NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 26, 2002

11:14 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask members please to take their places; members of the staff, take your places.

I ask everyone please to join with me in reciting 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 this morning by the Reverend Terry Troia, of the New Utrecht Reformed Church, in Bensonhurst.

REVEREND TROIA: I invite you to a moment of silence, to bring yourselves to the place within from which you draw your strength.

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

REVEREND TROIA: Let us bring before us this day the people of this state who are served by this chamber -- the most frail and marginalized, the hungry and

homeless of our district. May our ears hear the voice of the voiceless; may our eyes see the colors and cultures that make us diverse as a people and tolerant as a society.

May the poor whom God has placed in our midst remind us that we are as strong as the weakest among us and as rich as the poorest beside us.

May we bring before us this day especially those who at this moment dig with hand and shovel for the remains of loved ones, who sift through rubble at our landfill for a personal sign, a shoe, a finger.

May we bring before us the families among us who still await a word, a sign, a symbol of closure, whose Passover tables will hold empty chairs and whose Easter celebration will not move beyond this Friday.

May all these lives to whom we are accountable remain always before us, and may the wisdom of the weakest among us shape the debate and decisions made by this body.

Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 25, the Senate met pursuant to adjournment. The Journal of Sunday, March 24, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Balboni, from the Committee on Water Resources, reports:

Senate Print 5249, by Senator

Balboni, an act to enact the Environmental Conservation Law -

ACTING PRESIDENT MEIER: Just a second.

Can we have some order in the chamber, please, so the stenographer can hear the Secretary.

The Secretary will read.

THE SECRETARY: Senate Print 6505, by Senator Balboni, an act to amend the Public Health Law and the Education Law;

And Senate Print 6594, by Senator Balboni, an act to amend the Public Health Law.

Senator Padavan, from the Committee on Cities, reports:

Senate Print 6341, by Senator McGee, an act to amend the General City Law and others;

Senate Print 6380, by Senator Maltese, an act to amend the General Business Law;

And Senate Print 6411, by Senator Padavan, an act to amend Chapter 890 of the Laws of 1982.

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 Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Volker, on page 7 I offer the following amendments to Calendar Number 82, Senate Print 5653, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

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

ACTING PRESIDENT MEIER: Yes, there are.

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

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 18, Senator Morahan moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 1632 and substitute it for the identical Senate Bill Number 499, Third Reading Calendar 334.

On page 28, Senator Balboni moves to discharge, from the Committee on Education, Assembly Bill Number 4089B and substitute it for the identical Senate Bill Number 4854B, Third Reading Calendar 437.

On page 29, Senator Marchi moves to discharge, from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 1394 and substitute it for the identical Senate Bill Number 3451, Third Reading Calendar 447.

And on page 30, Senator Volker moves to discharge, from the Committee on Investigations, Taxation and Government Operations, Assembly Bill Number 7621 and

substitute it for the identical Senate Bill Number 6059, Third Reading Calendar 452.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could adopt the Resolution Calendar, with the exception of Resolution 4616.

ACTING PRESIDENT MEIER: All those in favor of adopting the Resolution Calendar, with the exception of Resolution 4616, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar, with exception, is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 4616, by Senator Breslin, have it read in its entirety, and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 4616, congratulating the Saint Lucy/Saint Bernadette, of Altamont, 8th grade Catholic Youth Organization Basketball Team upon the occasion of capturing the 2001-2002 Troy League CYO Championship.

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

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

"WHEREAS, This Legislative Body is justly proud to congratulate the Saint Lucy/Saint Bernadette 8th grade CYO Basketball

Team, the "Saints," upon the occasion of capturing their first League title and the first CYO championship in the history of Saint Lucy/Saint Bernadette's participation in League play; and

"WHEREAS, Most of the players on this year's championship squad have practiced and persevered together as a team for six years and, with the new season giving them a fresh perspective, compiled a 13 and 2 record with a stifling defense, yielding an average of just 37 points per game and a potent offense producing an average of 50 points per game; and

"WHEREAS, The Saints completed a victorious season by sweeping their opponents in the playoffs to secure the Troy League title; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends, fellow teammates and the community at large; and

"WHEREAS, The hallmarks of the Saint Lucy/Saint Bernadette's 8th grade CYO

basketball team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor, and of dedication, demonstrating that these team players are second to none; and

"WHEREAS, Team members have proven themselves to be an unbeatable combination of talents reflecting favorably on their community; and

"WHEREAS, The 13 individual athletes on this outstanding team have clearly made a contribution to the spirit of excellence which is a tradition of their community; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Saint Lucy/Saint Bernadette's 8th grade CYO basketball team and its members -- Kyle Wassermann, Mike Camardo, Jeremy Mann, Colin Brunk, Trevor O'Rourke, Ian Campbell, Tony Casper, Mike Dean, Eric Dornbush, Chris Gockley, Zack Haggerty, Stephen Marciano, and Tony Martini-Robinson - on their outstanding season, overall team

record, and League Championship; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the Saints, the coaches, and Saint Lucy/Saint Bernadette's Parish of Altamont, New York."

