOR DUANE: Yes, Madam President.

Isn't is true, though, that the Governor's office found this mistake and not the trustees?

SENATOR LARKIN: I can't hear him, Madam President.

THE PRESIDENT: Senator, could you repeat that.

SENATOR DUANE: I said, is it not true that the Governor found this mistake and not the trustees.

SENATOR LARKIN: I still didn't hear you. I'm sorry, Senator.

SENATOR DUANE: Is it not true that the Governor found the mistake and not the trustees?

SENATOR LARKIN: They both found it, Senator.

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

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

SENATOR DUANE: It's not the first time, nor, I'm afraid, will it be the last time that I find myself being critical of the legislative process here that bills go through without being vetted appropriately and without the people who have asked for the bill to happen actually appear.

Even if the bill's passage is a sure thing, that doesn't ensure that the bill is correctly crafted. I think that when we pass laws here, we should make sure that they are as correct as possible, with all the I's dotted and the T's crossed, so that we don't have to, you know, go back and embarrassingly change things that we've done here.

That's why we should have committee meetings, that's why we should have public hearings, so that we actually get a good, strong chance to look at these bills and see what their real-life impact will be. It wouldn't have happened that a term wouldn't start for another year if the trustees had actually been here and if we'd actually been

able to take a good look at this in the appropriate committee.

I'm pleased that the Governor found this mistake. I'm a little bit skeptical that the trustees found the mistake. But really, it's us in the Senate who should have seen the problem.

I'm going to vote for it, because we need it. But it does point to a larger institutional problem, 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 June 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

Senator Velella.

SENATOR VELELLA: Madam President, could we go to Calendar Number 690, by Senator Wright. By Senator Meier, I'm

sorry.

THE PRESIDENT: The Secretary will read Calendar 690.

THE WITNESS: Calendar Number 690, by Senator Meier, Senate Print 4858, an act to amend Chapter 906 of the Laws of 1984.

SENATOR PATERSON: Explanation.

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

SENATOR MEIER: I'm glad we have the right Senator finally, Madam President.

Certainly, I'd be glad to offer an explanation.

This bill provides for a one-year extension of what has been popularly known as the "Katie Beckett" waivers. This is a program that provides for Medicaid eligibility for chronically disabled children pursuant to a federal waiver granted by the Health Care Finance Administration in Washington.

These are children who are SSI-eligible but their family income or family resources may make them ineligible for Medicaid. The purpose is to make them Medicaid-eligible so that instead of

institutionalizing these children, we can provide for home care.

The group of children that we are talking about suffer from a number of disabilities, including respiratory distress of one form or another, cancer, various congenital disorders, or brain injuries.

This really is -- and another thing that is required for the children to come into the program is there must be a reasonable likelihood that the home-based care would be more cost-effective than institutional care.

But more important than the cost savings is the humanitarian purpose that the bill promotes, permitting these children to be cared for at home and to be able to grow up and to live in a family environment.

THE PRESIDENT: Senator Dollinger.

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

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

SENATOR MEIER: Gladly, Madam

President.

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: The benefits of this bill and the waiver program -- we obviously set a deadline of December 31st of this year, under our usual practice of kind of sunsetting these programs. If it's working so well, why wouldn't we extend it indefinitely rather than extend it for just a year?

SENATOR MEIER: Well, Madam President, extending it beyond that would almost be ineffective, because you have to time the termination of the extension along with the extension of the HCFA waiver. So the process has to be done in tandem.

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

THE PRESIDENT: Senator Meier, will you yield?

SENATOR MEIER: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: If we extended this program beyond the HCFA waiver, wouldn't that be a signal to the federal government to renew the waiver, that we were committed to renewing this program and keeping it in place?

SENATOR MEIER: Madam President, the problem is it might be a signal, but it would be totally ineffective as a matter of law. And we are supposed to be making law here.

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

THE PRESIDENT: Senator Meier, will you yield?

SENATOR MEIER: Yes, I will, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: The final question I have, Madam President, is the Ohmstead case and the impact that it has on this program and on what services we're required to provide. Could you just explain

to me how we're meeting our compliance with that Supreme Court case vis-a-vis this program?

SENATOR MEIER: Well, Madam President, I believe my colleague is referring to a recent decision of the United States Supreme Court dealing with the obligation of the state to, where possible, place disabled persons within programs, settings, and modalities of care that are as mainstream as possible.

And this I think is quite complementary to the spirit of the Ohmstead decision. I believe the State of New York, as are other states trying to be responsive to the Ohmstead decision, is in the process of examining additional programs to see to it that we have compliance with Ohmstead.

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

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: It seems to me, Madam President -- I understand Senator Meier's saying that if we extended this

indefinitely we might be perhaps exceeding our authority under the HCFA waiver to comply.

However, I would just suggest that the benefits of this program, it seems to me, that Senator Meier has extolled should endure beyond the HCFA waiver, that this is a commitment on the part of the State of New York to do certain things for people in our society, for those who are disabled, disabled children -- that that commitment should exist regardless of whether HCFA and the federal government or this administration in Washington thinks that this is a good idea.

If we think it's a good idea, we should do it almost irrespective of whether HCFA permits this, and we should be able to use our own money to do it. If we think that the program really has value.

And I would hope, Senator Meier, that we pass this bill. I'm going to vote in favor of it. But I would hope that there comes a time when we can take every reference to time out of this bill, that we can take every reference to limitations on time out of the notion that we're going to provide access

for disabled children to the best possible care that they can get in this state.

Madam President, I'm prepared to vote for this on the recommendation of Senator Meier. But my hope is that the underlying commitment and the underlying success of this program will not be dependent merely upon the will or the waiver granted by the federal government, that our commitment, as evidenced by this legislation, will supersede that and someday become a permanent part of the services we provide in this state.

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 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 691.

THE PRESIDENT: The Secretary will read Calendar 691.

THE SECRETARY: Calendar Number 691, by Senator Meier, Senate Print 4859, an act to amend Chapter 436 of the Laws of 1997.

SENATOR PATERSON: Explanation.

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

SENATOR MEIER: Thank you, Madam President.

This bill is fairly simple. What it does is extend for a period of two years, until August 22 of 2003, provisions of the Welfare Reform Law which provides for and defines what exempt assets are.

The whole notion of exempt assets is that if someone does have to go on public assistance, we don't want to render them absolutely destitute so that they never have any hope of getting off public assistance. So this extends the provisions of the Welfare Reform Law, which permits people who may be on public assistance to keep certain assets.

Those include up to $2,000 in liquid assets, $3,000 if a member of the household is more than 60 years of age, an automobile up to $4,650 in value or $9,300 in value if it's required for work, a residence, and a burial plot.

This extends that until August 22, 2003, which gets us through to the end of the current Welfare Reform Law and coincides with the need for the next reauthorization.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Through you, Madam President, will the sponsor yield just to a couple of quick questions?

THE PRESIDENT: Senator Meier, will you yield?

SENATOR MEIER: Certainly, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR DOLLINGER: When we passed this provision in 1997, did we require one of the state agencies to produce an evaluation of the impact of these exemptions

on, as I think you properly point out and correctly point out, our original intent, which was to allow those who are moving their way out of poverty to preserve more of their assets and to continue to get benefits even though they may have accumulated some minor assets?

Is there a report due from the Department of Social Services or whatever it's called these days to evaluate the impact of raising these exemptions on people's rise up from poverty?

SENATOR MEIER: Madam President, I'm not aware if -- I'm not saying there is not. I'm not aware that there was a specific requirement that a report be done with regard to the efficacy of these particular provisions.

There was a requirement for a report to be rendered in terms of the broader effects of welfare reform as a matter of public policy overall. We do have some data from the Office of Temporary and Disability Assistance. I'm not aware that a formal report has been rendered.

There has been a report rendered, that the department was involved in preparing, done by the Rockefeller Institute, which does show some significant progress as a result of welfare reform. I think current count is the rolls are down by some 900,000. There's significant data suggesting that a large number of those who are adults have in fact found employment. There has also been some identification of some continuing areas of challenge.

But that's all that I'm personally aware of in terms of my colleague's question.

SENATOR DOLLINGER: Thank you, Madam President, if the sponsor will yield to another question.

THE PRESIDENT: Senator Meier, will you yield?

SENATOR MEIER: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Dollinger.

SENATOR DOLLINGER: If it appears that the increase in these exemptions is moving us toward the goal that we set in

1997 -- that is, the allowance for people rising out of poverty to accumulate more assets and not lose government assistance and benefits and/or have them tapered back in some form -- why wouldn't we make this permanent?

I mean, it seems like -- Senator Meier, I think you're right on the nose. At least my anecdotal evidence is that it's working, and it seems as though we have a report or some evidence from our government that says it's working. Why not just make it permanent?

SENATOR MEIER: Well, Madam President, first of all, the nuns taught me some 40 years ago that nothing on this earth is permanent, except perhaps the intransigence of the New York State Assembly in passing Senator Alesi's bill.

Second of all, this does relate to welfare reform, which requires federal reauthorization. So we do need to stay in sync with that.

Third of all, one of the reasons to bring this up periodically and to sunset it is sunsetting it precisely forces us to take a

look at it and to see if some of these provisions might not need to be increased.

And I do agree, the ability to accumulate assets is something that lets people believe they have a stake in the American dream, encourages them to get off welfare. That's why the last time we considered this we took the value of a vehicle that people could own for the purposes of work, we increased it.

We presently are considering at least two bills that deal with permitting people to keep additional assets for the purpose of investing in education and other things that might be helpful in getting off welfare, if they have an inheritance.

And we're also examining for possible legislation in the area of permitting some degree of savings for not only some of these exempt purposes but for legitimate activities that move people from welfare to work.

