NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 12, 2001

11:12 a.m.

REGULAR SESSION

SENATOR MICHAEL A.L. BALBONI, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BALBONI: The Senate will 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.)

ACTING PRESIDENT BALBONI: Thank you for the help.

In the absence of clergy, I would ask that we all bow our heads for a moment of silent reflection.

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

ACTING PRESIDENT BALBONI: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 11, the Senate met pursuant to adjournment. The Journal of Sunday, June 10, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BALBONI: 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 Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator Seward, on page number 13 I offer the following amendments to Calendar Number 310, Senate Print Number 1810, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MEIER: Thank you, Mr. President.

Also on behalf of Senator Seward, I wish to call up his bill, Senate Print Number

1575, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 89, by Senator Seward, Senate Print 1575, an act to amend the Insurance Law.

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

ACTING PRESIDENT BALBONI: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

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

ACTING PRESIDENT BALBONI: The amendments are received and adopted.

SENATOR MEIER: Thank you, Mr. President.

ACTING PRESIDENT BALBONI: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. I'd like to announce that there

will be an immediate meeting of the Judiciary Committee in the Majority Conference Room, Room 332.

ACTING PRESIDENT BALBONI: There will be an immediate meeting of the Judiciary Committee in Room 332.

Senator Kuhl.

SENATOR KUHL: Are there some substitutions at the desk?

ACTING PRESIDENT BALBONI: Yes, there are, Senator.

SENATOR KUHL: Would you make those substitutions, please.

ACTING PRESIDENT BALBONI: The Secretary will read the substitutions.

THE SECRETARY: On page 6, Senator Lack moves to discharge, from the Committee on Rules, Assembly Bill Number 7792 and substitute it for the identical Senate Bill Number 795, Third Reading Calendar 101.

On page 18, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 1768A and substitute it for the identical Senate Bill Number 2628A, Third Reading Calendar 421.

On page 34, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 7805A and substitute it for the identical Senate Bill Number 4127A, Third Reading Calendar 715.

On page 38, Senator Lack moves to discharge, from the Committee on Rules, Assembly Bill Number 7699A and substitute it for the identical Senate Bill Number 3751A, Third Reading Calendar 782.

On page 50, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 2298A and substitute it for the identical Senate Bill Number 877A, Third Reading Calendar 1073.

On page 50, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 2842A and substitute it for the identical Senate Bill Number 1760A, Third Reading Calendar 1074.

On page 50, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 6760A and substitute it for the identical Senate Bill Number 2387B, Third Reading Calendar 1077.

And on page 50, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 8615 and substitute it for the identical Senate Bill Number 3542, Third Reading Calendar 1082.

ACTING PRESIDENT BALBONI: The substitutions are so ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. At this time could we adopt the Resolution Calendar, with the exception of Resolution Number 2407.

ACTING PRESIDENT BALBONI: All those in favor of adopting the Senate Resolution Calendar, with the exception of Resolution 2407, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BALBONI: Opposed, nay.

(No response.)

ACTING PRESIDENT BALBONI: The calendar is so adopted.

Senator Kuhl.

SENATOR KUHL: Now, will the Secretary please read the title to Resolution

2407, and I move for its immediate adoption.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 2407, memorializing Governor George E. Pataki to proclaim October 2001 as Domestic Violence Cell Phone Turn-In Month in the State of New York.

ACTING PRESIDENT BALBONI: In keeping with our usual custom, this resolution will be open for cosponsorship. Any member not wishing to be on the resolution please notify the desk.

On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BALBONI: Opposed, nay.

(No response.)

ACTING PRESIDENT BALBONI: The resolution is so adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we now have the

noncontroversial reading of the calendar, please.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 48, by Senator Morahan, Senate Print 371, an act to amend the Military Law, in relation to modernizing.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 133, by Senator Lack, Senate Print 1263A, an act to amend the Labor Law, in relation to direct sellers.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay

that bill aside.

THE SECRETARY: Calendar Number 425, by Senator Johnson, Senate Print 3258A, an act to authorize the West Babylon Church.

ACTING PRESIDENT BALBONI: Read the last section.

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

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay it aside.

THE SECRETARY: Calendar Number 459, by Senator Volker, Senate Print 2830A, an act to amend the Criminal Procedure Law, in relation to access to court records.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 591, by Senator Balboni, Senate Print 3025A, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT BALBONI: Read the last section.

SENATOR PATERSON: Lay that aside, please.

ACTING PRESIDENT BALBONI: What was that, Senator?

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT BALBONI: Are you sure?

(Laughter.)

ACTING PRESIDENT BALBONI: The bill is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 658, by Senator Saland, Senate Print 4595, an act to amend the Family Court Act and the Social Services Law, in relation to conditional surrenders.

ACTING PRESIDENT BALBONI: Read

the last section.

THE SECRETARY: Section 12. This act shall take effect on the 90th day.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Saland, Senate Print 4893, an act to amend the Domestic Relations Law and the Family Court Act, in relation to changing.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 773, by Senator Kuhl, Senate Print 4211, an act authorizing the Town of Erwin, Steuben County.

ACTING PRESIDENT BALBONI: A home rule message is at the desk.

Read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 845, by Senator Volker, Senate Print 4048, an act to amend the Penal Law, in relation to the possession and sale of firearms.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 878, by Senator Morahan, Senate Print 2878B, an act authorizing the Greenwood Lake Union Free School District.

ACTING PRESIDENT BALBONI: Read the last section.

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

SENATOR PATERSON: Lay that one aside.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 963, by Senator Saland, Senate Print 3204A, an act to amend Chapter 797 of the Laws of 1871.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Stachowski, Senate Print 1251, an act to amend the Public Authorities Law, in relation to the tax-exempt status.

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

ACTING PRESIDENT BALBONI: Lay it aside for the day.

SENATOR STACHOWSKI: Thank you.

THE SECRETARY: Calendar Number

1059, by Senator Alesi, Senate Print 3376, an act to amend the Insurance Law, in relation to the personal income tax deductibility.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1072, by Senator Maltese, Senate Print 367A, an act authorizing the City of New York to reconvey its interest.

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

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1073, substituted earlier today by Member of the Assembly Koon, Assembly Print Number 2298A, an act to authorize the town of Perinton.

ACTING PRESIDENT BALBONI: A home rule message is at the desk.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1074, substituted earlier today by Member of the Assembly Gromack, Assembly Print Number 2842A, an act to amend the Village Law, in relation to permitting.

ACTING PRESIDENT BALBONI: Read

the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1076, by Senator Breslin, Senate Print 2219A, an act to authorize the Town of Colonie.

ACTING PRESIDENT BALBONI: A home rule message is at the desk.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1077, substituted earlier today by Member of

the Assembly Schimminger, Assembly Print Number 6760A, an act to amend the Real Property Tax Law, in relation to designating.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1078, by Senator Leibell, Senate Print 2499A, an act to amend the Real Property Tax Law, in relation to providing.

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT BALBONI: The bill is laid aside.

THE SECRETARY: Calendar Number 1079, by Senator Padavan, Senate Print 2574, an act to amend the Penal Law, in relation to the piercing and branding.

ACTING PRESIDENT BALBONI: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay aside that bill.

THE SECRETARY: Calendar Number 1080, by Senator Larkin, Senate Print 2655A, an act to amend the General Municipal Law and the Town Law, in relation to the continuation.

ACTING PRESIDENT BALBONI: Read the last section.

THE SECRETARY: Section 7. This act shall take effect 180 days.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1081, by Senator Kuhl, Senate Print 3325B, an act to amend the Real Property Tax Law, in relation to providing.

SENATOR HEVESI: Lay it aside,

please.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 1082, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8615, an act to amend the Real Property Law, in relation to the definition of qualified leasehold condominiums.

ACTING PRESIDENT BALBONI: Read the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 1083, by Senator LaValle, Senate Print 3797, an act to amend the Environmental Conservation Law, in relation to road-front core preservation.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay

that bill aside.

THE SECRETARY: Calendar Number 1084, by Senator Skelos, Senate Print 3877, an act to amend the Local Finance Law, in relation to providing.

ACTING PRESIDENT BALBONI: A home rule message is at the desk.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1085, by Senator Padavan, Senate Print 4061A, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1086, by Senator Volker, Senate Print 4282, an act in relation to authorizing.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1087, by Senator Nozzolio, Senate Print 4527, an act to amend the Public Housing Law, in relation to members.

ACTING PRESIDENT BALBONI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1088, by Senator Trunzo, Senate Print 4599, an act to amend the Vehicle and Traffic Law, in relation to commercial driver license.

ACTING PRESIDENT BALBONI: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator Trunzo, Senate Print 4670, an act to amend the Highway Law, in relation to the power of the Commissioner of

Transportation.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1090, by Senator Velella, Senate Print 4721A, an act to amend the Real Property Law, in relation to penalties.

ACTING PRESIDENT BALBONI: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date as Chapter 607 of the Laws of 2000.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BALBONI: The

bill is passed.

THE SECRETARY: Calendar Number 1092, by Senator Johnson, Senate Print 5260, an act to amend Chapter 672 of the Laws of 1993.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1093, by Senator Velella, Senate Print 5332, an act to amend the General Business Law, in relation to the sale of new or secondhand property.

ACTING PRESIDENT BALBONI: Read the last section.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 1094, by Senator Meier, Senate Print 5343, an act to amend the Education Law, in relation to the practice of audiology.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator McGee, Senate Print 5364, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1096, by Senator DeFrancisco, Senate Print 5398, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1097, by Senator Trunzo, Senate Print 5401 -

SENATOR TRUNZO: Lay it aside.

ACTING PRESIDENT BALBONI: Lay that bill aside, by the sponsor.

Senator, is it for the day?

