NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 4, 2001

3:08 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask everyone present to please rise and to join me in reciting the Pledge of Allegiance to the Flag.

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 3, the Senate met pursuant to adjournment. The Journal of Saturday, June 2, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: 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 McGee.

SENATOR McGEE: Mr. President, I wish to call up Calendar Number 782, Assembly Print Number 7699.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 782, by Senator Lack, Senate Print 3751, an act to amend the Estates, Powers and Trusts Law.

SENATOR McGEE: I now move to reconsider the vote by which this bill was submitted for my bill, Senate Print Number 3751, on May 9th.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

SENATOR McGEE: On behalf of

Senator Lack, I now move that the Assembly bill, Number 7699, be committed to the Committee on Rules and that Senator Lack's Senate bill be restored to the order of the 782 calendar.

ACTING PRESIDENT MEIER: On the motion, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The motion is agreed to.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Rath.

SENATOR RATH: Mr. President, I wish to call up Calendar Number 421, Assembly Print Number 1768.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 421, by Senator Rath, Senate Print 2628.

SENATOR RATH: I now move to reconsider the vote by which this Assembly bill was substituted for my bill, Senate Print Number 2628, on April 25th.

ACTING PRESIDENT MEIER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

SENATOR RATH: I now move that Assembly Bill Number 1768 be committed to the Committee on Rules and my Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: On the motion, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The motion is agreed to.

SENATOR RATH: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator LaValle, page number 20, Calendar Number 416, Senate Print Number 1885.

Senator LaValle, page number 21, Calendar Number 446, Senate Print Number 3368.

By Senator LaValle, page number 40, Calendar Number 710, Senate Print Number 2340.

By Senator LaValle, page number 41, Calendar Number 721, Senate Print Number 4648.

By Senator Goodman, page number 43, Calendar Number 753, Senate Print Number 3815.

By Senator Hannon, page number 47, Calendar Number 798, Senate Print Number 4317.

By Senator Kuhl, page number 50, Calendar Number 856, Senate Print Number 3103A.

By Senator Seward, page number 52, Calendar Number 886, Senate Print Number 5100A.

By Senator Kuhl, page number 57, Calendar Number 961, Senate Print Number 1963.

And by Senator Saland, page number 57, Calendar Number 963, Senate Print Number 3204.

ACTING PRESIDENT MEIER: Are you done?

SENATOR FUSCHILLO: Do you accept them?

ACTING PRESIDENT MEIER: Senator Fuschillo, the amendments are received and adopted, and the bills will retain their place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Thank you, Mr. President.

I would like to make a motion to call up actually Senator Stafford's bill, Print Number 2368, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number

353, by Senator Stafford, Senate Print 2368, an act to amend Chapter 138 of the Laws of 1984.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President, I now offer the following amendments on behalf of Senator Stafford.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: In addition to which, I'd like to move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: On behalf of

Senator Maltese, Senate Bill Number 35A.

ACTING PRESIDENT MEIER: So ordered.

SENATOR BALBONI: Thank you.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 6, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 4144 and substitute it for the identical Senate Bill Number 1574, Third Reading Calendar 88.

On page 33, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 5637 and substitute it for the identical Senate Bill Number 2518, Third Reading Calendar 629.

And on page 35, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 8433 and substitute it for the identical Senate Bill

Number 4413, Third Reading Calendar 657.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Paterson.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

On behalf of Senator Connor, I wish to recall Bill Number 5090A, recalled from the Assembly, which is at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 995, by Senator Connor, Senate Print 5090A, an act to authorize the St. Ann's School.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

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

ACTING PRESIDENT MEIER: Call the

roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, on behalf of Senator Connor, I wish to offer the following amendments at this time.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on page number 8 I offer the following amendments to Calendar Number 133, Senate Print Number 1263, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President,

we're out of the realm of order here, but in keeping with our ecumenical nature here, since today or tonight is going to be the Irish legislators -- what did I say -- Italian legislators -- I'm okay.

I was about to say that we have here a guest who is one of the leaders of the Irish, the country of Ireland, the Honorable Barry Robinson, who is the Consul General of Ireland, a wonderful gentleman who has been very, very helpful to not only the American Irish Legislators Association over the years -- he's been here now for 4½ years and is about to be rotated to Dublin and then on to Belgium, I believe. And he's been extremely helpful to us.

He's a fine gentleman who I know a lot of the members of this house know and have met in the past. He's already been, I believe, to the Assembly and was introduced there.

And I just wanted to introduce him and say that we thank you for your service and we hope that you'll stop back and see us at some time in the future, and good luck in your

new assignment.

(Applause.)

ACTING PRESIDENT MEIER: Senator Maltese.

SENATOR MALTESE: I certainly join my colleague Senator Volker in extending our congratulations and our welcome.

I wish to extend that welcome to attend the festa tonight, which will be held in Troy, held by the Italian-American Legislators Conference.

And certainly we welcome not only the Italian-Americans but all those who are Irish-American or would like to be either Irish-American or Italian-American.

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

THE SECRETARY: Calendar Number 88, substituted earlier today by Member of the

Assembly Sidikman, Assembly Print Number 4144, an act to amend the Insurance Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 124, by Member of the Assembly Weprin, Assembly Print Number 3145, an act to authorize the Dormitory Authority.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 132, by Senator Stafford, Senate Print 846, an act to amend the Labor Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2 -

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 225, by Senator Trunzo, Senate Print 1237A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect 180 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

278, by Senator Bonacic, Senate Print 1511, an act to amend the Workers' Compensation Law, in relation to treatment coverage.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 283, by Senator Morahan, Senate Print 514A, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 286, by Senator Kuhl, Senate Print 3071A, an act to amend the Vehicle and Traffic Law, in

relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 358, by Senator Rath, Senate Print 3676, an act to amend the Real Property Tax Law, in relation to the definition and use.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 399, by Senator Hoffmann, Senate Print 4142, an act to amend the Agriculture and Markets Law, in relation to the New York State Cattle Health Assurance Program.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 420, by Senator Trunzo, Senate Print 2594A, an act authorizing the Town of Islip.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Just to explain my vote in a familiar refrain, Mr. President.