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

THE PRESIDENT: You may proceed,

Senator.

SENATOR DOLLINGER: I have to express a substantial disappointment. And that is, the nuns that taught me 40 years ago didn't teach me the meaning of the word "intransigence." I didn't get that until I got to college. So, Senator Meier, you were obviously ahead of me, and the nuns in Central New York were doing a better job than in Rochester.

But despite that, I appreciate Senator Meier's characterization of why we do these sunset provisions. We force ourselves to rethink these notions before we move on.

One of my great dismays, and that's why I asked about the report, is because when we undertook welfare reform, we did a whole bunch of strategic changes, including allowing additional asset accumulation. We phased out benefits.

We certainly, as part of the Child Health Plus and now the Family Health Plus, we have decided that we weren't going to take that draconian approach that said as soon as you get more than X amount of assets, the day

you get a penny more, you don't get anything. We also eliminated that approach. We eliminated the approach of as soon as you make so much in income, you don't get anything.

And I think, and I agree with Senator Meier, that my sense is that the impact of those changes have been to generally allow the transition, the movement out of poverty to occur at a much quicker rate. And I hope that the reduction in the number of claims and the people who are on welfare is evidence of that.

However, I still think that we ought to require a report or an obligation to tell us exactly what the effect of this measure is, so that we can isolate those changes and determine which are most effective in producing the end result that we seek.

That's why I know there was a broad report about the welfare rolls. I've never quite seen that report. And what I would prefer that we do is really approach this from a social science point of view and analyze, to the best extent we can, each one of these changes to see what impact they had.

I'm going to vote in favor of this bill, Madam President. My hope is that this, like the bill before it, will become permanent, that we'll recognize that this is right approach, we can make it permanent. And at some point twenty years from now, when the next iteration of welfare reform comes down the pike, we'll just change that, put it on a short-term sunset, evaluate it two or three times, and then make that permanent as well.

But I think this is the right direction to move. I wish we had a little more data that shows that this specific change was getting to the specific goal we wanted. But I'll vote in favor, 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, 55.

THE PRESIDENT: The bill is

passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Senator Saland's bill, Calendar Number 643.

THE PRESIDENT: The Secretary will read Calendar 643.

THE SECRETARY: Calendar Number 643, by Senator Saland, Senate Print 1341, an act to amend the Criminal Procedure Law, in relation to expanding.

SENATOR PATERSON: Explanation.

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

SENATOR SALAND: Thank you, Madam President.

Madam President, this bill would expand the current provisions of protections for child witnesses, vulnerable child witnesses, as are found in Section 65 of the Criminal Procedure Law, to include not merely the current crimes, which are sex offenses under Article 130, or incest, but to expand those includable crimes pursuant to which a vulnerable child witness would be able to

testify by way of closed-circuit television to include the crimes of first degree and second degree murder.

This obviously is a situation in which a child is compelled at times to testify under the most anguishing of circumstances, may be compelled to testify with regard to somebody who had previously been very close to the child. There was a particular instance in Erie County in which this situation actually occurred.

The child certainly has gone through enough to be at that point in place and time where he or she is going to very bravely walk into court and afford testify in a criminal prosecution, and we should provide the same types of protections that the law currently provides for in sex-offense cases to these young people as well.

THE PRESIDENT: Senator Paterson.

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

THE PRESIDENT: Senator Saland, will you yield?

SENATOR SALAND: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, I can certainly understand the genesis of this bill, the circumstance of a child having to testify face-to-face with his own mother when two other children apparently had been murdered by the mother and the child himself was attacked. It certainly demonstrates the need for this type of legislation.

The legislation we passed in 1985 related more to sex offenses. And I notice that the legislation was first proposed in 1992. And maybe I'm just missing something. But seriously, I ask you, why has it taken us so long to address this issue?

SENATOR SALAND: Well, certainly, Senator Paterson, not from any lack of effort in this house, because I know you and your colleagues have joined with us, both sides of the aisle, in passing this bill unanimously in the past.

There seems to be some reluctance

on the part of the Assembly, I think not necessarily well-placed. We are keenly interested in this bill. Assemblyman Schimminger is sponsoring the bill in the Assembly. I'm hopeful that our continued efforts will make this an issue which will continue to resonate. Certainly there are ample protections in here that should assuage whatever concerns that the Assembly may have.

This is not done arbitrarily. It's done as part of a proceeding that's carefully laid out under Article 65. Evidentiary circumstances, clear and convincing evidence, there has to be some extraordinary circumstances. Again, which are defined at length, some ten to twelve different categories in Section 65 of the CPL.

So I believe on the merits it's as clear and convincing as can be that we should be passing this in both houses and getting it to the Governor's desk. And I would say with certainty that certainly this is the kind of legislation that Governor Pataki would readily sign into law.

SENATOR PATERSON: Madam

President, if Senator Saland would yield for another question.

THE PRESIDENT: Senator Saland, will you yield?

SENATOR SALAND: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, I'm not trying to put you in the position of debating against your bill, but I would like some clarification as to what would be the difference between the protection being provide for the sex offenses and the protection being provided under first and second degree murder, given the fact that, in a sense, it's the same situation where the youth, the underage person, is being forced to confront the adult in the courtroom.

SENATOR SALAND: If I thought there was a measurable standard or a difference by which we could make such a distinction, in all candor I wouldn't have introduced this legislation.

I think there should be no

distinction. Obviously, we're not talking about situations that arise in extraordinarily large numbers. We're talking about very limited situations.

And due to the way that we constructed the existing law, with the court making the determination that a child witness is vulnerable, there are certainly more than adequate protections to ensure that the rights of a defendant are not in any way, shape, or form prejudiced and certainly the rights of a young, vulnerable child -- in this case, less than 12 years old -- are being protected to the extent that the law can permit within the bounds of what would be described as being constitutional.

SENATOR PATERSON: Madam President, a final question for Senator Saland if he is willing to yield.

THE PRESIDENT: Senator Saland, will you yield?

SENATOR SALAND: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Paterson.

SENATOR PATERSON: Senator, you covered first and second degree murder. I wondered about the issue of capital murder and wanted to know, if you had your wish, were there any other crimes that you might have wanted to include in this legislation - perhaps dissuaded by the length in which it's taken to pass it -- and just hope that you would not fail to point out that this is discretionary, this doesn't mandate that it has to happen, but it creates the option for the court.

SENATOR SALAND: Certainly, as you point out, Senator Paterson, it would not be required in each and every case. There would have to be application to the court. The court would have to, again, looking to the evidentiary standard, make sure this was an appropriate case.

I'm sure that we probably, collectively or individually, could conjure up other circumstances in which it might well be appropriate to expand these protections. And there are bills in which would expand to other categories of crimes as well.

But this would seem to be the one at this particular point that cries out the loudest and the most for redress.

And I'm hoping that a statement again by this house in the unanimous fashion that we believe this is an important policy decision will help bring the Assembly to the table and see if we can collectively protect some very young innocents who should not be forced to endure further traumatization in these high-profile criminal cases.

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 3. This act shall take effect on the first day of the calendar month next succeeding the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President,

if we could call up Calendar Number 674, by Senator Wright.

THE PRESIDENT: The Secretary will read Calendar Number 674.

THE SECRETARY: Calendar Number 674, by Senator Wright, Senate Print 3525, an act to amend the Environmental Conservation Law, in relation to deer management permits.

SENATOR OPPENHEIMER: Explanation, please.

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

SENATOR WRIGHT: Thank you, Madam President.

The bill extends the utilization and issuance of deer management permits. Currently they're authorized in specific areas of the state in the northern zone. And this extends it into the counties of Lewis and portions of Oneida County.

THE PRESIDENT: Senator Oppenheimer.

Senator Skelos, excuse me.

SENATOR SKELOS: Thank you.

There will be an immediate meeting

of the Housing Committee in the Majority Conference Room.

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

Senator Oppenheimer.

SENATOR OPPENHEIMER: I'm supportive of this. I just have a couple of questions I'd like to ask.

THE PRESIDENT: Senator Wright, will you yield to a question?

SENATOR WRIGHT: Yes, I will, Madam President.

THE PRESIDENT: You may proceed.

SENATOR OPPENHEIMER: Senator Wright, how was it determined what portion of the state will be able to benefit? It seems to me that we have a huge deer problem throughout the state. And I know this extends to one particular area. But why don't we have something like this for the whole state? Excluding the downstate areas, where we have too big a population to shoot with guns.

SENATOR WRIGHT: Madam President, the state is divided into areas identified as

deer management units. And the department monitors the animal population, the deer population, specifically within those units. They periodically conduct public information meetings with sportsmen and other interested individuals within those deer management units, including the farm community.

All of that information is then collected, reviewed by the biologists and others involved in wildlife management within the department, and then they offer a series of recommendations based on the areas that they're predicting an overabundance of deer population, which now constitutes some 60 percent of the deer management units within the state.

They then advance the areas that are to be incorporated. Specifically, the additional permits are being used in the northern zone initially, and they are now being spread out into other regions of the state on an incremental basis.

SENATOR OPPENHEIMER: If the Senator would yield again.

SENATOR WRIGHT: Yes, I will,

Madam President.

THE PRESIDENT: You may proceed, Senator Oppenheimer.

SENATOR OPPENHEIMER: We have - this may sound funny. It's not. We have a huge problem with deer in Westchester County. And we are not permitted to shoot them, which is okay. But we need to have some method of management down there. What is available to us, since we can't utilize the same kind of legislation?

SENATOR WRIGHT: I'm sorry, Madam President. I don't know what the other alternatives would be. I would refer the Senator to the Department of Environmental Conservation.

SENATOR OPPENHEIMER: Now, is - maybe this will help me. Through you, Madam President, if the Senator would yield.