SENATOR TRUNZO: For the day, Mr. President.

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

THE SECRETARY: Calendar Number 1098, by Senator McGee, Senate Print 5422, an act to amend the Town Law and the Public Officers Law, in relation to providing.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1099, by Senator Lack, Senate Print 5424, an act to amend -

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

ACTING PRESIDENT BALBONI: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 1102, by Senator Nozzolio, Senate Print 5429, an act to authorize the State of New York.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1103, by Senator Nozzolio, Senate Print 5430, an act to amend the Education Law, in relation to reimbursement.

ACTING PRESIDENT BALBONI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1104, by Senator Meier, Senate Print 5432, an act to amend the Civil Rights Law, in relation to public officials.

ACTING PRESIDENT BALBONI: Read the last section.

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

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay that bill aside.

THE SECRETARY: Calendar Number 1109, by Senator Fuschillo, Senate Print 5476, an act to amend the Vehicle and Traffic Law and the Penal Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT BALBONI: Lay that bill aside.

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

SENATOR KUHL: Yes, Mr.

President. Could you call up Calendar Number 845, Senate Print 4048, by Senator Volker, please.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 845, by Senator Volker, Senate Print 4048, an act to amend the Penal Law, in relation to the possession and sale of firearms.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT BALBONI: Senator Volker, an explanation has been requested by Senator Paterson.

SENATOR VOLKER: Mr. President, this is a Governor's program bill which deals with the number of illegal firearms that are either possessed or sold. There has been a lot of publicity around the fact that the state police and the federal authorities have confiscated a large amount of illegal firearms that are coming in from other states.

Now, understand, these are not firearms that ordinary, average people are involved with. This is really a bill that deals with the arms business. And we know

that there's an arms business that's going on, that goes on in this state and goes on in just about every state in the union. And some of it relates to arms that are coming from overseas.

And what this bill does is to upgrade the penalties for the illegal sale of firearms. It moves -- it essentially, I believe, moves the penalty up one notch. For instance, the illegal sale of a single firearm is a D felony, and 10 or more is a C. What this bill would do is essentially move it up, the illegal sale of 10 or more, would move it up to a B felony and make it a more serious offense.

And therefore, where there are multiple, large numbers of firearms that are confiscated and/or sold, it would increase the penalties essentially by one degree. So that a person or persons involved -- and usually it's persons -- could go to jail for an even longer period of time if they're dealing in illegal firearms.

ACTING PRESIDENT BALBONI:
Senator Paterson, is that explanation

satisfactory?

Senator Dollinger.

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

ACTING PRESIDENT BALBONI: Senator Volker, do you yield?

SENATOR VOLKER: Certainly.

SENATOR DOLLINGER: Senator, I noticed in reading through the memorandum of support on this, and the Governor's program bill talks about 75 percent or so of the guns that are found and confiscated in New York State come from five states: Florida, Georgia, North Carolina, South Carolina, and Virginia.

SENATOR VOLKER: Yes.

SENATOR DOLLINGER: Are you aware of any discussions between the administration or the attorney general in those states about that problem?

And this bill is attaching penalties to people that bring these guns into New York State. Is there any way that we can cut off this flow of weapons?

Because I know this has been an issue you and I have discussed a number of times, and that we end up with a flood of these, for want of a better term -- I think you described them, they're arms merchants. They deal in small-caliber weapons and weapons that can fit in the back of a trunk.

As you know, I've stood on this floor a number of times and said they end up in the streets of Rochester being used for nefarious purposes.

And I just wonder, is -- I'm going to vote in favor of this bill as a gun trafficking bill to try to stem the flow when it gets here. But is there any sense that we can do something to stop them from coming?

SENATOR VOLKER: Senator, there are discussions going on.

I think part of the problem here - and by the way, being perfectly honest, as I very often am, some of the pro-gun people are not happy about this bill, because they're so unhappy with the legislation that passed last year that they have this idea that somehow - the bill last year was confusing to them that

somehow this might have to do with legal gun owners. This is ridiculous.

This is about the illegal trafficking of guns. We know it happens. This has nothing to do with people who are honest, everyday citizens.

The answer to you is that the State Police I know are having discussions, along with the FBI and the federal people, on the issue of guns that are coming up from these certain states in the South. And in fact, there have been some large confiscations of guns.

And I think part of this legislation came from the result of that, because -

ACTING PRESIDENT BALBONI: Excuse me, Senator Volker.

Could we please have a little quiet. It's hard for the chair to hear.

Thank you, Senator Volker.

SENATOR VOLKER: -- I think they found that the penalties for huge numbers of guns was essentially no different than the penalty in some cases for one or two. And as

a result, that I think is part of where this came from.

I think all the law enforcement people want more teeth in the law when dealing with some of these illegal arms dealers. And I think they are trying -- and as you know, in the budget is a proposal for what do they call it, SWIFT, or whatever it is, to try to set up a special squad that is designed to deal with the issue.

And really what they're designed to do is to deal not with street violence as much as the big issues of the enormous number of guns that are illegally flooding into some of our cities and which is creating not problems for ordinary citizens -- except for the fact it is creating problems for ordinary citizens because of crimes.

SENATOR DOLLINGER: Right.

SENATOR VOLKER: And so I think the answer is yes, there is an attempt being made to deal with this issue. And this bill is in a sense part of that attempt, so that if they nab people with huge amounts of guns that they can prosecute them to the fullest extent

of the law, along with the federal government.

Which is because sometimes you get these guns and it's difficult to prove the interstate nature of their travel. So if you get them with a ton of guns in New York, for instance, you can charge them under this statute.

SENATOR DOLLINGER: Thank you.

Mr. President, just briefly on the bill.

ACTING PRESIDENT BALBONI: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I join with Senator Volker's sentiments about prosecution here in New York, that the essence of this bill is to increase penalties to send a clear message to those who are illegally trafficking in large amounts of weapons that New York will not tolerate their behavior.

The reason why I asked Senator Volker the question about other states is because it seems to me, Senator Volker -- and this is really the next step beyond this bill -- we have to find a way to take the economic advantage out of this process.

Someone in Florida, South Carolina, Georgia, North Carolina, and Virginia is selling large amounts of guns to people who are bringing them to New York State. And it seems to me that we have to find a way to say to those states: You can't be selling these weapons, legally or illegally, and having them end up in New York, because here the concentration of those weapons violates our laws.

And we have to find some way to take the economic benefit of the bargain out of the illegal gun dealers in Florida, Georgia, South Carolina, North Carolina, and Virginia. I, for one, am absolutely tired of hearing about people who die in the city of Rochester from a gun that finds its origin in a gun show in Norfolk, Virginia. That just doesn't -- something about that doesn't strike me correct.

And it would seem to me that if these were foreign nations rather than states that were importing weapons that were killing the kids in New York or killing the kids in America, we would say to these foreign

nations: Stop doing it.

And I would suggest that what we need to do, in addition to passing this bill, is to have the Attorney General and the Governor of this state contact the governors of those states and say: We will no longer tolerate you exporting large amounts of weapons into our state that are illegal in our state.

And I think that's what we need to do. Whether it's an interstate compact for weapons control, whether it's an interstate police agreement that's necessary to police both what happens there and here, we need better coordination with these states that are bringing illegal weapons to New York.

And I want to reiterate one thing for all my friends in the NRA and elsewhere. Senator Volker, I agree with your assessment. This bill does not affect legitimate gun owners. This is about people trafficking in weapons that are illegal under New York State law.

And I support the rights of gun owners to possess weapons for self-protection

and for hunting. But this kind of instance, where they're packing many kinds of weapons in the back of a trunk of a car in Georgia and trafficking them in the neighborhoods in Rochester or elsewhere in this state, is against our public policy, it creates crime and violence in our cities, and, frankly, we ought to stop it both by passing this bill and by contacting these governors and telling them to work together with us to put an end to it.

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

Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first day of November.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT BALBONI: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Mr. President,

could we return to the reports of standing committees. I understand there's a report from the Judiciary Committee at the desk. Can we have that read at this time.

ACTING PRESIDENT BALBONI: Return to reports of standing committees.

The Secretary will read.

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

As a justice of the Supreme Court of the Ninth Judicial District, Robert A. Spolzino, of Mount Kisco.

ACTING PRESIDENT BALBONI: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Robert A. Spolzino, of Mount Kisco, who has been nominated by Governor Pataki to be a Justice of the Supreme Court of the Ninth Judicial District.

Mr. Spolzino's credentials have been examined by the staff of the committee; they were found to be excellent. He appeared

a few minutes earlier before the full Committee on the Judiciary, and again his record was found to be excellent, and he was unanimously moved to the floor.

And I most respectfully yield to my friend and colleague Senator Spano for purposes of a second.

ACTING PRESIDENT BALBONI: Thank you, Senator Lack.

Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

It is indeed my pleasure today to get up and to second the nomination of Bob Spolzino for Supreme Court. We have had a number of discussions about the possibility of Bob becoming a Supreme Court judge, so many discussions that we weren't ever sure if we were going to get to this day.

But it's a proud day for him, the members of his family. His wife, Joann, is here; his son, Ricky, is here; his mom and dad, Dr. Spolzino and Mrs. Spolzino; his aunt and his uncle; his brother Richard; and his mother-in-law and father-in-law, Mr. and

Mrs. Joe Valli, and his entire family.

Let me just say that we are very proud of Bob in Westchester County for the role that he's continued to play in our community in Westchester. He's got a long record in terms of his experience, going back to the early '80s, serving as a confidential law secretary to the Appellate Division, working for a number of judges locally, serving as the village attorney in Mount Kisco. He has served as the deputy village attorney and the town prosecutor in that town as well, has got an experience as a partner of Wilson Elser, and has served them well.