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise to congratulate Saint Lucy/Saint Bernadette's for such a wonderful season. Saint Lucy/Saint Bernadette is a small, suburban parish, and they moved from Albany County, that parish, to that tough Troy league -- in Senator Bruno's district -- and competed against 40 teams. And they came out number one, beating three other teams that were number-one seeded.

And you know, they were led in coaching by two fellows who resemble Rick Pitino -- Bob Haggerty and Ed Wassermann, who sits to my right.

But these young men, all 13 of

them, took the challenge this year. They've been playing together for six years. And they went team by team by team, with a very strong defense but an ability to get along with each other.

And I commend each member of your team, and your parents particularly, and your two coaches. Congratulations.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

We would like the members of the team, who are with us in the gallery over here today, to please rise.

We want to welcome to you to the Senate and extend to you the privileges of the house and congratulate you on your accomplishments.

(Applause.)

ACTING PRESIDENT MEIER: Senator Breslin, can they sit down now?

(Laughter.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we go to the noncontroversial calendar and start with Calendar Number 130.

ACTING PRESIDENT MEIER: The Secretary will go to the noncontroversial reading of the calendar, commencing with Calendar 130.

THE SECRETARY: Calendar Number 130, by Senator Bruno, Senate Print 3094, an act to amend the Penal Law and the Highway Law, in relation to violence committed on school grounds.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of September.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

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

SENATOR BRUNO: Mr. President and my colleagues, this is a bill that we have referred to as Suzanne's Law.

And on April 6th, Suzanne's birthday, the Governor will proclaim Missing Persons Day, for about the second or third year in a row.

Suzanne Lyall, as you may recall, four years ago disappeared from the Albany campus at SUNY. She's never been heard from since.

Now, this Suzanne's Law really is a result of her disappearance and other young people like her who disappear from the face of the earth, never to be located or heard from.

So what that law does -- and this is a result of Doug and Mary Lyall, Suzanne's parents, who have roamed these halls in both houses, gotten 25,000 petitions, names on petitions, who have done everything and anything to help other families whose children are hurt or missing.

So what this law does is make it a felony for anyone that injures a student, threatens a student on a college campus, high school, nursing homes, daycare, young people.

You think about parents who send their children, loved ones, send their children to a school. There should be a comfort level that those children are not going to be hurt, kidnapped while they're away from their homes.

The Assembly -- this is our fourth year. The Assembly, for whatever reasons, has not seen fit to pass this bill. I believe it has passed with very little controversy in this house, unanimously, for good reasons.

There are 47 out of 100,000 students in college that get injured in a felonious way. 4.7 percent of high school students report being injured by a weapon. Now, just think about that: almost five out of 100.

So we have to get this done. We have to increase the penalties. And we have to be in a position to punish those that will injure young people while they're away from

their homes, in school.

So thank you for your support. And thank you, Mr. President.

ACTING PRESIDENT MEIER: The Secretary will announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to the noncontroversial calendar, regular order.

ACTING PRESIDENT MEIER: The Secretary will return to the noncontroversial reading of the calendar in regular order.

THE SECRETARY: Calendar Number 124, by Senator Skelos, Senate Print 388A, an act to amend the Penal Law, in relation to failure to report a sexual assault on a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 265, by Member of the Assembly Sanders, Assembly Print Number 9916, an act to amend Chapter 45 of the Laws of 1996.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 294, by Senator Seward, Senate Print 3795C, an act to amend the Insurance Law, in relation to group health insurance.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 316, by Senator Kuhl, Senate Print 3325B, an act to amend the Real Property Tax Law, in relation to providing a tax exemption.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Senator Hevesi, why do you rise?

SENATOR HEVESI: Thank you, Mr. President. Briefly to explain my vote.

ACTING PRESIDENT MEIER: Well, let's start the roll call and then I'll recognize you.

Call the roll.

(The Secretary called the roll.)

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

SENATOR HEVESI: Thank you, Mr. President.

This bill is almost identical to a bill that we passed in this house yesterday that was sponsored by Senator Leibell. I'm sure that Senator Kuhl is doing a great service to the volunteers, the heroic volunteers of Steuben County, as Senator Leibell was doing yesterday for the heroic volunteers of Putnam County.