THE PRESIDENT: Senator?

SENATOR WRIGHT: Yes, I will, Madam President.

THE PRESIDENT: You may proceed, Senator Oppenheimer.

SENATOR OPPENHEIMER: What are

the other measures that you utilize in this area to control the deer population? Or is the extension of the hunting permit just the only method you use to control the deer population?

SENATOR WRIGHT: Madam President, through you, you'll note, Senator, that there's a subsequent bill that we'll be debating soon that extends muzzle loading season. It's typically done by advancing seasons, authorizing additional permits, authorizing special permits for the taking of deer.

SENATOR OPPENHEIMER: Okay. Thank you. Thank you, Senator.

SENATOR WRIGHT: Thank you.

SENATOR OPPENHEIMER: On the bill.

Unfortunately, I didn't hear any other alternative than hunting -- extending the hunting season, permitting more deer to be hunted. That really doesn't help us downstate. I strongly support the deer hunting season, because it's certainly a whole lot more humane to have a deer shot to death

than to have them starve to death.

And so I do support this. And I just hope there are going to be more suggestions made for us downstaters who need some help with our deer population, which has been exploding.

Thank you.

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

Then the debate is closed.

Senator Paterson.

SENATOR PATERSON: Yes, just briefly, if Senator Wright would yield.

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

SENATOR WRIGHT: Yes, I will, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR PATERSON: Senator, I'm a little confused, and I thought perhaps you'd alleviate my thoughts on this.

I'd be surprised if there weren't regulations controlling the deer population now. In other words, there's hunting in the

area now. How does this change the procedures any more than they would exist at this point? We must have some sort of regulation in those areas such as Lewis County, Oneida, Oswego, the Tug Hill region?

SENATOR WRIGHT: Senator, you're absolutely correct. While it may be perceived as the Wild West or the wilds of the North Country, in fact there are regulations through the Department of Environmental Conservation.

Those relations are addressed in this bill, in that they authorize and require the issuance of special deer management permits. So this is over and above the regulations that exist throughout the state, and this is an additional permit that is provided to allow for the additional taking of deer. We're also extending it into other areas of the state as well.

SENATOR PATERSON: Madam President, just one final question.

SENATOR WRIGHT: I will yield, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR PATERSON: Senator, this is a little unrelated, but any thoughts on how to regulate the deer population in the areas where there is no hunting, given the shrubs and the plants that the deer are eating and the rapid growth of the population of deer in those areas?

SENATOR WRIGHT: No, I don't, Senator. I gave it some consideration when Senator Oppenheimer raised the issue. I recognize that a deer roundup probably was inappropriate and not practical. And so I don't really have viable alternatives.

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, 55.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if you would call up Calendar Number 675, by Senator Wright.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 675, by Senator Wright, Senate Print 4109, an act to amend the Environmental Conservation Law, in relation to regulation.

SENATOR PATERSON: Explanation.

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

SENATOR WRIGHT: Thank you, Madam President.

This bill extends the muzzle-loading season and regulations delegated to the Department of Environmental Conservation to administer the muzzle-loading big game season. And it extends it through October 1, 2005.

SENATOR PATERSON: Thank you.

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, 55.

THE PRESIDENT: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 650, by Senator Volker, Senate Print 3781, an act to amend the Civil Rights Law, in relation to confidentiality.

SENATOR PATERSON: Explanation, please.

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

SENATOR VOLKER: Okay. Madam President, this is a bill that extends the protections of the Civil Rights Law to parole officers as regards their personnel records under the control of the Division of Parole.

Virtually all people involved in the law enforcement system are now covered by this protection: police officers, correction officers, local correction officers, state

correction officers. The only ones that are not, essentially, is parole.

And, by the way, to anticipate a question, we are working with the Assembly on this, and we think there's a very good chance that the Assembly may pass this bill this year.

Because one of the problems relates -- obviously, parole officers are coming more and more in contact with more and more individuals who sometimes feel that they can harass the parole officers by getting personal records and so forth. So that's what this is about.

It still doesn't mean that obviously for court purposes that the records can't be obtained, because a court order can obtain the records. And of course the parole officer, he or she themself can sign and allow them to be used.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, Senator Volker anticipated my questions.

So just to review, the records are

open to discovery. So for instance, in the case of a parole officer that did have some kind of history of some type of abuse or, you know, misconduct on the parole officer's part, that the attorney for the parolee whose application was revoked would have an opportunity in court to at that time review those records?

SENATOR VOLKER: Absolutely.

SENATOR PATERSON: 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 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 652, by Senator Maltese, Senate Print 4088, an act to amend the Penal Law and the General

Obligations Law, in relation to placing a false bomb.

SENATOR PATERSON: Explanation.

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

SENATOR MALTESE: Yes, Madam President. This is an act to amend the Penal Law and the General Obligations Law in relation to placing a false bomb.

This expands the crime of placing a false bomb in the first degree, which was a Class E felony, to include not only when a person places a false bomb upon school grounds, as is the case now, but also when a person commits the crime of placing a false bomb in the second degree and either the person has been previously convicted of placing a false bomb in the second degree or emergency personnel are seriously injured or killed as a result of responding to such false bomb incidents or a bystander is seriously injured or killed by an emergency vehicle responding to the false bomb.

This conforms placing a false bomb with the report of placing a false bomb, by

making them both Class E felonies and raising them from Class A misdemeanors. It seemed inconsistent to have a certain -- the reporting of placing a bomb or placing a false bomb to be a Class E felony and not having the actual placing of the false bomb be considered a Class E felony.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if I could interrupt for a minute, there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

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

Senator Paterson.

SENATOR MALTESE: While we're waiting, Madam President, it also conforms the Vehicle and Traffic Law, because of the suspension and revocation of license provisions, those would also apply, as they do now, to the placing of the false bomb.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, the immediate meeting of the

Finance Committee preempted Senator Dollinger's questions. And I know that we're all disappointed. I'll try to stand in for him and ask if the Senator would yield for a question.

SENATOR MALTESE: Yes.

THE PRESIDENT: Senator Maltese has yielded.

You may proceed, Senator Paterson.

SENATOR PATERSON: Thank you.

Madam President, would no bomb be a false bomb? In the sense that there doesn't actually have to be a tangible object for someone to be injured or killed coming to the aid of others in what is perceived at that time to be an emergency.

SENATOR MALTESE: Madam President, my understanding is that this would only apply to the actual placing of this false bomb, which, according to the definition of the section, actually describes an apparatus which would have some appearance relating to a false bomb.

The criminalizing of a person injured by an emergency vehicle responding to

this particular occurrence would -- excuse me, Madam President. I believe what the good Senator is stating is whether or not the false bomb or the reporting of a false bomb would have to be the occurrence where an innocent bystander or a member of the emergency personnel service would be injured.

SENATOR PATERSON: Right, that's correct, Madam President.

If the Senator would continue to yield.

SENATOR MALTESE: Yes.

THE PRESIDENT: Senator, you will yield?

You may proceed, Senator.

SENATOR PATERSON: What I'm getting at, Madam President, is at the time that the emergency services and law enforcement personnel are responding, they can't see the false bomb or something designed to appear to be a bomb. And so I was just asking Senator Maltese if he might delineate the reason why there has to be a false bomb for there to be a punishment.

Because actually, based on the way

this bill is written, I would only see it to be applicable if the injured party can actually -- in other words, they see the false bomb, they try to extinguish it, they fall and hurt themselves or are killed.

My point is, it doesn't really matter, when someone is responding, whether they're responding to a myth or to an actual object.

SENATOR MALTESE: Madam President, what this is seeking to do is bring up the severity of the crime when the actual false bomb is placed.

The situation that is recited by Senator Paterson is already covered under the reporting of a false bomb.

And if someone is injured by an emergency vehicle or a bystander is injured in the course of responding to that action, that would also be a crime. And this section seeks to raise that crime in this situation from a Class A misdemeanor to a Class E felony.

SENATOR PATERSON: So in other words, Madam President, what we're going to do is further penalize the perpetrator for not

only the report but the actual act of putting together some apparatus that mirrors or causes others to believe that it is in fact a weapon?

SENATOR MALTESE: Madam President, yes, but it also can be a situation where it is making the law consistent.

The situation heretofore was that a person who made a false report and someone was injured, emergency personnel or an innocent bystander, in the course of responding to that false report, that was raised to a Class E felony.

In this case it was inconsistent that if there was actually a false bomb placed and perhaps no report made, and a bystander was killed or a member of emergency personnel services was killed or seriously injured, it was still a Class A misdemeanor. And this raises it to a Class E felony.

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 4. This act shall take effect on the first day of

November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 670, by Senator Maziarz, Senate Print 4438, an act naming the two hard-surface boat launching ramps.

SENATOR MALCOLM SMITH: Explanation.

SENATOR PATERSON: Explanation.

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

SENATOR MAZIARZ: Thank you very much, Madam President.

This legislation, tragically, is regarding two Coast Guardsmen, Scott Chism and Chris Ferreby, who were both on duty at Coast Guard Station Niagara, located in Youngstown, New York, on the evening of March 24, 2001, when they were out on a possible rescue mission for alien smugglers and their boat was

swamped and both Coast Guardsmen Chism and Ferreby and two of their colleagues were thrown into the water, and all four of them were rescued and taken to the hospital.

And because of the long-time exposure in Lake Ontario and because of the inclement weather and the cold weather, Coast Guardsmen Chism and Ferreby did not survive the incident. And this legislation would, in their honor, and for their service to their country, name two facilities at Fort Niagara State Park after these two individuals.

Thank you, Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: The explanation is satisfactory, Madam President.

But let's do a slow roll call anyway.