As well as the fact that the best qualification of all was that he served as my assistant counsel for a long time and I taught him everything that he knows. So he has got the -- not everything that I know, just everything that you know. You know that one.

But it is my pleasure today to second the nomination of someone who we can all be proud of, his family certainly can be proud of. We should thank the Governor for an outstanding appointment for someone who has

got the energy, certainly has the right temperament to be a judge of the Supreme Court.

And, Mr. President and my colleagues, I ask very sincerely for an enthusiastic confirmation of Judge Bob Spolzino.

Thank you.

ACTING PRESIDENT BALBONI: Thank you, Senator Spano.

The chair recognizes Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

And I'm going to join Senator Spano in his comments and thank and congratulate the Governor for once again sending us such a fine name, such a fine nomination.

I've had the good fortune to know Bob Spolzino over the course of many years now. I've known him in his capacity here representing the interest not only of Westchester County but all of my constituents, and I've known him as a private attorney. I've known of his activity as a municipal

attorney, his activity with our local bar association.

He is eminently qualified to assume this position. As we look at all the ingredients and qualifications we would wish to see in a judge, we certainly have that here today in front of us with Bob Spolzino. He's well qualified, he'll be an outstanding judge, and we wish him well.

ACTING PRESIDENT BALBONI: The question is on the nomination of Robert Spolzino, of Mount Kisco, as a Justice of the Supreme Court of the Ninth Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BALBONI: Opposed, nay.

(No response.)

ACTING PRESIDENT BALBONI: Congratulations. The nominee is hereby confirmed. And I'm pleased to announce that Robert A. Spolzino, of Mount Kisco, is now a Justice of the Supreme Court in the Ninth Judicial District.

Congratulations.

(Applause.)

ACTING PRESIDENT BALBONI: Joining Judge Spolzino -- sounds nice, doesn't it? With him in the chamber today is his wife, Joann, his son, Richard, and his parents, Dr. and Mrs. Richard Spolzino.

Congratulations again. I hope you enjoy the day.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Could we now call up Senator Lack's bill, Calendar Number 133, and then proceed in regular order.

ACTING PRESIDENT BALBONI: The Secretary will read.

THE SECRETARY: Calendar Number 133, by Senator Lack, Senate Print 1263A, an act to amend the Labor Law, in relation to direct sellers.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT BALBONI: Senator Lack, an explanation has been requested from Senator Paterson.

SENATOR LACK: Thank you, Mr. President.

This is a bill that has five times previously passed the Senate on noncontroversial, either by 59 to zero or 51 to 4 or votes in between there. It pertains to direct sellers.

And the only difference this year from last year is since the federal government and the federal legislature, the Congress, amended TEFRA, the Tax Equity and Fiscal Responsibility Act, adding distributors of newspapers and shopping news, we have incorporated those amendments this year in our own direct sellers bill.

Other than that, it remains the same as it has for the last five years.

ACTING PRESIDENT BALBONI: Senator Paterson, was that explanation satisfactory?

SENATOR PATERSON: It was perfect, Mr. President. I hope it satisfied you as well.

ACTING PRESIDENT BALBONI: Thank you.

Any other Senators wishing to be heard?

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT BALBONI: The bill is passed.

The Secretary will read in regular order.

THE SECRETARY: Calendar Number 425, by Senator Johnson, Senate Print 3258A, an act to authorize the West Babylon Church of God.

ACTING PRESIDENT BALBONI: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I'll waive the explanation from Senator Johnson. This bill has a familiar ring to it.

I would just like to declare that a meeting of the special super-assessment board

of the State of New York is now in session. You can all vote aye on this tax exemption, and you can continue to function as the super-special assessment board necessary to rectify the problem for this well-deserving charitable entity that's entitled to a tax exemption, that did everything proper except it failed to file the property tax exemption.

So with all due respect to all my colleagues, if all of you want to be a super-assessment board, continue to do this. If you don't, let's bring forth the bill that will cure this problem.

I understand that the presiding officer has a similar bill. I'll waive an explanation when we get to that one. I'll even waive commenting about it and just say I'm going to vote against that one too. I'm going to continue to vote against them until we change the law the way we should.

I wasn't elected to be a super-assessor. I'm a Senator, and I'd like to do the Senate's business instead.

No.

ACTING PRESIDENT BALBONI: Thank

you, Senator Dollinger.

Any other Senator wish to be heard on this issue?

Apparently not. Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 591, by Senator Balboni, Senate Print 3025A, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Saland, Senate Print 4893, an act to amend the Domestic Relations Law and the Family Court Act, in relation to changing.

SENATOR DOLLINGER: Explanation, Mr. President, please.

ACTING PRESIDENT BALBONI: Could we please reduce the volume of noise in the chamber.

Senator Saland, an explanation has been requested.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a relatively simple bill that eliminates in certain sections of both the Domestic Relations Law and the Family Court Act use of the term "visitation" and replaces it with the term "parenting time."

What it intends to do is to say that noncustodial parents, when they spend time with their children pursuant to either separation agreements or custody arrangements, are not visitors, as would seem to be connoted by the term "visitation," nor are they akin to people who might visit somebody who is institutionalized. They are in fact parents who are engaging in time as parents with their children.

It's a bill that this house has seen on three separate occasions, passing by overwhelming majorities in each and every instance.

ACTING PRESIDENT BALBONI: Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: If the sponsor would yield for a question or two.

ACTING PRESIDENT BALBONI: Senator Saland, do you yield?

SENATOR SALAND: Certainly, Mr. President.

ACTING PRESIDENT BALBONI: Please proceed, Senator Oppenheimer.

SENATOR OPPENHEIMER: I'm trying

to understand the NOW, National Organization of Women, opposition to this.

For example, they say something that I would like to question you -

SENATOR SALAND: May I ask, you, Senator Oppenheimer -- I'm having difficulty hearing you.

SENATOR OPPENHEIMER: Sure, I'm sorry. Here I go, right into the mike.

SENATOR SALAND: Thank you.

SENATOR OPPENHEIMER: For example, the National Organization for Women thinks this is going to lay the groundwork for the courts to decrease child support awards by changing the terminology. And I don't understand why.

And part of that question is, they think that changing the designation suggests to the court that visitation should be equated with actual parenting responsibilities. Okay, that's a separate issue.

But the argument has been made that a noncustodial parent that spends time with their children could have deducted that time from their obligation of child support. I

would like that explained. I don't understand the reasoning.

SENATOR SALAND: Senator Oppenheimer, I wish I could explain it. I've seen some NOW memos in conjunction with this bill previously which were so totally divorced from reality as to really challenge the intellectual capacity of anybody who might have either (a) read it or (b) tried to understand it.

This is a basically simple bill. It doesn't go to substance, it doesn't change the law. As you and I both know -- we both have a tremendous interest in certainly seeing that parents, noncustodial parents particularly, meet their support obligations. We've made some dramatic strides in those arenas over the course of the past several years. I've been proud to sponsor any number of initiatives dealing with that subject.

If I for one moment had the slightest reason to believe that that statement had any truth to it or in fact was supportable in any fashion, I would never even dream of introducing this legislation. It's a

statement that is incapable of being supported, and I don't think there's any section of law or any case law or any rational means by which they could come to that conclusion.

SENATOR OPPENHEIMER: If the Senator will continue to yield.

SENATOR SALAND: Yes, Mr. President.

SENATOR OPPENHEIMER: Well, maybe you've already answered this. But how could the visitation, the argument that they're spending time with their children, deduct from a money arrangement?

SENATOR SALAND: You can't do that under existing law. There's nothing in this bill that would enable you to do that for this to be signed into law.

At one time I practiced somewhat actively in the realm of matrimonial law - that's several years ago, to say the least. That argument, were you to have attempted to have made it either in Supreme Court or Family Court for reduction of your support obligation, would have had you pretty well

laughed out of court.

And I would similarly think that that -- not think, I feel confident in saying were you to attempt to construct or contrive the same argument under a system in which there was reference to parenting time and not visitation, you wouldn't have a leg to stand on.

SENATOR OPPENHEIMER: Thank you. And I think one last question, if the Senator would yield.

ACTING PRESIDENT BALBONI: Senator Saland, do you yield for another question?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT BALBONI: The Senator yields.

Please proceed.

SENATOR OPPENHEIMER: They suggest that changing the name would mean that the parent was taking -- was not taking, accepting the kind of responsibility that the parent should, but is giving a name where it is not fairly due, because the parent has not

accepted the same kind of responsibility as the custodial parent and they have not asked to have the same kind of sharing time.

So they suggest calling it "parenting time" is not enforcing the greater responsibility that "parenting time" would indicate. What do you feel?

SENATOR SALAND: I fear that that, either by accident or design, is painting with too broad of a brush. It's far more judgmental than this bill attempts to be.

Certainly there are some terrible stories emanating from experiences with noncustodial parents, as there are with custodial parents. I think we all dread the prospect of children being used as pawns in custody and visitation situations.

Unfortunately, it does happen. Very often the situation is not clearly black and white -- and again, I'll refer back to my matrimonial experience as a practitioner, often it's somewhat grayish.

But nonetheless, this bill doesn't attempt in any way to form judgments. This bill doesn't say that we want to punish people

who fail to abide by their obligation, nor are we attempting to reward people who do.

We're basically saying that -- at least I'm attempting to say here that it's harsh, especially for those who not only abide by their obligations as custodial parents but seek expanded contact and are willing to do above and beyond what the letter of the law would require them, it is harsh for them to accept that they are visitors with their children. Their names are on the birth certificates. They are the parents recognized in law. And why should they have status akin to somebody who pays a visit to somebody who is not related to them who might be institutionalized somewhere?

SENATOR OPPENHEIMER: Thank you, Senator, for your responses.

On the bill, please.

