NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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February 11, 2002

3:17 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

ACTING PRESIDENT MEIER: The invocation will be given by the Reverend Peter G. Young.

REVEREND YOUNG: Let us pray.

We can remember instances when we needed a little mercy. Maybe we needed an extension on a project; maybe a bill. Maybe we needed a loan, or, as is often the case, we needed forgiveness from someone we had hurt. Remember the sigh of relief when mercy was granted, and grief and disappointment when it was denied.

Oh, merciful God, may You give to all of our Senators that that they need for being compassionate, and constantly help them in guiding us to this state of mercy for all.

Grant us the will to be generous in

our mercy toward all of our New York State citizens and constituents. May we be known as Senators of mercy and of forgiveness.

We ask You this now and forever. Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Friday, February 8, the Senate met pursuant to adjournment. The Journal of Thursday, February 7, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Skelos.

SENATOR SKELOS: Before we go to report of standing committees, there will be an immediate meeting of the Transportation Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER:

Immediate meeting of the Transportation Committee in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: Senator Seward, from the Committee on Insurance, reports the following bills:

Senate Print 2200, by Senator Saland, an act to amend the Insurance Law and the General Obligations Law;

3737, by Senator Seward, an act to amend the Insurance Law;

3768A, by Senator Seward, an act to amend the Insurance Law;

5340, by Senator Seward, an act to amend the Insurance Law;

And 5586, by Senator Seward, an act to amend the Insurance Law.

Senator Hoffmann, from the Committee on Agriculture, reports:

Senate Print 425, by Senator Skelos, an act to amend the Agriculture and Markets Law;

533, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

2591, by Senator Maltese, an act to

amend the Agriculture and Markets Law; and

6078, by Senator Bonacic, an act to amend the Agriculture and Markets Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

On behalf of Senator Skelos, on page number 6 I offer the following amendments to Calendar Number 34, Senate Print Number 426, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR McGEE: Thank you, Mr.

President.

Mr. President, on behalf of myself, on page number 16 I offer the following amendments to Calendar 151, Senate Print Number 5364, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT MEIER: Yes, we have one, Senator.

SENATOR SKELOS: If we could make them at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitution.

THE SECRETARY: On page 15, Senator Skelos moves to discharge, from the Committee on Transportation, Assembly Bill

Number 1262A and substitute it for the identical Senate Bill Number 419A, Third Reading Calendar 147.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 3851, at the desk by Senator Spano. It was previously adopted. But if we could have it read in its entirety at this time.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 3851.

THE SECRETARY: By Senator Spano, Legislative Resolution Number 3851, paying tribute to the life of emergency medical technician Yamel Merino, loving mother and American hero.

"WHEREAS, The power of human compassion and the strength of the American spirit has been revealed time and time again by the brave individuals who lost their lives during the unprecedented tragedy which befell our state and nation on September 11, 2001; and

"WHEREAS, With the deepest gratitude and the highest admiration, this assembled body is moved to inscribe upon its records this remembrance for Yamel Merino, a 24-year-old emergency medical technician from Yonkers who was one of the first rescue workers on the scene at the World Trade Center; and

"WHEREAS, Possessing a heart as big as the ocean, Yamel Merino died in the line of duty while helping to save the lives of countless individuals escaping from the burning towers; and

"WHEREAS, Yamel Merino was the single mother of an 8-year-old son, Kevin, a boy of great courage who will carry with him the strength and compassion of his mother throughout his life; and

"WHEREAS, Yamel Merino was a woman of great perseverance. She enrolled in Westchester Community College's Educational Opportunity Center in Yonkers to pursue the education she left as a pregnant teenager. She earned her General Equivalency Diploma and went on to complete the EMT program; and

"WHEREAS, She received a Chancellor's Award from the State University of New York in recognition of scholastic excellence and extraordinary dedication to self-improvement. Her instructors called her a role model.

"Yamel Merino was employed by MetroCare, a private ambulance company that named her its 1999 EMT of the Year. She performed her job with the highest professionalism and devotion to duty, never refusing an assignment or a request. Every patient that she transported felt as if they had made a friend.

"Yamel Merino was recognized in Glamour magazine's recent "Woman of the Year" ceremony at the Metropolitan Museum of Art; and

"WHEREAS, A more lasting honor took place when the classroom in which she trained at the Educational Opportunity Center was dedicated to her memory and achievements; and

"WHEREAS, Yamel Merino's memory will forever remain with her family, and her bravery in coming to the aid of others in the

face of unknown danger will live on in the heart of every New Yorker and every American; now, therefore, be it

"RESOLVED, That this legislative body pause in its deliberations to pay tribute to the life of emergency medical technician Yamel Merino, loving mother and American hero; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Yamel Merino."

ACTING PRESIDENT MEIER: Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

The resolution as it was read really says it all. We're here to talk about a 24-year-old single mother of an 8-year-old child who worked her way through EMT school with great honors and served as a role model in her job, and was the first one to volunteer, the first one to step forward. And five months ago today, she answered what turned out to be her final call.