THE PRESIDENT: Pardon me, Senator? I didn't hear the last -- after the "but."

SENATOR PATERSON: I'm sorry, I lost -

SENATOR MAZIARZ: He asked you to read the last section, Madam President.

(Laughter.)

THE PRESIDENT: Thank you, Senator Maziarz.

Does any other member 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, 55.

THE PRESIDENT: The bill is passed.

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

SENATOR FUSCHILLO: Madam President, is there any housekeeping at the desk?

THE PRESIDENT: No, there is not, Senator Fuschillo.

SENATOR FUSCHILLO: May I ask that we stand at ease pending the return of the Finance report.

THE PRESIDENT: The Senate stands

at ease.

SENATOR FUSCHILLO: Thank you.

SENATOR PATERSON: Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, there will be an immediate meeting of the Minority Conference in the Minority Conference Room after session. After session, they tell me.

THE PRESIDENT: There will be a meeting of the Minority Conference in the Minority Conference Room after session.

SENATOR PATERSON: After session, there will be a meeting of the Minority Conference.

THE PRESIDENT: So stated, Senator Paterson.

SENATOR PATERSON: Thank you.

(Whereupon, the Senate stood at ease at 12:34 p.m.)

(Whereupon, the Senate reconvened at 2:00 p.m.)

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time return to reports of standing committees.

I believe that there is a report there from the Finance Committee. I would ask that it be read at this time.

ACTING PRESIDENT McGEE: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill direct to third reading:
Senate Print 5256, by Senator Leibell, an act to provide for the adjustment of stipends.

ACTING PRESIDENT McGEE: Without objection, direct to third reading.

SENATOR BRUNO: Madam President, can we take the bill up at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 795, Senator Leibell moves to discharge, from the Committee on Finance, Assembly Bill Number 8718 and substitute it for the identical Senate Bill Number 5256,

Third Reading Calendar 795.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 795, by the Assembly Committee on Rules, Assembly Print Number 8718, an act to provide for the adjustment of stipends.

SENATOR BRUNO: Madam President, is there a message of necessity at the desk?

ACTING PRESIDENT McGEE: There is a message of necessity from the Governor at the desk.

SENATOR BRUNO: Move to accept the message.

ACTING PRESIDENT McGEE: The motion is made to the accept the message of necessity and appropriation. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The message is accepted.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

The Secretary will read.

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

As Executive Director of the Consumer Protection Board, C. Adrienne Rhodes, of New York City.

ACTING PRESIDENT McGEE: Senator Stafford.

SENATOR STAFFORD: Mr. -- or, excuse me, Madam President, again this morning -- we note it is no longer morning - we have had four nominations that have come from the Governor that are excellent, as the previous nominees have been. And we're proud of all of them.

And for the first we yield to the Senator from Manhattan, Senator Goodman.

ACTING PRESIDENT McGEE: Senator Goodman.

SENATOR GOODMAN: Thank you, Madam President.

It's my very, very great privilege indeed to present to this body the credentials of an extraordinary public servant, C. Adrienne Rhodes, who has been nominated as the Executive Director of the Consumer Protection Board.

Ms. Rhodes came first to my awareness when I nominated her to run for Congress in the East Side of Manhattan, a job which she undertook despite the very great odds which were prevailing in that district at the time. She handled her responsibilities in this with great dignity and held up the flag, I should say, in a fashion that was quite exemplary.

Apart from that, however, she has a rather important background as a former vice president of the Daily News, the largest circulation newspaper in the world, as you

know. And in addition, she was involved very heavily with the United Negro College Fund and a number of other very significant institutions.

Ms. Rhodes has extensive experience in consumer affairs, and it's my judgment that she'll make a superb addition to the ranks of people who were previously involved, such high-stature folks as Betty Furness and others of substantial posture and awareness of consumer issues.

Ms. Rhodes has been in the Bush administration, of the President George H.W. Bush, as a U.S. Small Business Administration Commissioner on Minority Business Development, Media and Perception Task Force, and the like.

She is an individual of exceptional intelligence and ability, and I think she is someone whom this house I feel certain will wish to give its full support to in unanimous fashion. I trust that will now be the case.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Madam President.

I rise to echo the sentiments of my colleague Senator Goodman on this appointment. This is one of the very few appointments where I know personally the record and achievements of a young woman in this state who has done some wonderful things. And therefore, in committee, I was more than happy to add my vote to those of my colleagues in this appointment.

And I am very pleased. And I think that, as the ranker for this committee, I think that the people of the State of New York will be well served having her in this executive post watching out for the consumers of the State of New York.

Thank you.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Madam President.

I rise just to echo the sentiments of Senator Goodman. As the chair of Consumer Protection, I want to compliment Governor Pataki for putting forth this nomination.

Chairwoman Rhodes has done as outstanding job as the acting chair, and I look forward to a long working relationship with her.

She is taking over an agency that I had the opportunity to author a significant consumer protection legislation called the "Do Not Call" Registry in the State of New York, and she is managing the department where over 1.4 million New Yorkers have already signed up for it.

I wish her the best. I offer my compliments and my full support to you.

Thank you.

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I too would like to rise to second the nomination of C. Adrienne Rhodes.

I met her the other night when she came up to me and grabbed me at a reception that I didn't expect to be talking to the Consumer Protection nominee, and I found her aggressive and charming at the same time, and also very informed.

And I thought that her answers

today, and in reading her background, she brings what I think we need to this department. I think that she'll do an excellent job.

And to top all that off, it turns out that she's a personal friend of Senator Smith's.

So with all that in the background, I couldn't resist the opportunity to get up and also second the nomination and congratulate the Governor on his fine selection.

ACTING PRESIDENT McGEE: Any other Senator wishing to speak on the confirmation?

The question is on the confirmation of C. Adrienne Rhodes as Executive Director of the Consumer Protection Board. All in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: C. Adrienne Rhodes is hereby confirmed as

Executive Director of the Consumer Board of Protection.

(Applause.)

ACTING PRESIDENT McGEE: May I say welcome aboard and congratulations to you on this new appointment.

The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the City University of New York, Joseph Lhota, of Brooklyn Heights.

ACTING PRESIDENT McGEE: Senator Stafford.

SENATOR STAFFORD: Madam President, for this very fine nominee I would have to make a point that I made a mistake here this morning -- at 2:00 p.m. Two nominees are from the Mayor today and two are from the Governor. Although all four are, as I say, excellent.

And it is a pleasure to yield to the Senator from Rensselaer.

SENATOR BRUNO: From Brunswick, in Rensselaer County.

Thank you, Senator.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Thank you very much.

And, Madam President, I'm honored to welcome someone with the experience, the talent, and the knowledge of Joseph Lhota.

Welcome here to the Senate. We're here to confirm his appointment, as you've heard, to the City University of New York.

Joe Lhota was named Deputy Mayor in '98 by Mayor Giuliani. He is one of the most highly qualified people in City administration and in government presently, having a responsibility for operations, for the relationship with state, federal, local governments, dealing in his previous tenure with the Mayor as budget director, with a $36 billion budget, $45 billion capital.

He came to that job from the private sector, so he is a great combination of someone who has been in the private sector as well as in public service, having spent 15 years as an investment banker previous to his present position, director of public finance

at First Boston Corporation, and a managing director of municipal securities at Paine Webber.

He brings a lot of experience from the private sector to his present job. He has a family history of people who committed themselves to public service. I believe that his father was a first lieutenant in the New York City Police Department, and his grandfather was a fireman. So he comes well-prepared for further public service.

And it is a testimony to the Mayor's and the Governor's and our commitment to education and higher education in the City and in the State.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President. Just to carry forward the fine words expressed by the Majority Leader on behalf of the nominee sent to us by the Mayor of the City of New York.

During the discussions of the Finance Committee, many of us who represent

parts of the City of New York pointed out that on whatever occasion presented us where we had to reach out to City Hall, City government for the resolution of a problem, Deputy Mayor Lhota was there to do it and to do it with enthusiasm, with graciousness, and with effectiveness.

The Mayor undoubtedly feels that City University presents not only a great opportunity for the people of the city of New York, if not the state, but it also has significant problems, some of which we will be dealing with in this budget, as relates to full-time faculty and many other issues that are important to the City University, one of the great universities to be found anywhere in this country.

And so the Mayor has said, I want my right hand there to see that what has to be done is done. And I would applaud him for having made that decision. I applaud members of the Finance Committee and Higher Education Committee for having confirmed, in their judgments, the wisdom of that selection.

And so I'm pleased to second his

nomination.

ACTING PRESIDENT McGEE: Senator Marchi.

SENATOR MARCHI: Madam President, we feel very good about the events that took place this morning at the Finance Committee, and now to be replicated with very fine nominees.

Joseph Lhota, of course, as has been so eloquently pointed out by my colleagues, really has a great deal to offer, so much hope.

I had the unique opportunity -- I guess I'm probably the only member in this house at the time when the formation of the City University was advanced, originated and advanced. And they had growing pains, too, with it as well as some successes. They had a Nobel prize winner that came out of the City University, but they did experience difficulties.

But Joseph Lhota has an extraordinary background. It includes Harvard, includes Georgetown. It includes, as has been pointed out, the supervision of the

operating agencies of the City of New York. And of course a great Mayor, and a great team that he put together. He pursued that with great diligence and with extraordinary results.

I mean, they've been the comment throughout the world about things that have been happening in New York City. And he's bringing these unique qualities available to his future mission.

And I'm sure that he's going to continue the forward progress that has been resumed and acquiring speed and direction and orientation when he assumes these responsibilities with your approbation.

So I'm very, very pleased. He's no stranger to the people of my county in Staten Island. And I think the whole City of New York is going to be very grateful that this event is taking place.