ACTING PRESIDENT BALBONI: Senator Oppenheimer, on the bill.

SENATOR OPPENHEIMER: It seems to me that whatever we can do to promote two-parent parenting is something we ought to try to do. We know that children are best

served and grow up most healthy with involvement of two parents.

And even if the noncustodial parent isn't terribly involved in a daily aspect - perhaps they don't live nearby, perhaps they aren't as committed to spending time with the child -- I think anything we can do that promotes that other party as being an integral part of this child's life, I think that's very important, to me and I think to most people who deal with young children.

And if we can call it "parenting time" as opposed to this is just a visit from a relative or a friend, I think it's important for the child's health that it be considered time with his parent.

So I will be supporting this bill. Thank you, Senator Saland.

ACTING PRESIDENT BALBONI: Any other Senator wishing to be heard on this bill?

Then the debate is now closed.

Please read the last section.

THE SECRETARY: Section 32. This act shall take effect immediately.

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 661 are Senators Balboni, Hassell-Thompson, Meier, and Montgomery. Ayes, 50. Nays, 4.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 878, by Senator Morahan, Senate Print 2878B, an act authorizing the Greenwood Lake Union Free School District.

SENATOR ADA SMITH: Explanation.

ACTING PRESIDENT BALBONI: An explanation has been requested.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. This bill will allow the school district of Greenwood Lake to enter into a 15-year contract with the school district of Tuxedo.

These two districts have one high school, in essence, in the village of -- in the town of Tuxedo, and Greenwood Lake has

elected, and has in the past, to send its students to Tuxedo for their higher education in high school, as opposed to building a new high school in Greenwood Lake, which would be totally uneconomical.

Tuxedo now takes a majority of its high school pupils from Greenwood Lake. And as a result, they now have to expand the facility so they can accommodate the incoming students.

We tried several times on this floor, we've passed this bill in some form or another about five -- this will probably be the fifth time. We tried to get the school aid, because Greenwood Lake is a poor school district as opposed to Tuxedo. Greenwood Lake would get 40 percent reimbursement if they built their own school. Tuxedo gets nothing for building aid.

If the first bill had passed, Greenwood Lake would be able to go into a 15-year contract over the amortization of the bond, bond the money to pay for the expansion of the Tuxedo district, and get reimbursed at the 40 percent rate which they would be

entitled to had they built their own school.

But building their own school is so uneconomically feasible that they've elected now, because we could not get that bill through the other house, to give them just the ability to go into a 15-year contract so Tuxedo, who is going to do the building, Tuxedo would be able to amortize the payments of the construction over 15 years.

The Assembly has asked for this version, so this may be the one bill that will pass both houses. And I would ask for my colleagues' support.

ACTING PRESIDENT BALBONI: Senator Dollinger, why do you rise?

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

ACTING PRESIDENT BALBONI: Senator Morahan, do you yield?

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

ACTING PRESIDENT BALBONI: Senator Dollinger, please proceed.

SENATOR DOLLINGER: Well,

Senator, I think your explanation was right on the nose, at least as I understand it.

My question is, what is it about the statewide bill that the Assembly didn't seem to like? You advocated, I think, for a bill on this floor in the prior versions of this bill that exactly the circumstance you describe -- that is, two school districts agreeing to build a common facility to combine their students in the cause of efficiency and economy, subject to approval by qualified voters -- which means that we give that power directly to the voters, which in this kind of critical financing decision and decision to combine two schools, it seems to me we're placing the power right where it is.

What's wrong with doing that on a statewide level and giving every school district the ability to pair up with another to build a common building and finance it jointly? That seems like, from my point of view, Senator, the right thing to do and something we ought to be granting the power to our local communities and their voters to do.

SENATOR MORAHAN: Yeah. Well,

you raise a critical point, Senator Dollinger.

We tried, as you know, just to do that for 15 years. The Assembly said, well, in the first version of the bill they don't want to do anything for these two school districts that they cannot do for all school districts.

And they were talking specifically at that time, I believe, about the aid, that they didn't want one district to have 40 percent reimbursement doing a deal with another district, even though that bill, in its writing and as it was written and drafted, did really apply statewide even on the funding, because all we spoke about in this bill was not two individual districts but any districts that had over 50 percent of their population going to a different -- of their school population going to another school could do this. So any school district, any two school districts in the state could have done it.

I can't explain their specific objections other than it keeps coming back to us, notwithstanding our negotiations.

So the last time the bill was modified to take out the aid and we talked about statewide 15 years, as you know, and you voted for that. Now it came back, ironically, that they don't want to do it statewide, they want to do it just for this district.

I'm trying to get relief for these two school districts. And at this point in time, I'll be happy if they pass it here, you pass it here, and we pass it in the Assembly. I'll be delighted. But this is my final version, so to speak.

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

ACTING PRESIDENT BALBONI: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Senator Morahan, I'm always amazed by the peculiarities of what goes on sometimes in this house in the sponsorship of bills and the negotiation of bills, especially as we get to the end of the session. There are Democratic bills that we seek to have statewide application for, and we encounter difficulties in negotiating with the Majority in this

house.

But what I don't understand -- and I would just tell you that I applaud what you're doing for the districts that you represent. But I thought you had a very good idea when you started.

And that was that rather than attempt to amalgamate school districts - which as you know is a difficult thing for people to do, to give up their identification with a school district in this state which may have lingered for 50 or 150 years -- in many areas in this state we can achieve remarkable economies of scale if we allow them to combine, take their aid rates, multiply them into a building aid, build a single high school, a regional high school for several school districts. It seems to me that that makes fabulous sense.

And I just don't understand -- I have a lot of respect for my colleagues in the Assembly, but sometimes what they do absolutely befuddles me, as it does -- it appears to have done in this case.

So I would just say that don't give

up the fight for a statewide bill, because the concept here is one that we ought to make available to everyone. I'll vote in favor.

ACTING PRESIDENT BALBONI: Any other Senator wishing to be heard on this particular matter?

If not, the debate is closed.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1078, by Senator Leibell, Senate Print 2499A, an act to amend the Real Property Tax Law, in relation to providing.

SENATOR HEVESI: Explanation, please.

ACTING PRESIDENT BALBONI: Senator Leibell, Senator Hevesi has asked for an explanation of the bill.

SENATOR LEIBELL: Thank you, Mr. President.

This bill will amend the Real Property Tax Law to add a new section, 466C, in order to provide a tax exemption on real property owned by members of volunteer fire companies or volunteer ambulance services in Putnam County.

Specifically, this bill would permit a member of the fire department or ambulance corporation to apply for and receive a real property tax exemption of 10 percent on property occupied, owned and occupied by such volunteer firefighter or ambulance corps member as his or her principal residence.

The bill would seek to provide a further commitment to attract and retain quality volunteer emergency personnel in the county. Maintaining effective emergency protection depends in large part on the ability to recruit, train, and retain these key emergency services personnel. The entire community benefits greatly from the existence of these volunteer services.

SENATOR HEVESI: Mr. President,

would the sponsor please yield?

ACTING PRESIDENT BALBONI: Senator Leibell, do you yield?

SENATOR LEIBELL: Yes, I do.

ACTING PRESIDENT BALBONI: Please proceed, Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

I was wondering whether you would support legislation which would include every county in the state of New York, thereby enabling any locality to provide this property tax exemption in consideration of the services of their ambulance or volunteer firefighters.

SENATOR LEIBELL: Yes, we -- in fact, we've had a bill in to do that statewide.

ACTING PRESIDENT BALBONI: Senator Hevesi.

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

ACTING PRESIDENT BALBONI: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT BALBONI: Please proceed.

SENATOR HEVESI: Thank you.

I'm pleased to hear that. Senator McGee has passed a piece of legislation almost identical to yours for her county a week or two ago. We have your bill here. And I believe the next bill on the calendar is Senator Kuhl's bill to provide the same relief in Steuben County.

My question is, if you have a bill which would produce this result statewide, why are we not enacting that piece of legislation or considering that one today?

SENATOR LEIBELL: As counsel has advised me, the way you eat an elephant is one bite at a time.

And what we are attempting to do here, in effect, with doing a piece of legislation like this, not only is it good for my county, but it becomes a model program for throughout the state. And hopefully our experience with this county and a couple of other counties will lead us down the path of doing a statewide program in the next couple

of years.

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

ACTING PRESIDENT BALBONI: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Mr. President.

ACTING PRESIDENT BALBONI: Please proceed.

SENATOR HEVESI: Senator McGee's bill, which provided this benefit for her county, is not the first bill we've seen on this. We passed similar legislation last year.

So it's been in effect for other counties in the state for quite some time. I can't imagine it's not working well. It simply gives discretion to the locality. If they can afford it, they'll provide the relief.

So is there any reason not to pass this on a statewide level now? Why are we doing this piecemeal?

SENATOR LEIBELL: Well, as I said, Senator, I would prefer, obviously, to

do it statewide. But to the extent I'm able to get this passed today, I'm content that it would offer a model.

I would prefer to do it statewide. I can understand waiting to see what a demonstration program such as this would accomplish. I'm not familiar -- possibly you are -- with the statistics on the other counties that have this. Maybe, Senator, you could tell me which counties have it in place and what their experience has been. But I'm not as familiar with that.

I would like to have this passed so I can have the experience in my own home county.

SENATOR HEVESI: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BALBONI: Senator Hevesi, on the bill.

SENATOR HEVESI: Thank you, Mr. President. I thank the sponsor for his explanation.

I don't have at my fingertips the other counties where we have provided this benefit, but I know that we have done that.

And I cannot imagine how that would not work well. I don't know of any objections that anybody has to providing this type of benefit to anybody in New York State.