This bill, which is again a property tax abatement bill that we should have nothing to do with -- this should be done by the County of Suffolk and not by the New York State Legislature -- this bill relates to, apparently -- Senator Trunzo, again, I commend you for your advocacy in bringing it here. But this bill relates to property taxes that have accrued over the last three years, a three-year period.

This is a continuing -- frankly, a -- in my judgment, either a lawyer malpractice relief bill, or we are in essence telling communities that they can forget the fact that they're a church and they're paying taxes, which they should not do, and nonetheless we are abating taxes that have accrued over three years.

Someone was either asleep at the switch, their attorney is guilty of

malpractice, and we go back to the fundamental principal again.

Let's pass a statewide bill that allows property tax exemptions in this instance in Suffolk, in overburdened Nassau County, which seems to show up all the time, or even in Monroe County, where the same public policy should apply to give assessors the ability to apply tax exemptions in these cases. It seems to me that's the easy way to do it.

I'm going to vote no on these bills until we do that, come up with a statewide remedy.

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

Announce the results.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 495, by Senator Stafford, Senate Print 4138, an act to amend Chapter 517 of the Laws of

2000.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 512, by Senator Rath, Senate Print 4247, an act to amend the Real Property Tax Law, in relation to cooperative.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 562, by Senator Goodman, Senate Print 3915A, an act to amend the Public Officers Law and the General Construction Law, in relation to the use of telephone conferencing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 591, by Senator Balboni -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 594, by Senator Johnson, Senate Print 3255, an act authorizing the assessor of the Town of

Babylon.

SENATOR PATERSON: Lay that aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 626, by Senator Hannon, Senate Print 2451, an act to amend the Public Health Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 639, by Senator Goodman, Senate Print 663, an act to amend the Penal Law, in relation to gambling offenses.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 651, by Senator Volker, Senate Print 3794, an act to amend the -

SENATOR HASSELL-THOMPSON: Lay it aside.

THE SECRETARY: -- Banking Law, the Civil Practice Law and Rules, and the Criminal Procedure Law.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 671, by Senator DeFrancisco, Senate Print 4919, an act to amend the Economic Development Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 729, by Senator Kuhl, Senate Print 2315, an act to amend the Agriculture and Markets Law and the Vehicle and Traffic Law.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 749, by Senator Velella, Senate Print 4272, an act to amend the General Business Law, in relation to making technical corrections.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Hold it.

Senator Skelos.

SENATOR SKELOS: Mr. President, I may have made an error here. Was 721 laid aside for the day?

ACTING PRESIDENT MEIER: No. Senator, that bill was amended, so it's high.

SENATOR SKELOS: Okay. And Calendar Number 671, was that passed?

ACTING PRESIDENT MEIER: Yes, it did.

No, it was laid aside for the day.

SENATOR SKELOS: If we could return to 729, by Senator Kuhl.

ACTING PRESIDENT MEIER: The Secretary will return to Calendar 729.

THE SECRETARY: Calendar Number 729, by Senator Kuhl, Senate Print 2315, an act to amend the Agriculture and Markets Law and the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 749, by Senator Velella -

SENATOR SKELOS: Lay that aside for the day.

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

THE SECRETARY: Calendar Number 827, by Senator Bonacic, Senate Print 5117, an act to amend the Public Authorities Law, in relation to the powers of the State of New York Mortgage Agency.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 838, by Senator Trunzo, Senate Print 3558, an act to amend the Penal Law, in relation to the unlawful sale of tobacco products to a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 839, by Senator Volker, Senate Print 3583, an act to amend the Penal Law, in relation to loitering.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 840, by Member of the Assembly Lentol, Assembly Print Number 1867, an act to amend the Penal Law and others, in relation to making technical corrections.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 853, by Senator Morahan, Senate Print 1115A, an act to amend the Vehicle and Traffic Law, in relation to increasing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 872, by Senator Wright, Senate Print 3929, an act to amend the Public Service Law, in relation to authority.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay the bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 877, by Senator Wright, Senate Print 5206A, an act to amend the Public Service Law, in relation to protection.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect 180 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 973, by Senator Kuhl, Senate Print 2121, an act to amend the Education Law, in relation to optional retirement programs.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Volker, Senate Print 5313, an act to amend the Penal Law and the Correction Law, in relation to the new crime of gang sexual assault.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect November 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

994, by Senator Stafford, Senate Print 4840, an act to authorize the reopening of the optional twenty-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1003, by Senator Santiago, Senate Print 2740, an act to amend the Penal Law, in relation to committing the crime of looting.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Wright, Senate Print 2950, an act to amend the County Law, in relation to the electronic recording.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1006, by Senator Hassell-Thompson, Senate Print 3478, an act in relation to permitting the Church of Jesus Christ, Incorporated.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays,

1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

And the chair notes that is Senator Hassell-Thompson's first bill.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1007, by Senator LaValle, Senate Print 3899, an act to amend the Public Authorities Law, in relation to tax-exempt status.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1008, by Senator Velella, Senate Print 4278,

an act to amend the Alcoholic Beverage Control Law, in relation to photo identification cards.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1009, by Senator Velella, Senate Print 4280, an act to amend the Vehicle and Traffic Law, in relation to reporting of accidents.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays,

1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1010, by Senator Hannon, Senate Print 4490, an act to amend Chapter 293 of the Laws of 1999.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1011, by Senator Saland, Senate Print 4895, an act to amend Chapter 566 of the Laws of 1967.