I was not aware, until Senator Bruno pointed it out, that public service was a byword in his family. This is a familial heredity that he shares at the very highest level.

So it's indeed a very happy occasion, Madam President, to urge a unanimous vote on this nomination.

ACTING PRESIDENT McGEE: Senator Goodman.

SENATOR GOODMAN: Madam President, I first became aware of Deputy Mayor Lhota's qualifications when I served on the transition committee of Mayor Giuliani assigned to review possible candidates for high office in the city.

And at that time it was quite evident from the interview that we conducted -- a rather exhaustive interview, at that -- that Joe Lhota was a man not only of immense ability but tremendous potential.

He was selected on that occasion and nominated before the Mayor, who eventually decided upon his appointment as Finance Commissioner of the City, a job with which I have some familiarity, since I served in that post in the first Lindsay administration.

I'd say Joe Lhota's ability to perform in that job made it very clear that he was capable of taking on even greater

responsibilities, which he subsequently did as budget director of the city, and then not as just deputy mayor but as first deputy mayor. The first deputy mayor, as we know, is the deputy mayor called upon to keep the city under control when the mayor is not available. He has to have a very broad grasp indeed of all of the activities that occur in the city.

And in crisis after crisis, Joe Lhota indicated a superb ability to deal coolly and effectively with different problems that came to his desk.

In handling the CUNY situation, or in being a participant in the board of CUNY, he takes on an entirely new type of responsibility which will challenge fully his skill and ability. Here a diplomacy comes into play which he has already demonstrated in full measure.

CUNY is a mess and has been for some time. It's improving, but it's clear that CUNY is not giving a whole generation of kids an adequate break in terms of preparing them to meet the technical demands of a very tough world. And I think the mere fact that

we're raising the standards of CUNY, that we recognize that the people going into the CUNY apparatus are ill-prepared and need to be boosted in a significant way so that they can go on to greater achievement, is a compelling necessity at this time.

With his wonderful wife, Tamara, and his fine family, I think it's quite clear that this is a man well prepared to do this important job. I salute him and wish him well in it, and trust we'll all vote for him with enthusiasm.

ACTING PRESIDENT McGEE: Senator Velella.

SENATOR VELELLA: Thank you, Madam President.

I think my colleagues have spoken well of Joe Lhota's work for the City of New York, and I dare not be the only member on this side of the aisle to rise from the City of New York and speak favorably about him.

He has done a great job as a deputy mayor, but that's because his roots were in the Bronx. He comes from the Pelham Bay section of my district, where he worked very

diligently for my predecessor, Senator Calandra, during his younger days. Unfortunately, he was misguided and moved to Brooklyn at some point in his life.

And I think that we welcome him to come back as a member of the board at CUNY and help us work on some of the problems we're having with the colleges in the city system. And I am sure that, together with the other members on that board, he will bring back the greatness of City University that it so deserves.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR STAVISKY: Madam President, I rise to speak on this nomination.

This term will continue until the year 2004. And while Mayor Giuliani will be leaving office in seven months or so, Mr. Lhota's contribution will continue well past that time. And I think it's important to offer bipartisan support, because it is a nonpartisan or at least it ought to be a nonpartisan role, that of trustee of the City University.

I was delighted to hear Mr. Lhota this morning talk about standards, because I think they're important; accountability, because I think it's important; and something that's very important to many of us, and that's the improvement in the ratio or in the number of full-time faculty.

I'm convinced that -- or at least I certainly hope that Mr. Lhota will continue in this tradition of independence in the City University and in continuing the fine tradition of the City University that dates back to the founding of City College more than 150 years ago.

So I congratulate Mr. Lhota and hope that the promise of today turns into the fulfillment of tomorrow.

Thank you.

ACTING PRESIDENT McGEE: Senator Lachman.

SENATOR LACHMAN: Yes, I also rise to commend this appointment by the Mayor of Mr. Lhota to succeed Mr. Marino, also a good man.

Mr. Lhota comes to the CUNY board

of trustees with the credentials that were mentioned so eloquently by my colleagues on the other side of the aisle, as budget director, finance commissioner, basically first deputy mayor of the City of New York. But he has been involved in higher educational concerns for many years.

And I was delighted at one of the two meetings that we had, Higher Education and then Finance, that he has committed himself to Chancellor Goldstein's master plan for the improvement, qualitatively-wise, of the City University of New York, which is an excellent university, but to return it to its former glory for the future glory of the university.

The City University of New York is the nation's largest urban public university and the nation's third largest public university.

I was also delighted to hear Mr. Lhota say that he is completely committed, completely committed to the master plan of Chancellor Matthew Goldstein, which will lead in the direction we want it to lead to. I echo the words of Senator Stavisky. Faculty

lines, permanent lines are very, very important in the greatness of the university.

But also I don't want him to forget -- as a former professor and university dean of CUNY, I don't want him to forget the doctoral students. Now, SUNY has four major central campuses at Stony Brook, Binghamton, Albany and Buffalo. CUNY has only one location where doctoral students are produced, at the Graduate Center.

And there is one discrepancy that exists between CUNY and SUNY which should be corrected. Unlike SUNY, there are no tuition scholarships at the Graduate Center of the City University of New York for doctoral students to teach undergraduate students. And I know that Chancellor Goldstein favors this. I know the president of the Graduate Center favors this. And I'm certain that Board Member Lhota will favor this.

And, most importantly, Mr. Lhota is coming into a situation where for over a decade there has been tension and conflict, and I mentioned this at the Finance Committee, between the chancellor, chancellor's office,

and certain members of the board of trustees. I look upon Mr. Lhota not only as an outstanding manager and administrator but a great conciliator: Henry Clay Joseph Lhota. And one of his major jobs will be to bring the different factions together so they can work together towards the fulfillment of the master plan and the greatness of the City University of New York.

I'm proud to second this nomination. Thank you.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. I'll be very brief.

I met Joe Lhota about 17 or 18 years ago through a couple of mutual friends. And I don't have a particularly active memory of that time or those occasions when I saw him, but his was a name that came up often in my circle of friends, since they knew him.

And it was really a pleasure to sit here and notice how familiar my colleagues have been with the work that he's done over the years and the success that he's achieved

and the great manner in which they have regaled those achievements here today.

So having heard about him and then even myself having worked with the Mayor's office and with him for the past three or four years, it's really a pleasure to see someone fulfill the processes that others believed in many years ago.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Any other Senator wishing to speak on the confirmation?

The question is on the confirmation of Joseph Lhota as member of the Board of Trustees of the City University of New York. All in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: All opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Joseph Lhota is hereby appointed as a member of the Board of Trustees of the City University of New York.

(Applause.)

ACTING PRESIDENT McGEE: May we add our best wishes and congratulations to you.

The Secretary will read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Robert Harding, Esquire, of Riverdale.

ACTING PRESIDENT McGEE: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President.

The other fine appointment of the Mayor here today is a stranger to none of us.

And it is a pleasure for me to yield to the Senator from Brunswick.

SENATOR BRUNO: Thank you very much, Senator Stafford -

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: -- chair of Finance, a very important and prestigious committee in this Senate.

I want to stand and join with my colleagues in welcoming the nomination of Bob Harding to the MTA board. All of us know how

important mass transit is in New York City, throughout the Northeast. This is a very important appointment. We applaud the Mayor for sending Joseph Lhota and Bob Harding to us to continue their public service.

Bob Harding is well prepared to serve in this capacity, presently serving as a deputy mayor, having been a budget director himself in the City, having served here as the general counsel and officer of the New York State Science and Technology Foundation, counsel to the Speaker in the Assembly. He is a professor, visiting professor at Albany Law School as well as Hudson Valley Community College. He was in the private practice of law for a number of years.

So we're very, very pleased that we have as capable an individual as Bob Harding, who will continue to be of service to the public in this very important and meaningful way.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Goodman.

SENATOR GOODMAN: Madam

President, there has been some very intense investigation of this nominee before presenting him to this body. He was asked two quiz questions. First of all, what is the definition of a twack? A twack, as we all know, is what a twain runs on. And he was able to answer that instantaneously.

(Laughter.)

SENATOR GOODMAN: The other question was, What is the significance of certain railroad signal known as a clothespin? A clothespin can be hung across a track to warn of storm conditions in which there's a washout on the line.

(Laughter.)

SENATOR GOODMAN: So with these two things having been cleared, we now -- if the Secretary would strike those, I would appreciate it.

Quite earnestly, the reason I indulge in such frivolity is that I'm being called upon in four consecutive cases to orate with all the passion at my disposal about the virtues of these candidates. In this case, I do so with complete sincerity.

Bob Harding is a remarkably talented individual, the son of a well-known father. And the presumption might have been earlier in his career that he was advancing as a result of the reflected glory of his father, but those of us who know Bob realize that, if anything, his father's career has advanced in the reflection of Bob's ability, which is absolutely outstanding.

He's a brilliant lawyer, a superb administrator, one who has taken on duties in the city which range from various major economic development projects to other matters of operational significance in the city. He's a pleasure to work with, a man of immense good nature and good humor, and always one who can be always relied upon to be responsive and available for any discussion needed in connection with legislation.

As we all recall, he was the city's legislative representative to this body, a responsibility he carried out with great distinction.

Finally, let me just say that Bob Harding faces a daunting task; namely, trying

to determine how to obtain sufficient funding for the Second Avenue Subway, for the feeder line that will bring people in from Long Island to the 42nd Street Station and Grand Central. The overcrowding in both of these systems is manifest. And the fact is that there's a very severe shortage of funding with which to achieve solutions to these problems.

So this is perhaps the greatest challenge which Bob Harding will ever have faced in his public career. I look forward to riding the Second Avenue Subway sometime before the turn of the next century. And if we are able to do that, it will be in no small measure because Bob Harding was on the job and it was being certain that no train should ever run empty or in a situation where it could not assist the beleaguered people who have to go back and forth to work every day.