If we were, on the other hand, mandating that a particular county provide this benefit, that would be questionable. It actually would be an unfunded mandate, and then there might be some controversy and a real need to scrutinize whether this was working well or whether we had unfairly burdened some county.

But that's not the case here. The case here is that we have passed similar legislation in the past. We provided this benefit to only a select number of people residing within a certain geographical area.

And I think it's wrong. I don't know why we don't give this benefit to everybody. I can see no reason why we don't immediately pass the statewide bill. And I'm thrilled that the sponsor of this legislation is also the sponsor of the statewide bill.

But I would suggest to you, and I've said this before on the Senate floor,

it's unfair. It's unfair to the residents of New York City, where we have scores of volunteer firefighters and volunteer ambulance workers and we also have a similar need to provide incentives to induce these people to come in and provide this essential service in New York City.

And it's unfair to every other county in New York State for which we have not yet provided the benefit that we have previously provided to Senator McGee, we will provide to Senator Leibell's constituents, and I suspect Senator Kuhl's constituents will get that benefit when we consider his bill next on the calendar.

I support all of those bills because I wouldn't want to deny volunteer firefighters and ambulance workers in their constituencies the right to have a real property tax exemption in consideration of the wonderful work that they provide. I'm simply dumfounded as to why we don't provide the option for every locality in the State of New York to provide this benefit for everyone in their area if that locality chooses to do

so. And if it's presumably in their financial interest, they will do so.

And if they don't have a problem attracting and retaining these individuals, they might make the determination that they don't need to provide this benefit or that they can't do it financially. But there's no reason not to do this for everybody.

So I've said it before and I'll say it again, I support this legislation. I commend Senator Leibell for doing this for his constituents. It should be done for everyone's constituents.

Thank you, Mr. President.

ACTING PRESIDENT BALBONI: Thank you, Senator Hevesi.

Senator Dollinger, why do you rise?

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

I want to completely echo what Senator Hevesi has said and talk about the danger of the other side. What's going to happen, Senator Hevesi, in my judgment, having been here for nine years, is that what we're going to do is we're going to balkanize the

State of New York.

We're going to have certain communities that happen to have Republican Senators in them and Assembly members who are either able to get the bill through or they're members of the Democratic Majority in the Assembly. And you will find that the counties that are favored are counties that have that political combination.

In other words, this will be a benefit largely available in particularly - in particular politically based counties and not available elsewhere -- like, Senator Hevesi, I would point out, in the City of New York.

And what we will end up with is a state in which the quality of ambulance services, which this bill is designed to promote, will be decided not by the traditional factors about the quality of leadership, the amount of funds they raise or the ability to attract volunteers because of the excitement and challenge that is faced in the ambulance service or the emergency medical service or the fire service. Instead, the

quality of the ambulance service will be based on the political affiliation of the particular Senator or Assembly member that represents that community.

That seems to be a balkanization that we in this body and we in this Legislature are perfectly willing to accept. I personally couldn't agree with you more, Senator Hevesi. We ought to abolish that political system of balkanization that will divide the people in this state against one another.

We ought to come up with a statewide bill. Senator Leibell's got it. I know it's probably difficult to get the statewide bill through. But I would just encourage you, I believe that that's the right way to do it.

I understand the reality of politics. But in this case, we're going to end up with a state in which the disparity in resources available to our constituents, the entire people of this state, will be based on factors solely of politics and have no other real correlation.

I am going to vote in favor of this bill because I don't want to deny the people the access to this service. And I agree with Senator Hevesi that Senator Leibell is to be commended for doing this. As is Senator Kuhl, as is Senator McGee. As, I'm sure, when the Xerox machine gets going, every Republican Senator with a Democratic Assemblyman will try to do for their county.

And that will be great. But it won't achieve the goal of providing the same equality of services across this state, which it seems to me is our fundamental and foremost obligation. Senator Hevesi is right: Do the statewide bill and take politics out of it.

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

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

ACTING PRESIDENT BALBONI: Senator Duane, on the bill.

SENATOR DUANE: Thank you.

I would be remiss if I didn't -

ACTING PRESIDENT BALBONI: Excuse me, Senator Duane. May I just interrupt for

just a second, please.

SENATOR DUANE: Anytime.

ACTING PRESIDENT BALBONI: Senator Kuhl, why do you rise?

SENATOR KUHL: We'd like to announce an immediate meeting of the Banks Committee in the Majority Conference Room, Room 332, please, Mr. President.

ACTING PRESIDENT BALBONI: Thank you, Senator Kuhl.

There will be an immediate meeting of the Banks Committee in the Majority Conference Room. Thank you very much, Senator Kuhl.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I just wanted to comment that I would be remiss if I didn't point out that I've been pointing out this very same point for the three years that I've been here. And I'm glad now that other folks are joining in that chorus of why is it that we just do this county by county and why can't we just do it for the state and allow counties to opt in if

they so wanted to.

So I'm more than pleased that we're practically the majority of the house now in people speaking out on it. And I would encourage my other colleagues to join in.

Thank you.

ACTING PRESIDENT BALBONI: Senator Leibell.

SENATOR LEIBELL: Mr. President, just to respond to Senator Dollinger's inquiry, Senator Rath did actually pass a statewide bill last year in this house. And it exempted New York City, so it was only the outer areas of the state outside of those five boroughs. And it was not passed in the State Assembly.

So we've tried to and attempted to do something that would not be partisan here in this house, that would have covered all of our colleagues regardless of their party affiliation here. But it was not done in the other house. And all I can say is I would urge my Minority colleagues here to speak to their Majority colleagues in the other house and to urge passage over there.

But we have -- to reassure you, we have already done the right thing here. I've had a bill in, but Senator Rath's bill did pass, in fact, last year.

SENATOR DOLLINGER: Just briefly on the bill, if I could.

ACTING PRESIDENT BALBONI: Senator Dollinger.

SENATOR DOLLINGER: I appreciate, Senator Leibell -- I think I remember that bill.

I believe that when we get to this point in the process, what we should do is we should send a message to the Assembly. And we should put on that list a series of bills that members of this conference deem to be the priority bills of the Senate.

I know this happens quietly behind the scene as members take their bills over to the other side and negotiate their presentation and passage in the other house. But it seems to me that we need to formalize that process and put a bill like the statewide bill to do this on that list, as a sign that this house is committed to getting it done and

that the Democrats here are not simply voting, as we oftentimes may do, en masse in favor of a bill that happens to be on the floor, but that we think this is something good for the entire state that we're willing to stand up for and argue for and advocate for in our communities.

And I think that's the way we have to do it, is to just put it in a message, get it on the floor, debate the message. We're going to send twenty bills over to the Assembly and make them the house's priorities rather than the individual members' priorities. I think that's the only way to do it.

I'm willing to put my name on that list as supporting this bill for inclusion in a message to the Assembly to make it happen this year on a statewide basis.

ACTING PRESIDENT BALBONI: Any other Senator wishing to be heard on this particular issue?

Hearing none, the debate is now closed.

Please read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BALBONI: Senator Hevesi, to explain his vote.

SENATOR HEVESI: Thank you, Mr. President.

I want to thank Senator Leibell for commenting again on this issue before us and for reminding me that it was Senator Rath's bill which passed and did not have a statewide implication, it had an almost statewide implication.

And unlike Senator McGee's bill, Senator Leibell's bill today, and Senator Kuhl's bill, all of which will pass with unanimous support -- and I have the greatest respect for Senator Rath -- I thought that her bill which passed was outrageous. It provided this relief for everybody except the City of New York.

And I believe 20 or more Democratic

Senators voted against that piece of legislation because it would specifically disenfranchise New York City. That one was more egregious and unjustifiable than the lack of equity in the legislation we're seeing here today. That's a tremendous problem.

And I took the opportunity when that happened to articulate what I don't believe a lot of people knew, was that in fact, despite the fact that we have a professional fire-fighting operation going on in New York City, we have volunteer firefighters. And despite the fact that we have a professional ambulance, EMS operation, we have volunteer ambulance workers in New York City.

So I just have to make that point. I'm going to vote for this, but I hope Senator Leibell's bill is a true statewide bill, because it's insulting to see a bill that has everybody except the City of New York. It's really unfair.

But I vote for this bill. Thank you.

ACTING PRESIDENT BALBONI: Please

announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1079, by Senator Padavan, Senate Print 2574, an act to amend the Penal Law, in relation to the piercing and branding of the body of a child under age 18.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT BALBONI: Senator Padavan, Senator Dollinger has asked for an explanation.

SENATOR PADAVAN: Thank you, Mr. President.

This proposal would preclude body piercing of any child under the age of 18 without parental consent. There are certain exceptions in the bill, such as piercing of earlobes for religious purposes and emancipation of a minor.

When we first became involved in this issue several years ago, it was brought to our attention by someone in the medical profession. Since then, we have collected an

awful lot of information which justifies the intent and the purpose and the need for this legislation.

The American Pediatric Association very directly and succinctly indicated their opposition to body piercing of children. The American Dental Association similarly put out a report strongly advocating against body piercing of children -- and adults in general, I might add, because of the infections and other problems attendant to that. Dermatologists, National Dermatology Association, similarly.

A study was done by the Mayo Clinic of 445 individuals with heart problems. One out of four, they were able to identify, was directly related to body piercing.

Nineteen states have enacted legislation of this sort, some far more restrictive, such as Florida, where you not only have to have parental consent but your parents have to be standing there while it's being done.

In the State of New York, since we began dealing with this issue, we now have

three counties that have adopted local laws - Albany County, Schenectady County, and, just this week, Nassau County.

So it would seem to me that we should have a uniform standard, a uniform statute statewide, because more and more localities are coming to grips with the necessity of dealing with this issue and more and more parents are addressing it and more and more children are becoming ill because of it.