And we're honored today that her

parents are with us. And I just wish there was something else that we could say to two loving parents who lost a daughter that day other than to pass this resolution, suitably engraved, and give it to you.

It's a humbling experience to have had an opportunity earlier today to talk to the both of you, to listen to Anna Jager talk about her daughter and about how she really loved her job and the pride that she had in her own son. And the love that she had for her own parents is certainly shown by the fact that they took time today to be with us today.

So I said to them earlier, and I'll say it today again, that I wish there was something better than we could say to them that would relieve their pain. Except to say that all the members of the Senate and certainly the members of the Assembly share in the loss.

Unfortunately, it was the first funeral that was held of someone who lost their life in the World Trade Center, the first funeral that I attended. And it was one of the most moving and painful events that

I've ever had to be a part of in 22 years in office in this Capitol.

But it's the spirit of Yamel Merino, it's the spirit of her and the EMT workers who -- the seven others who lost their lives, along with all of those police officers and firefighters and court personnel and citizens. But it's that spirit that really drives us here today, and that spirit that will drive Anna and Leslie Jager as they visit us today, as they talk about the painful experience and the impact it's had certainly on their family, on their grandchild, Kevin.

So I thank you for spending time to be with us today. I welcome you to the State Capitol. And I hope that you will find some small comfort in knowing that at least all the members of the Senate will pause in our deliberations for a few moments to pay tribute to the memory of your daughter, Yamel, and for everything that she stood for.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT MEIER: This resolution was previously unanimously passed

by the Senate on January 29th.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, Number 3976, at the desk. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 3976, paying tribute to the memory of Bishop John McGann, former Bishop of the Diocese of Rockville Centre.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 4020, at the

desk by Senator McGee. May we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator McGee, Legislative Resolution Number 4020, memorializing Governor George E. Pataki to proclaim February 10 through 16, 2002, as "Children of Alcoholics Week" in the State of New York.

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

I'm very pleased to have this resolution on the floor today. Certainly most of the people sitting in this chamber have experienced a happy childhood. I would hope that most of us have. I know that I did.

If you look at the children of alcoholics, you're going to find that most of those children exhibit symptoms of depression and anxiety. You'll know that most of them are at risk for continued alcoholism in their family. Children of alcoholics tend to be

truant and drop out, repeat grades, and have a tough life altogether.

So I think it behooves us to realize it's important that every effort be made to ensure our children's healthy growth and development and to help them reach their full potential to become productive and responsible citizens of the State of New York.

And I encourage and applaud this resolution.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator McGee has consented to everybody being put on the resolution. If anybody wishes not to be a cosponsor of the resolution, they should notify the desk.

ACTING PRESIDENT MEIER: The resolution is open for cosponsorship. Anyone not wishing to be on the resolution, notify the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 4034, at the desk by Senator Connor. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Connor, Legislative Resolution Number 4034, commemorating the Asian American community's celebration of the Lunar New Year, 4700, the Year of the Horse, on February 12, 2002.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Senator Connor would like to open up the resolution for sponsorship. Please put everyone on the resolution.

If you do not care to sponsor the resolution, you should notify the desk.

ACTING PRESIDENT MEIER: The resolution is open for cosponsorship. Those not wishing to be on the resolution, please notify the desk.

Senator Skelos.

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

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

THE SECRETARY: Calendar Number 23, by Senator Volker, Senate Print 1533A, an act authorizing the Village of Farnham, Erie County.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 32, by Senator Marcellino, Senate Print 110A, an act to amend the Education Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 43, by Senator Stafford, Senate Print 1054, an act to amend the Environmental Conservation

Law, in relation to nonhazardous municipal landfill closure projects.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 61, by Senator Marchi, Senate Print 4067, an act to amend the Public Authorities Law and the Environmental Conservation Law, in relation to the water pollution control revolving fund program.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 75, by Senator Volker, Senate Print 1694A, an act to amend the Criminal Procedure Law, in relation to expanding.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 107, by Senator Rath, Senate Print 4159, an act to amend the General Municipal Law and the State Finance Law, in relation to salary deductions.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Transportation Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senator Trunzo, from the Committee on Transportation, reports the following bills:

Senate Print 764, by Senator Trunzo, an act authorizing the Department of Motor Vehicles;

836, by Senator Trunzo, an act to amend the Vehicle and Traffic Law;

2101, by Senator Kuhl, an act to amend the Highway Law;

3701, by Senator Maziarz, an act to amend the Vehicle and Traffic Law;

4280, by Senator Velella, an act to amend the Vehicle and Traffic Law;

4885, by Senator Hoffmann, an act to amend the Vehicle and Traffic Law; and

5083, by Senator Leibell, an act to amend the Highway Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills directly to third reading.

Senator Skelos.

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

ACTING PRESIDENT MEIER: No, there is not.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Tuesday, February 12th, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, February 12th, at 11:00 a.m.

(Whereupon, at 3:35 p.m., the Senate adjourned.)