I warmly salute Bob and hope that he will have good luck in the position to which we'll appoint him this afternoon.

ACTING PRESIDENT McGEE: Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

I don't recall if the Majority Leader pointed out that for many years Bob Harding headed up the mayor's office here in Albany. And that's when I really got to know him. And he left an indelible impression. As a matter of fact, I have a leather couch in the adjoining office to mine that has an impression that he left during the period of time that he served in that capacity.

During the hearing or the meeting of the Transportation Committee, chaired by Senator Trunzo, on which I serve, and during the Finance Committee meeting, a number of you -- or some of you were there, many of you were not, most of you were not -- asked some very significant questions to the nominee. The Second Avenue Subway, energy-efficient buses, a variety of issues that are important to the transit system not only in the City - we even had a guest member there talking about one of our other counties, asking questions.

The point I'd like to make is that in each case, Bob Harding was able to give an

answer that made sense, that demonstrated he'd done his homework and that frankly he knows what he's talking about.

And so the MTA, which for a variety of reasons, not the least of which is the fact that we're dealing with five-year plan that has a big hole in it -- namely, the fact that the bond issue did not pass -- will have some very, very significant challenges.

And there's no doubt in my mind that this nominee, again here at the good judgment of the Mayor, who also recognizes a problem there and wants one of his first-line people involved in solving it, that that makes a great deal of sense.

And so, Madam President, I am pleased and honored to be a seconder of this nomination.

ACTING PRESIDENT McGEE: Senator Velella.

SENATOR VELELLA: Thank you, Madam President.

I rise again to praise the laurels of another fellow Bronxite, Bob Harding, who lives in the Riverdale community just a few

blocks out of the line of my district.

And based upon his politics, and that of his family, I've asked Senator Skelos to keep him on that side of the line of my district so that we will be able to enjoy for a long time to come our friendship and his service to the City and to the people of this state.

I am sure he will do a great job with the MTA.

ACTING PRESIDENT McGEE: Senator Lachman.

SENATOR LACHMAN: Yes, I rise also to second the nomination of an outstanding person, Robert Harding.

Bob arrived at Albany about the same time I did, in different positions, and I learned a great deal about politics from him, especially New York City politics and state politics.

Bob Harding is a very gifted person. He was then, he is today, and I'm sure he'll be tomorrow. But he is going into the eye of the whirlwind. Anyone who takes a position on the Metropolitan Transit Authority

is going into the eye of the whirlwind.

And why do I say that? Some of the people have already discussed some of the problems. The capital budget has to be reviewed. Even if the bond act had been passed, the capital budget has to be reviewed.

We have today between -- in New York City alone, a ridership of 2,200,000,000 riders. With Metro North and with the Long Island Railroad, you have 800 million more, for a total of 3 billion people a year. And we need more cars on our trains. And we need more service and better service. How does one do this with the limitations on the capital monies coming in, which will have to be reviewed?

But let me just bring up, since some of our colleagues have mentioned individual areas, an area which I will call the alphabet soup of the New Deal. You know, Franklin Delano Roosevelt created the NRA and he created the TWA and he created the WPA, in many ways rescuing us from the Depression. I hope, Bob, that you will be able to tackle some of the alphabets that are now causing

problems in the City of New York as a result of the restructuring of the Manhattan Bridge.

The B train is being eliminated. The D train is being eliminated. The Q train becomes QA and QB. There's a new W train, there's a new V train. There will be many people who will not be able to get on the 6th Avenue line into Manhattan where they work, coming in from Brooklyn or Queens where they live. Especially a population that doesn't vote as much now as it will tomorrow, the Chinese-American immigrant population.

And I know there are many, many other issues of great concern to Mr. Harding. And the Manhattan Beach reconstruction is not the problem of this Mayor or this Governor. It was announced in 1986 with a different mayor and a different governor.

And I would hope -- and when the Senate Democrats from Brooklyn had a hearing last week in Brooklyn relating to the changes on the Manhattan Bridge due to reconstruction. President Larry Reuter of MTA New York Transit Authority was there, and he is going to review the possibility of the M train being used all

day long rather than just during rush hours to alleviate the problems on the B train and the D train and the Q trains, et cetera.

Bob, I really commend you for accepting this position. It won't be easy in the eye of the whirlwind. But if anyone can get through this hurricane and create a better society through the interconnecting means of reaching various parts of the city, it will be you.

Congratulations and good luck.

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I too rise to second the nomination of Mr. Harding. I was going to second the nomination of Mr. Lhota, but I figured I'd do both in one brief comment on this one.

And although it was mentioned earlier that both of them answered all the questions, as different as they were in the Finance Committee, the one question I don't think either of them could answer, and none of us could figure out, is both their nominations made Senator Padavan smile. And if I were

them, I'd worry about that, it would be a major concern to me -- much smaller than any of the problems they'll face in their new jobs.

But I think they're both very qualified and will do a great job, and I second the nomination of Mr. Harding.

Thank you.

ACTING PRESIDENT McGEE: Senator Onorato.

SENATOR ONORATO: Madam President, I join my colleagues in congratulating the Governor and the Mayer for presenting both these wonderful nominees.

I've had the pleasure of working with Bob Harding. He's always been very, very responsive to my needs.

And going over the resume of Joe Lhota, I know Councilman Vallone has always spoken very highly of him and his capabilities. So I congratulate him.

And I would also appreciate if the stenographer could give me a transcript of what Senator Goodman said, because I lost him on the twacks.

(Laughter.)

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

When I was first appointed by Senator Connor to lead the floor for the Minority, it was around the time that Mr. Harding was the Mayor's liaison. And he was of extreme assistance to me, who didn't have the slightest idea what was going on in here or anywhere else.

And as he has succeeded to be the Mayor's deputy, every time we've had a problem and we have called him, we have gotten a response. And I don't think there's any higher compliment in government that you can give to a person of those means.

Thank you.

ACTING PRESIDENT McGEE: Any other Senator wish to speak on the confirmation?

Senator Marchi.

SENATOR MARCHI: Madam President, you can see the sincerity and the enthusiasm

by which this nominee has been endorsed by speaker after speaker.

I'm probably the only person in this chamber or in this building that worked on the origination and the formulation of the MTA.

(Laughter.)

SENATOR MARCHI: And before that.

But I remember at the close of the '60s, transportation was not a -- it was compartmented. You had ferries and you had railroads, you had airports. But there was no conceptual overview of the movement, the philosophy and the planning for the movement of people and for commerce and for all of the diverse purposes until about the end of the '60s.

And then we started to see the transportation entities arise, and then the larger view, the larger perspective that it was all part of something that you had to conceptualize in terms of the needs of people, and then the implementation takes place within the various agencies that we knew only as separate but autonomous agencies.

I had the pleasure of knowing at least two of the predecessors of our future nominee when he is confirmed. And they were fine. I'm sure that he's going to fulfill the promise held out by so many speakers in his service.

Many of us have had the opportunity of interacting with him when he was a go-between for legislation. And he always evidenced a profound wisdom in furthering or urging serious consideration of various measures.

So that I think we're -- I believe I may have put it, at another point, as an embarrassment of riches today, because we do have excellent nominees, Madam President. And I'm very, very delighted that I have the opportunity of endorsing an old friend and one who certainly will hold our trust and confidence in him as a goad and a stir and a propulsive force in rendering exemplary service to the people of the area.

ACTING PRESIDENT McGEE: Any other Senator wishing to speak on the confirmation?

The question is on the confirmation of Robert Harding as a member of the Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Robert Harding is hereby confirmed as a member of the Metropolitan Transportation Authority.

(Applause.)

ACTING PRESIDENT McGEE: Congratulations and best wishes.

The Secretary will read.

THE SECRETARY: As Superintendent of Insurance, Gregory V. Serio, Esquire, of Latham.

ACTING PRESIDENT McGEE: Senator Stafford.

SENATOR STAFFORD: Thank you, Madam President.

For the fourth excellent nominee today -- this nominee from the Governor - it's a pleasure to yield to Senator Bruno.

SENATOR BRUNO: Thank you very much, Senator Stafford.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: And it is a pleasure for me, Madam President and colleagues, to stand in support of our Deputy Superintendent of Insurance and welcome him back to this chamber.

Greg Serio served in the Senate in many very important positions, more than I will take time to relate. But he has been serving in the Insurance Department as counsel, first deputy, acting superintendent, first deputy again, and now acting superintendent. Highly qualified, extensive background, couldn't be a better choice that the Governor could send us to serve in this capacity.

I believe the last exposure that he had here in the Senate was as counsel to the very accomplished chair of the Insurance Committee, Senator Velella. And I will now defer to him to continue this discussion about this highly qualified candidate.

Senator Velella.

ACTING PRESIDENT McGEE: Senator Velella.

SENATOR VELELLA: Thank you, Senator Bruno. Having tried to sabotage the nomination by talking about his past history with me, I think I'll have to try and recoup on that.

Greg had a great deal of experience in the Senate, not only working with me for six years as counsel to the Insurance Committee, but also to a prior member of the Senate and former chairman of the Insurance Committee, Senator Dunne, where he worked for six years, and has learned a great deal about the insurance business right here in the Senate.

His experience both in the Senate for 12 years and in the department for seven years bring a blend of a regulator with experience, but someone who has had the constituent consumer service that was required as a counsel to the committee, as a counsel to a member, who handled many of the problems that individuals brought to us as chairmen of

the committee that had problems with insurance companies, our constituents. He knows that side of it as well as the regulatory side.