SENATOR PADAVAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1012, by Senator Rath, Senate Print 5326, an act to amend the General Municipal Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Padavan, that concludes the reading of the noncontroversial calendar.

SENATOR PADAVAN: Mr. President, let us proceed to the controversial calendar.

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

THE SECRETARY: Calendar Number 132, by Senator Stafford, Senate Print 846, an act to amend the Labor Law, in relation to licenses.

SENATOR DOLLINGER: Explanation.

SENATOR PADAVAN: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 278, by Senator Bonacic, Senate Print 1511, an act to amend the Workers' Compensation Law, in relation to treatment coverage.

SENATOR DOLLINGER: Explanation.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Bonacic.

SENATOR BONACIC: Last year the Legislature did a wonderful thing. We passed a law that provided for volunteer firemen or police department or emergency medical technicians that, in the course of their duty, if ever they came into contact with blood from doing their duty, they would have to undergo a series of tests to see if the patient they were involved with had the HIV virus.

Now, those tests could cost up to $3,500. If those tests were negative, then that particular volunteer had to pay that money out of their own pocket.

We felt that was an injustice, that that should be part of the workers' comp coverage. And we passed a law so today, if

that situation would occur, if the tests were negative, the state would pick up that expense. And that was signed into law by the Governor.

What this bill does is a technical amendment to that law that says an executive officer of that fire department, that police department, will just certify that that was a member of that organization entitled to the compensation for those tests. That's what the bill does.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 594, by Senator Johnson, Senate Print 3255, an act authorizing the assessor of the Town of

Babylon.

SENATOR DOLLINGER: Just to explain my vote, Mr. President.

ACTING PRESIDENT MEIER: Let's get the bill before -- read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DOLLINGER: Thank you, Mr. President.

I'd like to cast my vote against this as a member of the New York state assessment board, because more and more, since we do now two or three of these bills in every calendar, we're becoming, instead of the State Legislature, we're starting to look more and more and like the state assessment review board and we're granting tax exemptions to institutions that clearly qualify for them, that are clearly entitled to them, but, either through attorney malpractice or failure to a

file in a timely fashion or failure to have an adjustment at the time of closing, need a property tax exemption.

I would suggest to my colleagues from Nassau and Suffolk and the City of New York and all the places that we are now granting property tax abatements to, let's do the statewide bill and get us out of this business. Then we can turn our time and attention to perhaps things like budgets and other things, and get those done.

I'm going to vote no, Mr. President. I'm going to consistently vote no. I've voted no against my leader and my colleagues. I'll continue to vote no until we stop acting like a special assessment review board and start acting like the State Legislature.

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

The Secretary will announce the results.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 651, by Senator Volker, Senate Print 3794, an act to amend the Banking Law and others, in relation to civil forfeiture proceedings.

SENATOR HASSELL-THOMPSON: Explanation.

SENATOR PADAVAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 729, by Senator Kuhl, Senate Print 2315, an act to amend the Agriculture and Markets Law and the Vehicle and Traffic Law, in relation to exempting.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Kuhl, an explanation has been requested by Senator Paterson.

SENATOR KUHL: Thank you, Mr. President.

This bill has a very simple purpose. Back about seven years ago, when we

passed a piece of legislation, included in that piece of legislation dealing with motor vehicle safety was a provision that would include farm and, I quote, farm-plated vehicles to require individual liability insurance.

Up until that time, it was not required. And there really was no purpose other than some people thought that -- like the Trial Lawyers Association -- if there was more insurance coverage, in fact that their claims might be more successful.

This bill simply would exclude that coverage from being required. It would take us back to the pre-1994 requirements relative to providing insurance liability coverage for farm-plated vehicles.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: This is my annual discussion that I have with Senator

Kuhl about the farm-plated vehicles.

And although I've been unable to really find in the case law any time when the farm-plated vehicles were ever in any accidents off of the farm -- meaning that the situation that I'm about to allude to is one that would be speculative -- but nonetheless, one of the reasons that I think the legislation was passed in 1994 was to make sure that there was insurance for any type of vehicular accident regardless of what type of vehicle it was.

Now, this is, of course, very difficult, because these are vehicles that are exclusively used on farms, they are trucks or just -- they carry supplies or can move farm equipment around. And certainly it's an encumbrance on the farmer who -- all of whom have been in a rather difficult strait and one that demands greater sensitivity and understanding, particularly by this Legislature.

What we suggested in previous debates is that an ample substitute would be if the farmer's umbrella insurance policy

would actually cover this. And in some research that we've done over the years, we've found that, for instance, if the farm-plated vehicle were ever to go outside of the perimeters of the farm, it's a gray area; it's probably not covered by the umbrella insurance policy. Certainly one of the local insurance companies or a couple of them that we checked with felt that way.

And so it creates a dilemma and, really, competing values. We don't want to do anything to add to the cost of running a farm. At the same time, as we read in the newspapers every day, there are incidents where individuals -- maybe a younger person engaging in some kind of mirth or joyride or something like that -- could actually do this. It is possible.

And if somebody were injured, we wouldn't want anybody in this state and presumably in those areas -- perhaps another farmer or the family member of another farmer -- to be injured in any kind of an altercation with one of these vehicles.

And this is why some of us in the

past have voted against the legislation. We don't really, in the end, want to see any added cost go to the farmers. But what we would like, once and for all, is for someone to clear up how anyone that would perhaps be in an accident with one of these vehicles would be covered under the policy.