But it is indicative that we are seeing another bill specific to a particular county, the problem that I articulated yesterday. And when I did a little research on this, it turns out that there are 13 different bills introduced by members of this house specific to their own counties.

But there is one bill, Mr. President, that I supported, Senator Morahan's bill, Senate 747, which would provide the option to any locality in New York State if they so chose to provide this property tax

break for volunteers. And I support that bill.

Until we see that bill, I'm going to, unfortunately -- with no disrespect intended to any volunteer anywhere in the state -- I'm going to be voting no.

Thank you, Mr. President.

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

Senator Kuhl, to explain his vote.

SENATOR KUHL: Yes, Mr. President. My name having been called, I rise to explain my vote.

This bill was put forth at the request of the local county legislature of the County of Steuben. And I would like to just put into the record an editorial that was done which essentially explains the reasoning for this bill. And it goes on as follows:

"Legislators took right step in approving perks for Steuben volunteers.

"Those underappreciated, unheralded rescue volunteers may finally be getting some monetary rewards for their selfless dedication to their communities in Steuben County.

"The county legislature Monday unanimously passed a series of perks for qualified volunteers in an attempt to add to the dwindling ranks of those who serve their communities.

"The incentive package now requires the approval of the State Legislature before it becomes a local law. The compensation is the first of its kind for volunteer firefighters and ambulance personnel. If approved in Albany, volunteers would get a 10 percent property tax reduction on their primary residence.

"County legislators were driven to act because the number of volunteer rescuers had fallen off sharply over the years. It's a national trend that threatens life and property in rural areas, where volunteers are most relied upon.

"To their credit, Steuben legislators, many of whom have close affiliations with volunteer fire departments, recognized the problem and came up with a possible solution.

"It's unlikely such an incentive

package would replenish the ranks at the rate that they're needed. As it stands, some local fire companies are perilously close to shutting down because manpower is so thin. But it could be enough to stem the tide by retaining those who serve now and offering a sort of a carrot to those who are inclined to join.

"Recruiting fire and rescue personnel has been a problem for several reasons. Most folks who live in rural areas aren't available during the day because they tend to work outside of town. Therefore, getting four or five members together to respond to a call during the day is difficult.

"Also, being a volunteer is time-consuming. It not only involves responding to calls at all hours of the day, but freeing up enough time for training and meetings.

"EMTs and firefighters have to go through extensive training before answering a call, and then periodic recertification or retraining as mandated by state and federal guidelines. We're talking scores of hours

learning to help thy neighbor, often at the expense of family and personal time.

"It takes a special kind of person to do that, and it's about time they receive a little reward."

My vote is in the affirmative.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President, to explain my vote.

I agree wholeheartedly with the editorial which the sponsor of this legislation just read. My only regret is that that's not a statewide periodical, because I think that the same could be said statewide.

I remember last year we debated this bill for quite a while and, as with Senator Hevesi, it just made me more solid in the opinion that this is something which every county in the state should be able to take advantage of.

I've objected before to this kind of piecemeal plan for what we do with taxes around the state. And if this is good for

Steuben County, then it's good for St. Lawrence County and it's good for every county in the state of New York.

So I say why not leave it up to the intelligence of our counties. This is the kind of thing that we should leave as an option for local control, and every county should be provided with this opportunity.

I'm going to vote no on it in the hope that we will get to see a bill which would provide this option for every county in the state of New York and reward people who go into public service in this volunteer way as they should be rewarded if a county in its wisdom so decides.

I'll be voting no, Mr. President.

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

Senator Balboni, to explain his vote.

SENATOR BALBONI: Yes, Mr. President, I'd like to explain my vote on this bill.

It does not affect my district, but it affects people who I care very much about.

We should get away from the mentality in this chamber that one benefit to another diminishes the others. It does not.

Let's try this program. Let's see if this works in Steuben County. Let's support those people to see if they can get more people out there to protect property and protect the lives of the people in that county. It shouldn't diminish all of us. It should be a pilot program that perhaps we can learn from.

Congratulations, Steuben. I vote in favor.

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

Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Just briefly to explain my vote.

As usual, Senator Balboni always causes me to rise in my chair. I would suggest that I agree with -

(Laughter.)

SENATOR DOLLINGER: I agree with Senator Balboni. I think this is a good idea.

I'm going to vote in favor of this bill.

I would just suggest, however, Senator Balboni, that for some reason these pilot projects occur in counties who have Majority members and somehow don't seem to exist in counties that have Minority senators in them. I can't understand that.