And that blend of experience has served him well as he's worked in the Insurance Department. And I think I can clearly say that nobody has ever been nominated for this position who comes to this position with a better understanding of the law or more experience in a hands-on way with the effects that companies have on the everyday lives of people than Greg Serio.

Certainly we're going to be facing, in the next several months and probably for the next year or two, some very, very serious issues in the insurance industry. He has the ability, the knowledge, and the common sense to deal with those effectively.

I predict that he will be one of the banner superintendents of insurance in this state, and I proudly second his nomination.

ACTING PRESIDENT McGEE: Senator Seward.

SENATOR SEWARD: Thank you, Madam

President, my colleagues.

I'm very pleased today, as the current chairman of the Insurance Committee, to stand in full support of Greg Serio to be our next Superintendent of Insurance.

And I can report to this body that last week when the Insurance Committee considered Mr. Serio's nomination, and after a great deal of discussion, he was both unanimously and with bipartisan support received the full support of the committee. And I think that's a tribute to the qualifications of our nominee. And of course the same occurred today in the Finance Committee as well.

And I just want to commend and congratulate the Governor for making this nomination. I think it's a testimony once again to the Governor's commitment to excellence in his agency heads, as well as recognizing the importance of putting a steady and proven hand at the helm of a very, very important agency, particularly as it relates to our very significant and large financial services and insurance industry in New York

State.

You know, if you take a look at the insurance industry as a whole, tremendous impact on the economic-development future of our state. Thousands and thousands of New Yorkers are employed one way or another in this overall industry. That's certainly important to our state and the people of our state.

And, of course, insurance, as has been mentioned by my colleagues, impacts the everyday lives of every single New Yorker, whether it be auto insurance, health insurance, life insurance, property and casualty. The list goes on.

And it's very, very important to the everyday lives of New Yorkers that we have someone at the head of the Insurance Department that can balance the interests of the companies that do business here but also the consumers, insurance consumers of our state.

And I think it goes without saying that our nominee today I think is the most qualified individual to head this important

department, particularly when there are many challenges to be faced in this day and age.

I think Greg Serio is the right person at the right time to head this department. In the years he's served with the department, he's gained a wealth of knowledge, experience, and wisdom. And now as the superintendent himself, he'll have the opportunity to put that knowledge and wisdom to work on behalf of the people of our state.

Now, in my dealings with Greg Serio I've always found him to be knowledgeable of the issues, very sensitive to the needs of the people of our state, and very willing to hear all points of view on any given issue. His background with the Senate, both with Senator Dunne and with Senator Velella, obviously has given him a keen understanding of our process here.

And I think that that's also going to serve the department and the people of our state in very good standing, because of the fact we'll be working together to shepherd legislative proposals through this Legislature on behalf of the people of our state.

So I, Madam Chairman, stand to offer my support and congratulations to Greg Serio. I very much look forward to continuing to work with him on behalf of the people of our state as we face so many challenges in the insurance area in the years to come.

Congratulations, Greg.

ACTING PRESIDENT McGEE: Senator Balboni.

SENATOR BALBONI: Madam President, I rise enthusiastically to support this appointment.

Superintendent of Insurance Gregory Serio. That has a wonderful ring to it. I met Greg 16 years ago, in a much different time and place, prior to marriage, prior to any certainty about what our careers would wind up being.

Both our careers were launched by Senator John Dunne, who sits here today with enormous pride not only in this nominee but also in the knowledge that Commissioner of the Department of Motor Vehicles Ray Martinez also came from John Dunne's shop. He did some pretty good recruiting back then.

John Dunne instilled in the both of us a sense of pride in the work of government and a fidelity to the people we serve and an appreciation that the language of a bill is not just words on page but rather the rules of our society and should be treated as such.

This is also an important expression of public policy on behalf of the Governor. With a high-profile position such as yours, Greg, the temptation might have been to go outside of government, to pick somebody perhaps from another state who might have a bigger name. Instead, the Governor decided to go through the chairs, as you have, and choose somebody who has been one of us and has worked with one of us.

You've had the aspirations and the dreams, the failures, the regrets that all of us have had, and yet you stuck to it, you stuck with it. You could have left a lot of times; you did not. Today is your ascension. And of course with every ascension in life there's the good and the bad. With the power and the prestige comes the responsibility.

The challenges you are going to

face in the next six months are going to be enormous. Seniors who don't know, sometimes, whether or not they should pay for groceries or for prescriptions. Individuals in the state who wonder whether or not they're going to be able to afford to drive a car with the insurance costs.

These are your unique challenges, your unique responsibilities. But I can think of no one in my career in this government who is better suited by temperament, better trained by experience, and better motivated by heart than Gregory V. Serio to resolve these issues to the benefit of the people of this great state.

Congratulations, Greg. Godspeed.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Thank you, Madam President. I'm delighted to join my colleagues in seconding the nomination of Greg Serio as Superintendent of Insurance.

And I was so impressed by Senator Velella's comments. Our Majority Leader reminded me that he's been practicing for six

years, for this day, that speech.

(Laughter.)

SENATOR SKELOS: But, Guy, you did a good job.

And I know John Dunne is in the back. You did a great job.

I just want to acknowledge the fact that his wife, Linda, is here, her parents are here, and also Greg's mom and perhaps other family members.

I know that, Mrs. Serio, you are very, very proud today. You reside in my district. Greg grew up in my district. So I guess I can share some of the credit by the fact that you come from the 9th Senatorial District, as does Ray Martinez also. And so they are well-grounded individuals and well prepared for the tasks ahead of them.

But, Mrs. Serio, I know how proud you are. You are a loving mother of a number of children. You work in a dedicated way for the senior citizens of the town of Hempstead, where there are so many wonderful programs. We all know Greg is going to do a great job, and the foundation has been established by

you.

And so we congratulate both of you, both you and your mom. Congratulations, Greg.

ACTING PRESIDENT McGEE: Senator Goodman.

SENATOR GOODMAN: Madam President, if we stop for a moment and think about this, there's probably no job in the state of New York that is more important in cushioning people against adversity than that of insurance commissioner.

If you think for a moment of the catastrophe that can hit a family if, for the sake of argument, there's a fatal illness or a very severe illness which is of long duration, if your car is in a severe crash and people may have been injured in that accident, if you have a situation in which you've been robbed and your home has been invaded by a thief who takes off with valuable property -- in all these instances you turn to your insurance policies to protect you and shield you against this potential disaster which occurs.

If we do not have a good, vigilant Insurance Superintendent and an insurance

individual of great skill and capacity, we'll be in deep trouble, obviously. So knowing that that is the fact, I think Greg Serio is a dynamo. I think of him as kind of a coiled spring ready to leap into action at any moment when things get messed up in the insurance field.

And he's a person of tremendous ability. His mother must be very proud indeed to have a son of such energy and dynamism. And I can only say that we wish you well, Greg, because you really are a man who stands between an individual and potential disaster.

Keep up the great work. I think we'll all sleep a little better at night knowing that as someone enters our house while we sleep to steal the family's crown jewels, you will protect us if they should disappear. Similarly, if one of our kids crashes a car coming home and drives through the closed garage door, you will be there. And in the event that we should have too much to consume at a party and develop gastritis of long duration, you will be there to help us with our health insurance to solve that problem.

So keep up the great work. We'll all be the better for it.

Thank you.

ACTING PRESIDENT McGEE: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I too want to rise and join my colleagues in seconding this nomination of Greg Serio. It's an excellent nomination by Governor Pataki.

Quite frankly, for the past several years in my office when we get a constituent complaint or concern about insurance, be it automobile, health insurance or whatever, Greg Serio has been the go-to guy in the Insurance Department. He, along with his staff, have done an excellent job. And it's great to see someone who has worked his way up through the ranks.

I'm sure that your family is rightfully and justifiably very proud of you, Greg, and I just want to congratulate you and the great staff that you have working with you in the Insurance Department. They do a great

job for all of us as members of this body.

Thank you. Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

And it's been said earlier by Senator Velella that it would be a long time before we'll see anyone come in for an appointment with better credentials than Greg Serio has for this.

I have known Greg Serio over the course of many, many years in the Legislature, and personally. I served for almost a decade as the ranking Minority member in the other house on the Insurance Committee. He has a tremendous knowledge of insurance, the law, the industry. He brings to an area that is so sensitive his great depth of knowledge.

I can tell you, I think all of our residents of this state and all of my constituents are immensely fortunate to have this appointment today. And I congratulate Governor Pataki for sending us this name. And

I wish you well, Greg.

ACTING PRESIDENT McGEE: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. I rise to join my colleagues and second the nomination of Greg Serio.

You know, Senator Velella had him as a counsel, but we shared a conference room. So I also called him my associate counsel for insurance, because I've served on Insurance in both houses for close to twenty years.

We talk about Greg in this house, we talk about Greg in this chamber. But I am the incoming president of the National Conference of Insurance Legislators, and just earlier this morning I received a call from Texas, from your good friend David Counts, who asked to be remembered and to thank you for taking up the initiative in this seat.

We talk about insurance in the State of New York and we talk about worrying about our people here. But Greg's job is going to be international, because insurance out of the state of New York is an international issue today. And we need

somebody who's got the ability to work with other people on a same-plane basis. Greg has met with these people.

Last fall when we were -- a delegation from the National Insurance were in Europe, the first thing one of them asked us, out of the Lloyds of London, "When will Greg become the Superintendent of Insurance?" My response was, "When you people move to New York and convince the Governor it's time for Greg to rise."

This is an individual who has not shirked his responsibilities. There's nobody in this state that's ever asked him to come someplace. About two months ago he was in my district, talking about the new health insurance and how we should operate with it.