And if Senator Kuhl would yield for a question.

SENATOR KUHL: I'd be happy to yield.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR PATERSON: That's simply my question, Senator. What would happen if another person driving another vehicle was hit or a pedestrian was hit by one of these vehicles at a time -- and I preface this by letting you know that I understand that it's not speculative, but I can't think of an incident where it's happened. But I guess as a legislature, there is some foreseeability. That is our charge and to some degree our responsibility.

And if that were to happen, what do

you see as the possible coverage?

SENATOR KUHL: Well, Senator, number one, you're absolutely correct in your analysis that there are very few, if any, accidents on record dealing with farm-plated vehicles.

The requirements and restrictions placed on a farm vehicle limit the area in which this vehicle can in fact travel. So you have not tractors, necessarily, but you have vehicles that are used for a specific purpose maybe once or twice during the course of a year that in fact they might be caught carrying watermelons, for instance, from the field back to the farm. They're very, very restricted in their use.

Now, I just wanted to make sure you were listening, Senator. I was waiting for you to conclude your conversations. You're having about four of them all at once there, and I know that you're having a hard time hearing my explanation.

But if there were to be an accident, let's take in any case, and in the particular litigious society that we live in,

if it was Senator Dollinger who happened to be there next to the ambulance or whatever, we know that there would be a claim filed against the farmers.

Most farmers prior to 1994 -- and our system has not changed significantly since that time -- have protected themselves against that lawsuit. So they've provided for general liability coverage under farm policies that would cover this type of vehicle.

Now, what we did is we required them to go and get an additional policy specifically for each one of these vehicles, which obviously creates a tremendous cost to them. This bill, again, goes to eliminate that.

Now, most farmers, as you know, and most individuals, use insurance for protecting themselves. If they don't have insurance, then they throw their assets; if you will, potentially make them liable or eligible to be -- to have a claim set against them by any particular claimant. So if a farmer has a farm of, say, relatively large substance, a couple of hundred acres, he or she has a

significant investment. So if they don't insure themselves, then they subject their livelihood and the farm to a claim for any kind of an accident against them.

So whether there is a private insurance company providing insurance for them or not, they have in effect provided insurance coverage in the not literal sense, but in the sense that they have assets to back up any claims against them.

And as you know, a farmer's wealth really is in his assets. And they have significant values in their -- not only their equipment, but if they have dairy farms, in their animals, or some other type of animal farm, or in their land, which most of them have.

So there is no real reason why we should require farmers to overinsure and overprotect for that unique or very, very extreme and very infrequent situation where there may be an accident and somebody is in fact subjected to some sort of pain and some potential relief.

ACTING PRESIDENT MEIER: Senator

Paterson.

SENATOR PATERSON: Thank you, Mr. President. If Senator Kuhl would continue to yield.

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

SENATOR KUHL: Yes, I'd be happy to.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, thank you for your answer. In fact, thank you for both of your answers.

And I agree that it would seem fruitless in a highly speculative and remote possibility such as the one that we're talking about -- although I don't know how frequently these farm-plated vehicles are driven perhaps off the premises, not even in the instance that I cited. But perhaps somebody just uses them in place of a vehicle at some point, just to take something to another location and so forth.

But my question relates to the ability to seize against a person who would

cause an accident. And I would suggest to you that that's the same option that the victim of an accident would have against anybody. In other words, if they have any assets and you can find them and you can make a claim against them, I guess you can actually receive them. But what we've tried to do as a society, to make that whole process of finding assets a little easier, is to provide insurance.

Do you think in this case it would be better to leave it the way it was before 1994, when we passed this legislation, and leave to a potential victim -- who, we must remember, might be in very much the same circumstances as the farmer. It might be another farmer who has to exhaust costs to try to sue in this type of a situation.

Do you think it would be better to leave the law the way it was in 1994? Obviously, because you've written this. But I'm just saying you're comfortable with the final result that the victim has no better action against this farmer than any other person they might run into on the road?

SENATOR KUHL: Senator, I'll go

back to 1994. When we included this provision in the law I objected to it then, didn't think it was necessary. But there were some people who felt that it was no problem, setting aside the cost. The costs turned out to be larger than they had anticipated.

But, yes, I'm comfortable with that. Because one of the -- and we have had this debate on this floor as to whether or not the current minimum limits on liability insurance on vehicles are adequate. We've discussed the question of whether or not there should be increased provisions for uninsured operators.

But there is security in this particular situation, because farmers are asset-laden. They have land, they have equipment, they have animals. And as you know, there's nobody who is going to leverage a large percentage of the assets on farm operations. As a matter of fact, farmers have more difficulty getting loans than any other business operation in this state today.

So if there's anything that we've done, that is to duplicate the actual

insurance coverage. Because now we're actually asking them to jeopardize their assets by including another fee which is totally unnecessary.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will Senator Kuhl yield to just one question.

ACTING PRESIDENT MEIER: Senator Kuhl, will you yield for one question?

SENATOR KUHL: Yes.

SENATOR DOLLINGER: Does -- does the -- does the provision of the -

ACTING PRESIDENT MEIER: Whoa, just a second.

The Senator yields?

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: Go ahead.

SENATOR DOLLINGER: Thank you.

Does the provision of the 1994 law create no-fault benefits in the event that someone's injured in the operation of one of these farm-plated vehicles? Is that -- in

covering it with the general automobile financial security act, does it include the benefits of no-fault?

SENATOR KUHL: No. In my best recollection, the 1994 statute dealt with essentially vehicle safety provisions that were coming down through the federal government that we needed to incorporate to make our law compliant.