ACTING PRESIDENT BALBONI: Senator Dollinger, why do you rise?

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

ACTING PRESIDENT BALBONI: Senator Padavan, do you yield to one question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT BALBONI: Please proceed.

SENATOR DOLLINGER: Senator, is it your intention that this bill, if it becomes law, will preempt the three counties that you've just referred to that have already

enacted legislation?

SENATOR PADAVAN: As you know, Senator, state law preempts. And if this is the law of the State of New York, then that would dictate -- but however, the local laws, and I've read them, are really quite tractless. I mean, there are no significant differences that I can perceive between the local laws that have been adopted -- and perhaps they may have looked at ours when they did theirs. I'm not sure.

But we don't really have a problem.

SENATOR DOLLINGER: Okay. Okay.

Through you, Mr. President -

ACTING PRESIDENT BALBONI: Senator Dollinger.

SENATOR DOLLINGER: -- if Senator Padavan would just yield to one other question about the preemption issue.

ACTING PRESIDENT BALBONI: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

SENATOR DOLLINGER: If a community established a higher standard, would this preempt it so that they couldn't -

SENATOR PADAVAN: Yes.

SENATOR DOLLINGER: This becomes the statewide -

SENATOR PADAVAN: This would become statewide law.

SENATOR DOLLINGER: No further questions, no comment.

ACTING PRESIDENT BALBONI: Any other Senator wishing to be heard on this bill?

Then the debate is now closed.

Please read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1079 are Senators Duane and Schneiderman. Ayes, 55. Nays, 2.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number

1081, by Senator Kuhl, Senate Print 3325B, an act to amend the Real Property Tax Law, in relation to providing.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1082, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8615, an act to amend the Real Property Law, in relation to the definition of qualified leasehold condominiums.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT BALBONI: Senator Maltese, an explanation has been requested.

SENATOR MALTESE: Yes. This bill is at the request of the Department of Economic Development of the Empire State Development.

It is an act to amend the Real Property Law in relation to the definition of qualified leasehold condominiums. The legislation would permit the creation of residential condominium interest or mixed-use condominium interest that include residential use in leaseholds of real property located within the Hunters Point (Queens West) Waterfront Development Land Use Improvement Project area.

Basically, Queens West is a subsidiary of Empire State Development. And currently, no condominiums can be developed on leased property. In this case, the property is owned by the state and leased to the developer to develop the site. Previously, similar amendments were made with relation to Battery Park City and Roosevelt island Development.

Queens West wants to be able to develop the site with condominiums and

mixed-use condominiums in order to have more flexibility to meet the market demand. Currently, the only sites that can be developed in this way are sites owned in fee simple absolute.

There is no opposition to this bill, in Queens or otherwise. The bill is strongly supported by Claire Shulman, the City of New York, and the State of New York.

The bill in the Assembly passed May 21st by a vote of 144 to zero. It was previously considered by the Senate in '98 and passed by a vote of 54 to zero. The reason it did not become law at that time is that the bill, which was carried in the Assembly by Assemblyman Nolan, whose district this was in, did not -- the session ended before the bill could be considered.

In the meantime, this is part of a massive unit of 6300 units that are being put in by the state through the Empire State Development Authority. That first building was City Lights. It is all occupied at the present time. And the reason this bill at that time did not pass, there was a decision

made to co-op the entire building. And those 525 units are all full.

The unit that this would apply, as well as subsequent units of the 6300, would be 2500 units. So the master plan concerns 71 acres.

This is a major -- probably the major development of property, not only in Queens but for the City of New York. It would result in a tremendous economic advantage to the City of New York and to the state, as well as considerable finances going to the state.

Basically, this change just gives the developer the option to either rent, co-op, or condo the property. And that would make the buildings more attractive.

The state is in negotiations -- I just got off the phone with Peter Magnani, the deputy borough president of Queens, and basically this enhances the value to the state. The negotiations are presently going on.

This would be factored in on the negotiations, and as a result enhance the value to the state. And the developer then,

in negotiations, would offer additional funds to the state because he'd have the option at the time to either rent, co-op, or condo the apartments.

ACTING PRESIDENT BALBONI: Thank you, Senator Maltese.

SENATOR DUANE: Explanation satisfactory.

ACTING PRESIDENT BALBONI: Explanation satisfactory.

No other Senator wishes to be heard on this issue?

The debate is now closed.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1083, by Senator LaValle, Senate Print 3797, an act to amend the Environmental Conservation

Law, in relation -

SENATOR KUHL: Lay it aside temporarily, please.

ACTING PRESIDENT BALBONI: Please lay that bill aside temporarily.

THE SECRETARY: Calendar Number 1093, by Senator Velella, Senate Print 5332, an act to amend the General Business Law, in relation to the sale of new or secondhand property.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT BALBONI: Senator Velella, an explanation has been requested.

SENATOR VELELLA: Yes, Senator, this bill would allow collateral loan brokers, which are commonly known as pawnbrokers, to sell secondhand materials so long as the items are purchased either at an estate sale, an auction sale, or by Internet or from commercial sellers.

It would not allow them to buy direct from potential customers who come in to pawn something, or from an individual. It

must be one of four different types of sales. They can buy used items and then put them on sale in their store from estate sales, auction sales, Internet sales, or commercial sellers.

ACTING PRESIDENT BALBONI: Senator Paterson, why do you rise?

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

ACTING PRESIDENT BALBONI: Senator Velella, would you yield to a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT BALBONI: Please proceed, Senator Paterson.

SENATOR PATERSON: Senator, very briefly, the issue is just that collateral loan brokers are used usually at a time when people are in desperation. And there certainly is the opportunity for -- without trying in any way to cast any aspersions on people who work in this field. They are certainly as honest as anyone else.

But because of the often extraordinary circumstances that bring people in touch with them, why would we want to be

expanding in a sense what is their dominion over property at a time when we already have restrictions specifically on their jurisdiction to protect the public?

SENATOR VELELLA: Senator, this does not touch upon those restrictions.

I agree with you, a person who goes to a pawnbroker -- the typical example of the woman who needs some money and goes and pawns her wedding ring -- is usually a short-term - hopefully a short-term emergency that they need some money.

And the law we put in place said you cannot, as a pawnbroker, talk to that person and convince them, rather than pawning it, to sell it to you, and they have an unfair advantage. We maintain intact that protection. We do not touch it.

However, as you know, the business of collateral loans -- as you say, many people go to them as a last resort. They have been shrinking, their business base is shrinking. The number of licensed brokers has shrunk in the state.

And in order to allow them to

expand their business, we are going to allow them to sell used items in their shops so long as they were purchased at estate sales, public auctions, on the Internet, or from a commercial seller of used property, not from individuals who are coming in to make a loan.

SENATOR PATERSON: Okay.

SENATOR VELELLA: Last section.

ACTING PRESIDENT BALBONI: Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1104, by Senator Meier, Senate Print 5432, an act to amend the Civil Rights Law, in relation to public officials.

ACTING PRESIDENT BALBONI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

SENATOR HASSELL-THOMPSON: Explanation, please.

ACTING PRESIDENT BALBONI: Senator Hassell-Thompson, do you wish an explanation?

SENATOR HASSELL-THOMPSON: Yes.

ACTING PRESIDENT BALBONI: Senator Meier, Senator Hassell-Thompson requests an explanation.

SENATOR MEIER: Certainly.

This is an amendment to the Civil Rights Law which pertains to protections given to citizens against what are termed "slap lawsuits," strategic lawsuits against public participation.

Under the existing law, when someone brings a lawsuit against a citizen who's exercising their rights to seek redress of a grievance from their government, the plaintiff in that lawsuit has to prove, first, the elements of their cause of action but, secondly, that the citizen who is exercising his or her constitutional rights is acting with knowledge of a false accusation or in

reckless disregard of the falsity.

One of the problems -- and that's an important protection. One of the problems is the courts have interpreted the existing law to extend that protection only to people who are protesting the granting of a permit or a zoning variance, something like that.

This law broadens it to protect actions of citizens who are protesting some act by their government at any level against lawsuits from a government official.

So first it makes clear that the protection is afforded to a lawsuit brought by a public official who is upset because a citizen is exercising their constitutional rights.

We passed a previous bill last year. It was vetoed by the Governor at the recommendation of the Attorney General, because of the concern that it was -- it provided too broad an area of protection.

We deal with the concerns in the veto message in this bill. We've made some revisions that are agreed to in the Assembly by providing that actions which are frivolous,

which are meant to harass or annoy would not be afforded this protection.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT BALBONI: Explanation satisfactory?

The debate is now closed.

Read the last section.

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

ACTING PRESIDENT BALBONI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BALBONI: The bill is passed.

THE SECRETARY: Calendar Number 1109, by Senator Fuschillo, Senate Print 5476, an act to amend the Vehicle and Traffic Law and the Penal Law, in relation to enacting the DWI Omnibus Act of 2001.

SENATOR LACHMAN: Explanation.

ACTING PRESIDENT BALBONI: Senator Fuschillo, an explanation has been requested by Senator Lachman.

SENATOR FUSCHILLO: Thank you, Mr. President.

Over the past few years, in the past decade, New York State has certainly made great strides in combating the ongoing fight of drinking and driving. But the statistics still show that more needs to be done.

Last year, nationwide, more than 16,000 people died as a result of a drunk driving accident. When a person gets in their car after leaving a bar or having consumed too much alcohol and they get into an incident, it's not an accident. It's certainly a choice that they've made to get behind the wheel of that car. The only accident is the victim.

And today, earlier, I had met a woman from Senator LaValle's district who today is the fifth anniversary of her daughter's death, at age 19, a young girl named Danielle who was hit on Long Island by an individual who was a repeat offender arrested on multiple occasions.