But the nicest thing that I remember about Greg was Greg didn't take me, me, me, I. Greg was always a team player. I remember in Kingston when he said, "You know, this is something that Senator Velella and I tried to do three or four years ago." And when he commented about Senator Dunne, he said, "Senator John Dunne gave me the

opportunity."

And Greg was always there. I remember the time that Senator Velella dragged him to the state of Utah in the winter when Senator Velella said, "We came here, we're going to speak, and we're leaving." And Greg says, "Could we have coffee?" He said, "I don't think they make my kind. This is Utah, not New York."

But it was an issue that put everybody in the National Association of Insurance Commissioners on record that New York was not going to be a whipping boy and that we in this state had people who knew the industry, not just in New York but nationwide.

And I'm confident that what you're going to do is make us even prouder. You've been there for us, you've been there for our people, you'll be there for everybody.

And I thank his mother for raising a nice young boy.

ACTING PRESIDENT McGEE: Senator Breslin.

SENATOR BRESLIN: Thank you,

Madam President.

I've listened to the stories of Greg Serio serving Senator John Dunne and Senator Velella and Senator Leibell. I'm not old enough to remember when that took place.

But I have, in my four years as the ranking Democrat on Insurance, have had the opportunity to interact with Greg Serio. And let me tell you, the Governor has made one wonderful choice.

He is by far the most accessible agency person that I have dealt with. He's bright, he knows the issues. And let me also tell you that the issues during the next year with property and casualty in New York City or speed to market or privacy or some mandates that we have under federal legislation, Greg Serio knows those issues.

And I might also add that even though Greg Serio was born and raised in Senator Skelos's district, he now resides in the 42nd Senate District, which is Albany. So he did in fact see the light and he came to the Gateway to the West to live and to work.

And I can't emphasize enough that

Greg Serio will be viewed, as we look back, as the finest insurance commissioner this state will ever have.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much.

First of all, I want to say hello again to Senator Dunne, one of the most elegant members of the Senate that ever graced the Senate. It's always good to see you, that's for sure.

Secondly, also to join in commending the Governor on a wonderful appointment.

But I have great hopes that this wonderful appointment will mean that our new superintendent will be historic in his achievements. And during the committee process, I raised the issue -- and I have to raise it now. Because while we're talking about his wonderful achievements and achievements to come, I know that he can make a name nationally by making sure that New York

is not number one, meaning that we should never be the highest rates of automobile insurance in the nation. That should never be a goal of New York State.

And, further, Brooklyn unfortunately leads the pack in terms of the rates of automobile that the motorists have to pay.

And so one of the things I mentioned in committee that I want to share with everyone here in the chamber is that one of the first objectives of our new superintendent must be to find ways to roll back, to lower the cost of automobile insurance in the state and, in particular, in our urban areas.

Now, I just want to share, if I may, that a 20-year-old single male living in Brooklyn and who is assigned to the assigned risk part, is now paying approximately $3,136. Imagine that for automobile insurance. And if a 30 percent rate increase is expected this year, that coverage will increase to $4,076.

Too many of our folks are being assigned into high-risk pools. And what is

happening is that automobile insurance is more and more out of the reach of the average Brooklynite and the average motorist in New York. And so what happens increasingly is that more and more motorists are buying their cars and not renewing their insurance. And that puts all of us in greater risk.

And so I want the new Superintendent of Insurance to know that you have the ability, you've got the genius, the expertise, work. You've all come to this moment now. And so we have great expectations for you. And I for one believe that you will make a significant contribution to ensuring that all motorists in this state will never lead the pack in the country in terms of insurance fees and rates and that we'll be successful in lowering the cost so that all motorists will be able to afford car insurance.

Thank you.

ACTING PRESIDENT McGEE: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I rise to commend the Governor for this appointment as well. I've certainly known of Greg by reputation, and through Senator Velella by association. And I'm going to vote for him, Senator Velella.

And I think that the critical thing for me is that whoever is going to be in charge of probably the most influential insurance department in the world, right here in New York State, has to be someone who's got familiarity with the issues, who knows the public strategies in the sense of the impact of rates on both providers of insurance and those who are buying it. And I think Greg has all those.

I also believe that he and I may not agree on a whole bunch of issues with respect to what the future of automobile insurance is. We may not agree on how to try to restrict and what excess profits would be in the insurance industry, how you calculate them. And we may not agree on a whole gamut of issues that affect vital consumer issues in this state.

But there is one thing that I

absolutely insist on, and that is that if I'm going to have an adversary, it has to be a formidable one. It has to be someone who's smart, someone who can communicate, someone knows the issues well and can articulate them, even if we don't necessarily see eye to eye.

And I won't predict, Mr. Superintendent, that you and I will be on opposite sides of the fence. But if we do, I think that that reasonable and principled discussion of different points of view is what's critical to the democratic process. And I certainly won't be afraid to air my particular views, as I hope you will not be afraid to air yours.

And what I hope happens is that out of that kind of discussion, the same kind of discussion that goes on in this chamber occasionally -- and maybe, in my judgment, should go on more frequently -- but nonetheless, that discussion, open discussion, with information and ideas and a realistic sense of what goes on in the marketplace, that together, both with your leadership and with the approval of this body and the ongoing

debate among its members both here and in the Assembly and in the broader general public, we will achieve the goal of using insurance for what it's intended to be. And that is as a way for everyone to minimize their risk of living in this very complex society.

So I look forward to those days of agreement and perhaps even disagreement. But, Greg, you're certainly -- if I end up on the other side, you're the kind of guy I'd want as my opponent. And I say that with all due respect and with sincerity. And I wish you the best as you deal with this enormously complicated, difficult, highly regulated industry.

I agree with Senator Seward. You're the right man for the job at the right time. And Godspeed.

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I too rise to second the nomination.

I've known Greg for a long time, both as a staff person and as a deputy

commissioner. I've always found him easy to work with. He's accessible. And even if he doesn't agree with you, at least you get an answer.

I think he's very capable. I think he brings a lot to this position. I think the Governor made an excellent selection. And I think he'll be a great superintendent.

Thank you.

ACTING PRESIDENT McGEE: Senator Onorato.

SENATOR ONORATO: I rise to join my colleagues in seconding the nomination of Greg Serio.

We had him in our committee. And as a member of the Insurance Committee, I look forward to working very closely with him. And I don't want him as an opponent. I want him on my side.

And I congratulate Senator Dunne for weaning Mr. Serio. Martinez is now the - I think the Commissioner of Motor Vehicles, and he also tutelaged Mike Balboni. So two of three successes isn't bad.

(Laughter.)

SENATOR ONORATO: Again, I congratulate you, and I look forward to working very closely with you.

ACTING PRESIDENT McGEE: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President. I don't want to have the distinction of the only member in the chamber not rising to second this nomination.

I too want to say that I have had the pleasure of working with Greg and his agency on a number of issues over the past few years. Binghamton and the Southern Tier is proud to house several major companies. And I know that Greg's work with those companies, along with the work of his department, has helped them not only to insure the people of New York State but also helped them to do what's good for business and industry and watch them grow and prosper so that this state can continue its economic resurgence.

So like my colleagues, Madam President, I too salute the Governor's appointment. It is another outstanding appointment that he sends us.

ACTING PRESIDENT McGEE: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Madam President.

Ditto on all that's been said today in reference to Mr. Serio.

ACTING PRESIDENT McGEE: Thank you.

Is there any other Senator that wishes to speak on the confirmation?

The question is on the confirmation of Gregory Serio as Superintendent of Insurance. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: Gregory Serio is hereby confirmed as Superintendent of Insurance.

And joining the new Superintendent of Insurance is Linda Serio, his wife.

(Applause.)

ACTING PRESIDENT McGEE: Also

accompanying the new superintendent is his mother, Jane Serio; his father and mother-in-law, Robert and Lorraine Albrecht.

And our congratulations and best wishes to you.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time recognize Senator Montgomery.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President. I would like unanimous consent to be recorded in the negative on Calendar Numbers 445 and 652.

ACTING PRESIDENT McGEE: So noted. Without objection, so noted.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT McGEE: Thank you.

Senator Skelos.

SENATOR SKELOS: Madam President, if you could return to motions and resolutions and recognize Senator Dollinger for the motion we've all been waiting for once again.

ACTING PRESIDENT McGEE: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President. I know it seems like Yogi Berra, it's deja vu all over again.

But I'd like to give notice, pursuant to Rule XI, that I will move an amendment to the Senate Rules, adding a new rule, XV, to set ethical standards for members, officers, and employees of the Senate.

I would simply ask that that be filed in the Journal as required, Madam President. Thank you.

ACTING PRESIDENT McGEE: Received and will be filed.

Senator Skelos.

SENATOR SKELOS: Madam President, Senator Dollinger mentioned Yogi Berra. There was also a movie "Groundhog Day." So it could be perhaps related to that too.

(Laughter.)

ACTING PRESIDENT McGEE: Thank you, Senator Skelos.

SENATOR SKELOS: But would you

please recognize Senator Paterson.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, may I remind the members of the Minority that following session there will be an immediate meeting of the Minority, immediate, in the Majority Conference Room, Room 314.

ACTING PRESIDENT McGEE: As a reminder, there's an immediate conference of the Minority in the Minority Conference Room, 314.

Senator Skelos.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: I believe there's a privileged resolution at the desk by Senator Morahan. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Morahan, legislative resolution honoring Inez

Niblo upon the occasion of her designation for special recognition by The Friends of Good Counsel on May 11, 2001.

ACTING PRESIDENT McGEE: The question is on the resolution. All those in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: All those opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is carried.

Senator Skelos.

SENATOR SKELOS: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: There is no housekeeping at the desk.

SENATOR SKELOS: There being no further business, I move we adjourn until Monday, May 14th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Monday, May 14th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 3:15 p.m., the Senate adjourned.)