And one of the provisions that was added was this requirement that farm-plated vehicles will individually have to have minimum liability coverage. That was never there before. There's no other speaking to any other kinds of requirements, as I remember.

SENATOR DOLLINGER: Okay.

Through you, Mr. President, just one other follow-up question as a clarification.

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

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Under the current law, if someone were injured in this accident -- Senator Paterson has suggested we haven't been able to find anyone if they have. But if they were injured, would they be covered by no-fault? I assume they have to buy a general automobile or vehicle policy in New York.

And the reason why I'm asking, Senator Kuhl, is because, as you know, under the no-fault statute, as distinguished from your general liability policy, you get lost wages and all your medical benefits paid for, regardless of fault.

So whether the farmer is at fault or not, if the vehicle is separately plated and separately insured, they get a benefit that wouldn't be available under the comprehensive general liability policy of the farm.

SENATOR KUHL: I don't know specifically, Senator.

But in answer to your question as to whether or not they've been insured, I've never actually seen one of these policies

written and digested it. I'm sure that there are restrictions.

And Senator Paterson talked about what if somebody was randomly taking this outside of the restrictions placed on it. Well, in that case probably the insurance companies are writing the policies totally restrictive around the regulations included in the issuance of that registration. Which would mean not more than 25 miles from the farm and only for specific locations.

So if that were the case, it was somebody who went and stole the farm-plated vehicle, went out and got in an accident - which we've never heard of that happening. I mean, if you're going to steal a car, you take one that has headlights, you take one that has, you know, hubcaps and looks decent as you're running down through the main street of town, rather than something that has watermelons falling off the back end of it or something like that.

So I'm just saying, you know, it's not often that you have one of these that's misused. They're used totally in the

operation of the farms. But should that happen, I'm sure the policies are written restrictively enough so that that policy, as written, would not include that accident.

So that kind of convolutes my answer to your question, because I can't be specific to know exactly under what circumstances, speculatively, this might happen.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I appreciate what Senator Kuhl is trying to do here.

I've voted against this bill in the past. I'm going to vote against it again, because I think that one of the standards we have, and I think it was affirmed in the 1994 legislation, was that any vehicle operating on the highways of the state of New York should have certain minimal insurance coverage on it, number one.

And, number two, there's no reason to make an exception from our general no-fault

provisions. No-fault coverage, which was enacted by this Legislature in the mid-1970s, where we said to everyone, if you're going to be on the road, you've got to have no-fault insurance. Which means that regardless of who's at fault in the accident, we're going to pay you lost wages and we're going to pay for the cost of your medical benefits.

And it seems to me that the farm vehicles, that even in their limited use - and I agree with Senator Kuhl, it's probably very limited -- should still have that protection available, not only for the driver of another vehicle who might be involved in an accident with a farm implement, but, frankly, for the farmer himself.

Under the no-fault law, regardless of fault, they would get that benefit, coverage for lost wages and medical benefits paid as well, which is not available under comprehensive general liability insurance coverage in this state.

And lastly, Senator Kuhl, I have to bring up just one item on which I will slightly disagree with you and the author of

your memo in support of this bill. You suggest here in some cases the cost of obtaining insurance actually exceeds the cost of the vehicle.

Senator Kuhl, I know you've had young sons who have been through their driving age. I have two of them. I own their motor vehicles, Senator Kuhl. And I would suggest to you that their vehicles are worth substantially less than the cost of my buying their insurance coverage for them.

If that were the test, Senator Kuhl, then all those parents who own vehicles for their children might as well give up. The $500 to $600 car which costs $1700 to insure would be a thing of the past. I would not miss that, Senator Kuhl. I would feel a wealthier man if that were the case.

But the mere cost of insurance shouldn't stand in the way of having everyone subscribe to our no-fault laws.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President, just briefly on the bill.

Senator Dollinger indicated that there was -- his thought was that the 1994 legislation required all motor vehicles on the premises to be insured. That is not correct. There are exclusions. Tractors, for instance, are not -- what they call farm-plated vehicles, they're not licensed or registered. They are allowed on the highway. And there is no insurance on them.

So just to correct your misinformation, Senator Dollinger.

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

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

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

SENATOR DeFRANCISCO: Yes, I also -

ACTING PRESIDENT MEIER: I'm sorry, Senator. Let me ask him to call the roll. My mistake.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I also vote no on this bill. And my reasons are as follows.

First of all, there seems always to be a backhand shot at the trial bar thinking that this is something that is to their benefit. Quite frankly, if someone doesn't have insurance and injures somebody and that party cannot seek compensation, then the public is going to pay for the injuries that were caused by an individual. And that's precisely why we have insurances like automobile insurance.

If the standard is that if the assets are worth a lot, like the farmer's, you don't have to get automobile insurance, then do we exempt every person who has a lot of assets because they're wealthy in a different way? That's not the standard, and that's not prudent.

I would be more than happy to support this bill with one small amendment: If the farmer could prove that, through some

other insurance or a rider to his other liability insurance or her other liability insurance, this type of problem were covered.

And it's not provided here. And people can be injured by these vehicles, and they should be insured.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 729 are Senators Brown, Connor, DeFrancisco, Dollinger, Kruger, Lachman, Markowitz, Onorato, Paterson, Schneiderman, and Stavisky. Ayes, 45. Nays, 11.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 839, by Senator Volker, Senate Print 3583, an act to amend the Penal Law -

SENATOR PADAVAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

872, by Senator Wright, Senate Print 3929, an act to amend the Public Service Law, in relation to authority.

SENATOR DOLLINGER: Explanation.

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

SENATOR WRIGHT: Thank you, Mr. President.