This is probably one of the most comprehensive DWI bills that we have seen before this house in many years. And many of

the divisions have been previously passed by this house. But more specifically, the bill seeks to comply with the federally required mandates set forth by the federal government. It lowers the blood alcohol content level from .10 to .08.

It institutes mandatory jail times or community service for repeat offenders; more specifically, five days in jail or 30 hours of community service for DWI convictions with one prior conviction within the last five years, 10 days or 60 hours with two prior convictions within the last five years.

Also, as part of a sentencing for repeat offenders, they must undergo an alcohol or drug dependency assessment and possibly have their automobile registration revoked or an ignition interlock device installed into their car.

It also raises the minimum fines and time periods for license suspensions and revocations for offenders. It ensures that all motor vehicle operators who refuse to take a chemical test are treated the same concerning the mandatory requirement with

regard to their suspension or revocation.

It strengthens existing crimes and creates new ones. It strengthens vehicular assault in the second degree, eliminating the need to prove criminal negligence by the defendant when their ability is impaired by alcohol or drugs. It also strengthens vehicular assault in the first degree as well, and considers if a person has been convicted two or more times within a 10-year period.

It raises the unlawful dealing with a child in the first degree from a Class A misdemeanor to a Class E felony. When a person is standing outside, for example, of a 7-11 buying alcohol for a minor and then giving it to them, it raises it upon the offense of three times or more within a five-year period.

It also creates the combined influence of drug and alcohol, which has already passed this house, of driving while impaired by the combined offense. It creates a new crime of evasion of a police officer by a motor vehicle, and other new crimes, as well as increasing the fines as well.

Now, in New York State, Mr. President, through you, while the statistics have declined over the last ten years, in the past two years, almost on an average of every day, somebody has died as a result of a drunk driver. At the start of this session at 11:00 o'clock -- it's estimated, through Mothers Against Drunk Driving, that every 33 minutes somebody dies in this country. So take time to reflect that three people have died since we started this session.

ACTING PRESIDENT BALBONI: Senator Fuschillo, may I please interrupt for a second.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Excuse the interruption, Senator, but we'd like to announce an immediate meeting of the Higher Education Committee in the Majority Conference Room, Room 332.

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

Senator Fuschillo, please proceed.

SENATOR FUSCHILLO: Thank you, Mr. President.

Now, the bill seeks to work on the accomplishments of this body over the last decade, and hopefully we have added tools to fight against drinking and driving.

SENATOR LACHMAN: On the bill.

ACTING PRESIDENT BALBONI: Senator Lachman, on the bill.

SENATOR LACHMAN: Senator Fuschillo, you should be commended. I think there was a Boston University study over a number of years which compared five different states which adopted the .08 BAC with five similar states that did not. And there was a 16 percent reduction in fatalities.

The only problem I have with this bill is that there is no treatment involved that reduces recidivism.

Now, studies in California, Texas, Delaware, and New York show that inmates in prison who receive treatment, about 25 percent were rearrested within 12 to 18 months. Those that have not received treatment for recidivism, 70 percent have been arrested or

rearrested within that same period of time.

So I feel that this bill is a bill in the right direction. It doesn't complete the circle, so to speak, but I will have to vote for the bill. And I hope that you would consider, in the future, treatment in terms of recidivism to prevent this from reoccurring, because the price is very great when this does reoccur, and the price of the treatment is about one-third of the price of the inmate in the penitentiary.

ACTING PRESIDENT BALBONI: Senator Marcellino.

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

ACTING PRESIDENT BALBONI: Senator Marcellino, on the bill.

SENATOR MARCELLINO: I also commend my colleague from Long Island, Senator Fuschillo, on this measure. I am a proud cosponsor of it, and I believe strongly in it.

This bill is aimed at taking out repeat offenders. As the Senator so correctly said, and I think it bears repeating, the only accident in a DWI is the victim. The person

who was driving the vehicle made a conscious choice. That person chose to drink. That person got behind a vehicle by choice.

The poor victim had no choice. They happened to be at the wrong place at the wrong time to confront this individual who so recklessly and carelessly took their life.

I agree we need to take on more treatment, and more we can. But in this day and age we have many, many programs that are available to people, both out of jail and in jail, for alcohol treatment and drug treatment and the like.

Someone has to participate. Everyone tells you, every study tells you that the only time an individual will successfully go through one of these treatment programs is when they are personally ready to do it, when they have made a personal decision that it is time to drop this very bad habit and to move on and correct their ways. No one can make them. No one can force them. You can do all of the efforts you want, they will not succeed. That is clear. When an individual makes up his or her mind that they are going

to correct their ways, they do it.

So in the meantime, while they're making up their minds, I think it is imperative upon us as a society to take these people off the streets, to get the recidivists off the streets and to reduce the danger to those who want to peacefully go about their business and their daily lives.

Senator Fuschillo, I thank you for this very good bill, and I thank the Majority Leader and the leadership in this house for bringing it to the floor. It is something whose time has come. As you said at the press conference, enough is enough. This is the time.

ACTING PRESIDENT McGEE: Senator Balboni.

SENATOR BALBONI: Yes, Madam President, would the sponsor yield to a question, please.

SENATOR FUSCHILLO: Yes, Madam President.

ACTING PRESIDENT McGEE: The sponsor yields.

SENATOR BALBONI: Senator

Fuschillo, is it true that the reason why we have to do the .08 is because of a federal stream of funding that is available to states that adopt the provision?

SENATOR FUSCHILLO: We have to do it by 2004, Senator Balboni, not now.

SENATOR BALBONI: How much money is involved?

SENATOR FUSCHILLO: In the year 2004? We're in the year 2001 right now. In the year 2004, if states, all the states throughout the country do not enact a .08 legislation, New York State will lose approximately $13 million.

SENATOR BALBONI: I'm sorry, Madam President, I cannot hear the sponsor.

ACTING PRESIDENT McGEE: Can we have it quiet, please, in the chamber.

SENATOR BALBONI: What was that figure?

ACTING PRESIDENT McGEE: Senator Fuschillo, will you repeat your answer?

SENATOR FUSCHILLO: All states, under a law signed by then President Bill Clinton, would be required by 2003 to enact

.08. If the states don't, they would lose federal highway and transportation dollars. New York State would lose approximately, in 2004, $13 million.

SENATOR BALBONI: Thank you.

Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Balboni, on the bill.

SENATOR BALBONI: This bill before us is the latest step and possibly the most comprehensive step that we can take in this state to try and stop drunk driving. It is amazing, considering the number of lives that have been lost and the amount of effort that individuals such as Senator Chuck Fuschillo have done, that people still get behind the wheel having drank alcohol.

The bill contains several provisions that I've been personally involved in, and I have to commend the Senator for including them. One of them we used to call the "O.J. crime." That is that, believe it or not in the State of New York currently, if an officer directs someone to pull over and the individual ignores that order and just

continues driving -- not necessarily speeding or doing anything else -- that person is not guilty of anything. And it's very, very difficult to prove.

So we, with this bill, would create the crime of evading the police. That contributes to the Penal Law that mandates that you obey a police officer's directions.

The .08 provision is controversial. If you ask prosecutors as to the difference that the .08 would make in terms of what they see in their caseloads, they will tell you that the information is very mixed.

However, what we're doing here today is we are accepting a mandate from the federal government -- an encouragement, if you will, as opposed to a stick -- that says adopting this will increase the revenue to your state.

And as Senator Lachman pointed out beforehand, there are statistics that indicate that there is a drop. And I think everyone in this chamber would agree, if one person's life were saved as a result of the adoption of this proposal, then it is worth adopting.

I'm going to support the measure in part because of all of the work that Senator Fuschillo has done on the issue and because, though this is not a same-as bill with the State Assembly, we hope that in the next week or two we can work out the language and have a meaningful reform of the laws to continue the ballot against this scourge.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. On the bill.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson, on the bill.

SENATOR HASSELL-THOMPSON: Thank you.

Senator Fuschillo and I talked about this bill in committee. And I am much more satisfied at the final language of the bill than I was. And certainly I also appreciate the amount of work and energy that he has put into the bill.

But also I appreciate the fact that at least in this committee I felt that there

was real participation and exchange, and so that when sometimes the language of a bill somewhat -- no matter how the intent may lead you away from being in agreement, I appreciated all of the efforts on his part to work with the language, to clarify the language so that I can feel comfortable not only in the intent of the law but in the spirit of the law as well, to support him and his efforts. And I want to thank him.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, I was pretty much satisfied. But since you did call on me, if Senator Fuschillo would yield for a question.

ACTING PRESIDENT McGEE: Senator Fuschillo, will you yield for a question?

SENATOR FUSCHILLO: Thanks for calling on Senator Paterson.

Yes, I do yield for a question.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Well, I want to congratulate my friend on what I think is

some excellent research and some legislation that's quite apropos.

I remember being a teenager in this country and the issue was whether or not we should have our forces in Vietnam. And we would constantly talk about the deaths of American citizens who were lost fighting the war in Vietnam. And the highest year of mortality, when you added up all the deaths that had been accrued from that battle, more people had been killed on our highways that same year.

And it was an issue that just didn't seem to resonate at that particular time. There were places in the southern part of the country where people drove up into convenience areas and bought alcohol in a drive-in situation. In other words, they were actually driving and buying alcohol at the same time. And it was pretty common in a lot of different places.

In the state of Louisiana, they still have a 3.0 test, where we're trying to reduce it to a .08.

So there's a lot more that needs to

be done just in terms of making people understand that even 16,000 people a year, or one every 33 minutes, is something that we as a society, as public policy, will not accept.

The only significant difference I see, and there are some differences, between the Assembly version and the Senate version relate to drug treatment. And I was wondering if the sponsor would please tell us why it wouldn't be a good idea to include drug treatment and alcohol treatment in the legislation.