This bill amends the Public Service Law. And it does several things, all of which is intended to facilitate competition within the telecommunications industry.

First of all, it establishes the incumbent local exchange carriers. That would be your traditional phone providers.

Secondly, it requires that they have permission and approval by the Public Service Commission when it comes to any transfer of franchise property or issuance of debt. In turn, it then excludes the competing companies from that same requirement, simply requiring them to make a filing and register with the Public Service Commission.

It goes on to further eliminate

that requirement and replace it with registration. It also changes the approval period for a constructive grant of authority, reducing it from 90 to 45 days.

And, lastly, it eliminates references to the telegraph companies, which were actually suspended in 1981.

ACTING PRESIDENT MEIER: Senator Dollinger.

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

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

SENATOR WRIGHT: Yes, I will.

SENATOR MARCELLINO: The sponsor yields.

SENATOR DOLLINGER: I'm concerned, Senator Wright, about the provision that allows the commission to, in essence - do I understand this correctly, to reregulate telephone companies in the event it determines that reregulation to be in the public interest?

I'm just interested in what the

standards are for the determination of that.

SENATOR WRIGHT: Well, Senator, I don't interpret it as doing that in terms of reregulating. We're excluding a number of requirements. They have always had jurisdiction over the companies in New York as it relates to debt issuance and transfer of franchises.

ACTING PRESIDENT MEIER: Senator Dollinger.

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

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

SENATOR WRIGHT: Yes, I will, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: On page 4 of the bill, starting -- the "notwithstanding" clause, line 14, which talks about notwithstanding the previous provisions, any application for approval shall be deemed granted unless otherwise the -- determines in

the public interest requires a commission review. And it says "review its written order."

I'm just trying to make sure I understand what that provision deals with.

SENATOR WRIGHT: Senator, would you give us the citation again, where you are?

SENATOR DOLLINGER: It's page 4, line 13. It's the "notwithstanding" clause.

I just want to make sure I understand this clause and its impact on this bill.

SENATOR WRIGHT: Senator, that is the constructive grant provisions that currently call for a 90-day period that is currently in effect with the telephone companies, that is being reduced to 45 days. Unless, as it further goes on to say, unless the public interest requires the commission to review its written order.

So the commission has the authority to intercede if it chooses. Otherwise, it goes forward after the 45 days. Which is currently the case in 90 days.

SENATOR DOLLINGER: Okay. And

through you, Mr. President, just one final question.

ACTING PRESIDENT MEIER: Senator Wright, do you yield?

SENATOR WRIGHT: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: I want to make sure I understand the reference to reregulation. I think it's referred to in the bill memo.

Under what circumstances could the -

SENATOR WRIGHT: I believe you're referring to a section of the memo that speaks to the telegraph provisions. The telegraph provisions were suspended in 1981. This provides for their elimination.

However, if there should be some dramatic change in that industry -- which, frankly, no one foresees in the course of the next year -- but were that to be the case, it would enable the commission to reestablish regulations of the telegraph industry.

SENATOR DOLLINGER: Through you,

Mr. President, let me just clarify this with Senator Wright. And I appreciate his patience.

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

SENATOR WRIGHT: I do, Mr. President.

Because it's the same section I was questioning my counsel on, because the memo is not very artfully crafted.

SENATOR DOLLINGER: The phrase I'm referring to, Senator Wright, says -- in the squib description of this bill it says "authorize the PSC to reinstitute regulatory requirements for competitive telephone businesses one year after the bill's enactment if necessary to protect the public interest."

And I guess my question is, does the PSC already have that power, or are we giving them that power de novo, now, in this bill?

SENATOR WRIGHT: Senator, they already have that power.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Wright will continue

to yield.

SENATOR WRIGHT: Yes, I will, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Then what in this bill changes that power? Is there any alteration of that power in this bill?

SENATOR WRIGHT: Mr. President, through you. The only changes that are made here are relative to the issuance of debt and the transfer of property. And that is extended to competing telephone companies, to encourage that.

We clearly identify incumbent local exchanges, or what we refer to as the providers of last resort, thereby ensuring that there's access to service. We retain oversight of those providers because they are the providers of last resort. We extend flexibility to new entrants into the market so that we encourage and facilitate that competition.

SENATOR DOLLINGER: Final question, Mr. President, if Senator Wright

will continue to yield.

ACTING PRESIDENT MEIER: Senator Wright?

SENATOR WRIGHT: I will, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: On page 1 of the bill, the section that I'm referring to I think is the section that starts at line 13, runs to line 18.

My only question, Senator Wright, my concluding question is, are you satisfied that the phrase "found necessary to protect the public's interest" is one that the PSC has an experience in determining with respect to, in essence, the reinstitution of regulatory control over that carrier of last resort, as you describe it? Are you satisfied that we've given them enough guidance on when they should do that, if at all?

SENATOR WRIGHT: Mr. President, I am. I'm satisfied that we have sufficient experience, that we have sufficient history. And, more importantly, they are still required

to register, so that there is a notification, an oversight provision by the Public Service Commission.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I'm going to vote in favor of this bill, Mr. President. I'm concerned about the overall impact of telecommunications deregulation in this state. I believe that it has experienced some success. It has also undergone some necessary or unnecessary glitches in the process.

I'm concerned about that "public interest" phrase in the first page of the bill and some of the changes there. But I'll concur with Senator Wright. We do have some experience in doing this. We've delegated this power to the Public Service Commission before.

My only concern is that as we go through this new competitive marketplace in telecommunications, we need to keep a careful eye on it. And my hope is that while this

bill is a justifiable extension of that deregulation process, that we may have to revisit these issues in the near future as well. And we've got to stay attuned, keep our eye on the ball, so to speak, Mr. President.

Thank you.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Wright -

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Mr. President, there's a Rules Committee meeting being held in Room 332, the Majority Conference Room.

ACTING PRESIDENT MEIER: There

will be a Rules Committee meeting in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: Calendar Number 1004, by Senator Wright, Senate Print 2950, an act to amend the County Law, in relation to the electronic recording of proceedings.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield just to one question?

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

SENATOR WRIGHT: I will, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Through you, Mr. President, does this bill still require the county boards of supervisors to keep paper records? Did they eliminate paper records completely under this proposal?

SENATOR WRIGHT: Mr. President, through you, the answer is no.

Having both served in local government, Senator, I'm sure you're aware of all the paperwork and recordkeeping that goes on. This does afford, though, the option of using the electronically recorded proceedings of the board, and thereby extending that option.

And all of the requisite filings can be done electronically if they so choose.

SENATOR DOLLINGER: Through you, Mr. President, in view of Senator Wright's answer, I'm going to vote in favor of this bill.

My concern was that if you only had electronically recorded records and you weren't obligated -- I'm just going to explain my position on the bill. I'm not even asking any questions.

My concern was I think we still have to keep paper available and we still have to require government, even if they store them electronically, to reproduce them on paper under the Freedom of Information Act. My concern was that if they're only required to keep them electronically, and if in response

to a Freedom of Information request they delivered the records electronically, you would need to have an electronic means of reproducing them.

So long as they're still required to keep them in paper or produce them for the public in paper, I'm more than willing to vote in favor of this bill. My concern was that we would be allowing electronic recording of meetings and other things that would in essence reduce the public access to public information.

We ought to be doing everything possible to give our communities the ability to save money by storing it differently but require that they produce it in paper for a public that may not be not fully attuned to the electronic age.

I'll vote in favor, Mr. President.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1010, by Senator Hannon, Senate Print 4490, an act to amend Chapter 293 of the Laws of 1999.

ACTING PRESIDENT MEIER: Senator Dollinger.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I understand from the sponsor's memo in this case that we are simply adding a lot, which is owned by a tax-exempt organization, for which they failed to promptly file to meet the taxable status date for the extension of the real property tax exemption to this lot.

I go back to something I said earlier. We are, best I can tell, acting more and more like the state assessment review board than a state legislature.

Senator Hannon, the sponsor of this bill, has a bill that I know there are people in this state that don't want to see passed, like the assessors, who don't want all the complications of partial property tax exemptions.

But, Senator Hannon, we can have a both-ways bill. We can have a bill that says abate them when they deserve to be abated and tax them when they deserve to be taxed. When not-for-profit agencies sell the building, there's no reason why the for-profit taxpaying entity should get the benefit of the not-for-profit tax status.

There are ways we can do this. I know that Senator Hannon has a bill. I remember -- I think we may have even debated it here once. That's the right way to approach it.

In the meantime, we continue, frankly, to put in lots of time and print bills and pay all this money to do something that, frankly, we should empower local assessors to do, grant partial property tax exemptions. That's the solution.

ACTING PRESIDENT MEIER: Senator Hannon.

SENATOR HANNON: Just to clarify. This bill and a few others like it does not deal with the use, does not deal with when the use is measured, because that's already covered in law. This is a question of filing and whether or not the time for filing has been passed and whether we can give a reprieve from that time for filing.

This specific bill happens to be dealing with the fact that the original description was not complete enough.

My esteemed colleague Senator Dollinger is wrong on one thing. When a not-for-profit sells a piece of land that was exempt, the law already provides that it goes right back on the tax rolls. So that the only impediment we have is when the not-for-profit is buying a piece of land and can show that it's actually being used for exempt purposes, it does not get the immediate availability. It has to wait.

And so that's the problem my general bill tries to address. Since we can't

that get that passed, people are resorting to this. I think with the question of time, with the number of these partial bills, such as Senator Thompson's earlier, we will get a general change at some point.

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

Hearing none, debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 132, by Senator Stafford, Senate Print 846, an act to amend the Labor Law, in relation to licenses.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator

Stafford, Senator Paterson has requested an explanation of Calendar 132.

SENATOR STAFFORD: Thank you, Mr. President. I didn't make the error today in addressing the chair.

This bill, once again, you have to have responsible people in this field. That's why they have to be licensed. We have to make sure that they're competent, careful, and professional.

And what this does, rather than have to get their license every year, they would get one every three years. Also, since it's $50 a year now, we're saying it would be $150.

And again, people that are in this field, it is a business. We need them. They are responsible people. And we're trying to make sure that we have good people, professionals, but we are trying to decrease the burden upon them as far as getting a license every year, that they get one every three years.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I would just like the record to reflect that last year Senators Duane, Stavisky, and Montgomery voted in the negative.

And perhaps in light of the fact that because of the highly flammable nature of the products that come into possession of these individual with licenses, that perhaps an annual recounting and relicensing of them would be preferable to a triennial one.

But I just wanted to point that out, Mr. President.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, just briefly on the bill.

I have debated, I think, this bill and made the statement similar to what Senator Paterson made. And that is, I just see no reason why we should reduce the time frame for relicensure for people who are handling essentially extremely dangerous material.

So I think I asked the question before. Certainly, I've heard Senator Stafford's explanation of why he wants to do

it. But I am still concerned, and I will continue to vote in the negative, just simply because I think that we should not in any way loosen our laws regulating the possession of these kinds of materials.

I will be voting no, Mr. President.

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

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just very briefly.

This was a good bill three years ago. This was a good bill two years ago. It was a good bill last year. But it's missing something this year. All three of the prior years, Senator Stafford, my name was actually on this bill.