Because with a lot of individuals who cause these situations, they're as much addicted as much as they made a choice. And even if they made a choice to start using some of these substances in the first place to make them addicted, they're still addicted. And even if they serve jail time, when they come out, even if they don't have licenses, that addiction can drive them to commit further crimes.

SENATOR FUSCHILLO: Senator, thank you for your comments and your question, because I wanted to address Senator Lachman's

statement regarding the same issue.

One of the provisions in the bill that I'm very proud of, as part of the sentencing of the DWI repeat offenders, is to require them, Senator, to undergo an alcohol or drug dependency assessment. That will afford the sentencing court, the sentencing judge to refer an individual, on an on-need basis, to the appropriate facility.

And as someone, Senator Paterson - through you, Madam President -- as you know, who ran a non-profit agency that dealt with these specific issues, monitored and administered the TASC program, the Treatment Alternative to Street Crimes, I am probably one of the biggest advocates of the referral and treatment programs that this state has.

Under this legislation, Senator, the sentencing judge can assess an individual's alcohol or drug dependency and refer them. But about two or three months ago -- Madam President, through you -- Senator Paterson, the Senate Majority, through Senator Bruno, put forth a $20 million ambitious "Road to Recovery" program which afforded more funds

for treatment programs throughout the state to deal with DWI repeat offenders.

ACTING PRESIDENT McGEE: Is there any other Senator wishing to speak on the bill?

Senator Fuschillo, to close.

SENATOR FUSCHILLO: Thank you, Madam President, just quickly.

When I look at these bills and it seems like this legislative body, in dealing with this issue, is always in a work in progress because of the statistics, I have to just ask, when is enough enough? How many times are we going to open up papers throughout our districts, throughout the state, throughout the country, wherever we go, and see that somebody died?

And I spoke to this woman at a press conference this morning who talked about her daughter passing, five years ago today, with great emotion. And I obviously can never step in her shoes. And as the parent of three young children that are my life, or the love of my life -- that's why I live, to provide a better life for them -- we have to do

everything we can to get the drunk driver off the road and to prevent another tragedy in this state.

So I thank all of you for your comments and your support on this legislation today.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, you shouldn't have awakened me.

ACTING PRESIDENT McGEE: I apologize.

Senator Fuschillo has already closed on the bill. You want to explain your vote, Senator?

SENATOR PATERSON: Well, I'd like to know if Senator Fuschillo would yield for one more question.

ACTING PRESIDENT McGEE: I guess we're not closed.

Senator Fuschillo?

SENATOR FUSCHILLO: I'll be happy to, Madam President.

SENATOR PATERSON: Senator, I took a look at something that came from the

Department of Transportation. It's from the ISTEA-21 website, and it relates to creating new repeated driver, well, violations and the enforcement of them by October 1, 2000, and October 1, 2001. And it states pretty much that if states are not in compliance, that there will be federal sanctions in terms of monies to go to these states.

So I guess my question is, does this legislation qualify under that? And if that is the case, then aren't the negotiations between the Senate and the Assembly even more important? Because rather than 2003, there's money we can save on October 1, 2001, if we pass repeated intoxication violation laws, as I believe yours is one, at this time.

Rather than letting our two houses negotiate for the next two years, perhaps, as Senator Balboni pointed out, if we can settle this in next couple of weeks, there might even be resources that can be brought back to the state this year.

SENATOR FUSCHILLO: Senator, you asked me a few questions in that one question.

To answer your first question, this

legislation does conform with the ISTEA Act. Last year I sponsored a bill that this house passed in July, I believe, that would have allowed the state to conform with the federal requirements. The Assembly never did it. But this does conform with the federal requirements.

ACTING PRESIDENT McGEE: Is there any other Senator that wishes to speak on the bill?

Read the last section.

THE SECRETARY: Section 36. 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.

Senator Kuhl.

SENATOR KUHL: Madam President, do we have any housekeeping at the desk?

ACTING PRESIDENT McGEE: Yes, we do.

SENATOR KUHL: Can we return to

motions and resolutions, then.

ACTING PRESIDENT McGEE: Motions and resolutions.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President.

On page number 40, I offer the following amendments to Calendar Number 825, Senate Print Number 4322, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill Number 4994, by Senator Fuschillo.

ACTING PRESIDENT McGEE: So ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. For the benefit of the members, we can announce at this time that there will be a Rules Committee meeting at 2:15. And that we have one more bill that we're to do, and that's Senator LaValle's bill, Calendar Number 1083, which I'll have you call up.

But for the benefit of the members, after we conclude with this bill, the Senate will be standing at ease until after the report of the Rules Committee, which is being held at 2:15, and then we will adjourn for the day until tomorrow at 11:00.

So with that, can you have the Secretary call up Calendar Number 1083, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1083, by Senator LaValle, Senate Print 3797, an act to amend the Environmental Conservation Law, in relation to road-front core preservation area parcels.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT McGEE: Senator LaValle, an explanation has been requested.

SENATOR LAVALLE: Yes, Madam President.

Madam President, in 1993 this body passed, under my sponsorship, the Pine Barrens Preservation Act that protected 100,000 acres in the Pine Barrens in eastern Suffolk County. The legislation allowed for preservation of the core area of about 50,000 acres, and the remaining 50,000 acres was considered compatible growth area. That compatible growth area allowed for building.

Under the legislation, it allowed for some building in the core area because the core area over time had already been developed in some places, with roads connecting to existing homes.

Subsequent to the passage of this act and it having been signed into law, a process began to do a master plan. In 1995, Governor Pataki came to Suffolk County and signed that master plan.

The Pine Barrens has a commission that administers the act, with representation

from the towns of Riverhead, Southampton, and Brookhaven, with a staff. Since the process of developing that master plan that the Governor signed in 1995, some of the towns had parcels that were not put into the master plan. Today, by act of the commission, we have before us what I believe is the completion, the towns having reported to the commission.

And by the way, what we did is to create a 24-member advisory committee to the commission. And that 24-member advisory committee is made up principally of environmental groups.

And so what we have before us today has gone through the town process, the advisory board process, and an open meeting of the commission that these parcels that can be built upon that were left out of the 1995 plan are okay because they are not in forest area, they are on a street with a road, with houses on that road, and were left out of the original map.

And that's what this legislation does, Madam President.

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

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.)

ACTING PRESIDENT McGEE: The Secretary will announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

SENATOR HEVESI: Madam President.

ACTING PRESIDENT McGEE: Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President. I rise to request unanimous consent to be recorded in the negative on Calendar Number 661, Senate Print 4893.

ACTING PRESIDENT McGEE: So recorded.

SENATOR HEVESI: Thank you.

ACTING PRESIDENT McGEE: This is a reminder, there will be a Rules Committee

meeting at 2:15.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. Just a reminder again, there will be a Rules Committee meeting in the Majority Conference Room, Room 332, at 2:15, 2:15.

And the Senate will now stand at ease until the return of the report of the Rules Committee.

ACTING PRESIDENT McGEE: Thank you, Senator Kuhl.

There will be a Rules Committee meeting at 2:15 in the Senate Majority Conference Room.

The Senate will stand at ease until the return of the Rules Committee report.

(Whereupon, the Senate stood at ease at 1:15 p.m.)

(Whereupon, the Senate reconvened at 2:27 p.m.)

ACTING PRESIDENT PADAVAN: The Senate will come to order.

The chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President,

may we return now to motions and resolutions.

ACTING PRESIDENT PADAVAN: Motions and resolutions.

SENATOR JOHNSON: On behalf of Senator Seward, please place a sponsor's star on Calendar Number 600.

ACTING PRESIDENT PADAVAN: So ordered.

SENATOR JOHNSON: Mr. President, on page 45 I offer the following amendments to Calendar Number 921, Senate Print Number 4086, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT PADAVAN: The amendments have been received, and the bill will retain its place on the Third Reading Calendar.

SENATOR JOHNSON: Mr. President, on page 36 I offer the following amendments to Calendar Number 745, Senate Print Number 1504, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT PADAVAN: The amendments are received, and the bill will retain its place on the Third Reading

Calendar.

SENATOR JOHNSON: If we could return to reports of standing committees, I believe there's a Rules Committee report at the desk.

ACTING PRESIDENT PADAVAN: The clerk will read.

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

Senate Print 1043, by Senator Stafford, an act to amend the Environmental Conservation Law.

1615, by Senator Gentile, an act to amend the Penal Law.

2193A, by Senator Alesi, an act to amend the Alcoholic Beverage Control Law.

2723, by Senator Meier, an act to amend the Vehicle and Traffic Law.

3093A, by Senator Volker, an act to amend the Real Property Tax Law.

3197, by Senator DeFrancisco, an act to authorize.

3968, by Senator Stafford, an act to amend the Tax Law.

4720, by Senator Trunzo, an act in relation to authorizing.

4815A, by Senator Oppenheimer, an act to amend the Town Law.

5253, by Senator Spano, an act to amend the Workers' Compensation Law.

5318, by Senator Padavan, an act in relation to establishing.

5359A, by Senator Bruno, an act in relation to creating.

And 5469, by Senator Volker, an act to permit the reopening.

All bills ordered direct to third reading.

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

(Response of "Aye.")

ACTING PRESIDENT PADAVAN: Those opposed, nay.

(No response.)

ACTING PRESIDENT PADAVAN: The report is accepted.

Senator Johnson.

SENATOR JOHNSON: There being no

further business to come before the Senate, I move that we adjourn until Wednesday, June 13th, at 11:00 a.m.

ACTING PRESIDENT PADAVAN: On motion, the Senate stands adjourned until Wednesday, June 13th, at 11:00 a.m.

(Whereupon, at 2:30 p.m., the Senate adjourned.)