This is a bill that actually came up from an idea that was originally with just my name on it. Then you joined in it because of your concern up in the North Country, and it was the Stafford-Dollinger bill. I thought it was working its way to eventual passage.

I'm proud to say this year it may even have a better prospect for passage. But

it's missing the name of the person who originally sponsored the bill. I guess that's the way things work in the Senate sometimes, is when they move from one side of the aisle to the other they lose other names associated with them.

But I'm going to vote in favor of this. I thought it was a good idea when my constituent called me and said, I really shouldn't have to renew my license every year; that, We're in the business of rock and asphalt materials.

And I thought it was a good idea. I still think it's a good idea. And I'm going vote in favor of it. I just am surprised that the metamorphosis is such that it's lost part of what was once its distinguishing characteristic.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I heard that when Martin Luther King used a passage or a quote from someone else, that the first time he quoted it, the second time he said someone said it, and the third time he

decided it was his.

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

Read the last section.

SENATOR STAFFORD: May I have my name called, Mr. President, please.

I am one who is very -- well, shall I say being here as long as I've been here, I have done my best not to be in the situation that's being suggested.

Now, I know Senator Dollinger had a constituent. And my constituent in this is John Kuhlsen, of Dannemora, New York. I grew up in Dannemora, on the outside.

(Laughter.)

SENATOR STAFFORD: And -- but I do want to point out that I do have a constituent.

And I'll talk with you about this. This is something that's fallen through the cracks.

And I thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Onorato.

SENATOR ONORATO: To explain my

vote, Mr. President.

ACTING PRESIDENT MEIER: Senator, we haven't started the roll call yet.

SENATOR ONORATO: Oh, I thought you called the roll.

ACTING PRESIDENT MEIER: Let us do that, and then I'll recognize you to explain your vote.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR ONORATO: Mr. President, I intend to vote for this legislation, in spite of the fact that Senator Stafford and Senator Dollinger have dissolved their partnership.

(Laughter.)

SENATOR ONORATO: I vote aye.

ACTING PRESIDENT MEIER: Senator

Onorato will be recorded in the affirmative.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'll be very brief.

Senator Stafford, I want to make it clear I don't presume any malevolent intention. And it probably did just fall through the cracks.

But I still think this is a good idea. I think this is the kind of overregulation of an industry, the sand and gravel business, that we just don't need to do. They don't need to do it every year. A constituent called me who happens to be a friend of mine that runs, I think, the largest gravel pit in Western New York.

So we may not share the same constituent, but we both have a constituent that has the same problem. This is the kind of overregulation we should do away with. And I'd love to be on the bill but, more importantly, I'd love to get it passed.

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

Senator Montgomery, are you asking

to be recognized?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT MEIER: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, just very briefly, Mr. President.

As I said before, I certainly want to see this industry regulated. I think it's dangerous materials. And we have much more severe requirements for less dangerous materials.

And so I think to ask people to renew their license annually is not too much, and I'm voting no on this legislation.

ACTING PRESIDENT MEIER: Senator Montgomery will be recorded in the negative.

The Secretary will announce the results.

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr.

President, may we please return to the reports of standing committees. And I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 541, by Senator Hoffmann, an act to authorize the County of Onondaga.

2197, by Senator Volker, an act to amend the Education Law.

3045A, by Senator Oppenheimer, an act to authorize the City of New Rochelle.

3679, by Senator Volker, an act to amend the Criminal Procedure Law.

3757, by Senator Stafford, an act to authorize participation.

3775, by Senator Nozzolio, an act to amend the Executive Law.

3865, by Senator Volker, an act to amend the Criminal Procedure Law and the Family Court Act.

3965, by Senator McGee, an act to amend the Real Property Tax Law.

4489, by Senator Hannon, an act in relation to permitting.

4838, by Senator Stafford, an act to amend the General Municipal Law and others.

5249, by Senator Balboni, an act to amend the Environmental Conservation Law and others.

5303, by Senator Balboni, an act in relation to allowing.

And 5385, by Senator Volker, an act to amend the Mental Hygiene Law and others.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed,

nay.

(No response.)

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

All bills directly to third reading.

Senator Marcellino.

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

ACTING PRESIDENT MEIER: We have some motions, Senator.

SENATOR MARCELLINO: Can we take up those motions now, please.

ACTING PRESIDENT MEIER: Thank you, we will.

Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

On behalf of Senator Larkin, on page number 45, I offer the following amendments to Calendar Number 769, Senate Print Number 3786, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The

amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: On behalf of Senator Meier, Mr. President -

ACTING PRESIDENT MEIER: Thank you.

SENATOR McGEE: -- on page number 38, I offer the following amendments to Calendar Number 693, Senate Print Number 4865, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR McGEE: Thank you, Mr. President.

On behalf of Senator Padavan, on page number 57, I offer the following amendments to Calendar Number 946, Senate Print Number 5A, and ask that said bill retain its place on Third Reading Calendar.

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

bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Thank you, Senator McGee.

SENATOR MARCELLINO: Mr. President, there being -- oh, Senator Dollinger for his -- I almost forgot.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: How could Senator Marcellino forget.

Mr. President, I'd like to give written notice, pursuant to Rule XI of the Senate Rules, that I will make a motion to amend the Senate Rules and add a new rule, XV, which will establish ethical standards for members, officers, and employees of the Senate.

I would ask that that motion be filed in the Journal.

ACTING PRESIDENT MEIER: Senator, your motion is at the desk in writing, and it will be filed in the Journal.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, now that there is no further business, I move we adjourn until Tuesday, June 5th, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, June 5th, at 11:00 a.m.

(Whereupon, at 4:24 p.m., the Senate adjourned.)