I would hope that your fervor for experimentation would suggest that when this idea crops up with a Democrat as the sponsor, your same fervor will cause you to vote yes then as well as when you vote now.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and Hevesi recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I don't rise because of Senator Dollinger, but I do rise to call an immediate meeting of the

Rules Committee.

ACTING PRESIDENT MEIER: That's a tremendous relief, Senator Skelos -

(Laughter.)

ACTING PRESIDENT MEIER: -- to announce that there will be an immediate meeting of the Rules Committee.

Senator Paterson, why do you rise?

SENATOR PATERSON: Actually, I was just sitting down, Mr. President.

(Laughter.)

ACTING PRESIDENT MEIER: The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 378, by Senator LaValle, Senate Print 6372, an act to amend the Highway Law, in relation to the New York State Scenic Byways System.

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, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 381, by Senator Balboni, Senate Print 6168, an act to amend Chapter 672 of the Laws of 1993 amending the Public Authorities Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 395, by Senator Alesi, Senate Print 5309B, an act to authorize -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 396, by Senator Bonacic, Senate Print 5696A, an act to amend Chapter 383 of the Laws of 1999.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 398, by Member of the Assembly Christensen, Assembly Print Number 9546, an act to authorize the County of Onondaga to lease certain lands.

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

Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 399, by Senator Trunzo, Senate Print 6405, an act to amend the Village Law, in relation to

permitting village justices.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 417, by Senator Skelos, Senate Print 386A, an act to amend the Penal Law, in relation to sexual assault against a child by a person in a position of trust.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 456, by Senator Seward, Senate Print 6343, an act to authorize the City of Ithaca to adopt a local law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

The chair would like to advise members that there is some work being done on the security system in the building. There will be a loud screech. It is not emanating from any member as a part of debate, it is as a result of the work being done on the security system. So don't be alarmed or startled.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, Mr. President. The last bill, I don't seem to have that.

ACTING PRESIDENT MEIER: Senator Johnson, that completes the noncontroversial reading of the calendar.

SENATOR JOHNSON: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: Yes, we have a motion, I think.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Volker, on page number 27 I offer the following amendments to Calendar Number 425, Senate Print Number 3794, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Marchi, I wish

to call up Calendar Number 112, Assembly Print Number 9264B.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 112, by Member of the Assembly E. Sullivan, Assembly Print Number 9264B, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the Assembly bill was substituted for Senate Print Number 5160C, on February 5th.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now move that Assembly Bill Number 9264B be recommitted to the Committee on Corporations, Authorities and Commissions -

ACTING PRESIDENT MEIER: So

ordered.

SENATOR FUSCHILLO: -- and the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: The bill will be restored to the Third Reading Calendar.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Volker, on page number 28 I offer the following amendments to Calendar Number 432, Senate Print Number 5426, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Johnson.

SENATOR JOHNSON: Can we now have an immediate meeting of the Veterans Committee

in the Majority Conference Room.

ACTING PRESIDENT MEIER: There will be an immediate meeting of the Veterans Committee in the Majority Conference Room.

SENATOR JOHNSON: Now if we can proceed with the controversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will now proceed to the controversial reading of the calendar.

THE SECRETARY: Calendar Number 381, by Senator Balboni, Senate Print 6168, an act to amend Chapter 672 of the Laws of 1993.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT MEIER: Senator Balboni, an explanation has been requested of Calendar 381 by Senator Paterson.

SENATOR BALBONI: Thank you very much, Mr. President.

This bill would amend Section 5 of Chapter 672 of the Laws of 1993, to add to the list of specific library districts the Great Neck Public Library, so they could avail themselves of the funding and financing

mechanisms of the New York Dormitory Authority.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, eloquent as always, would Senator Balboni yield for a question?

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

SENATOR BALBONI: Mr. President, I yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Mr. President, I am trying to decipher what the process is for getting one of these libraries on the list according to Section 672 of the Laws of 1993.

There are 13 such libraries that have been enlisted, and this would be the 14th. And I'm just trying to figure out. Because I have a couple of libraries in my district that might be eligible, what I would do to make them eligible or in what way would those libraries or libraries and members who haven't had that opportunity become such that

they might be considered.

SENATOR BALBONI: Mr. President, through you, Senator Paterson, would you be referring to the Abyssinian Cultural Building Corporation specifically?

SENATOR PATERSON: Mr. President, that's not a library. But I was thinking of the Countee Cullen Library, the Schomburg Library, just some of the libraries in my particular district.

SENATOR BALBONI: Have any of them applied for Dormitory Authority inclusion or bonding authority?

SENATOR PATERSON: I'll have it on your desk at 3 o'clock, Senator.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: I'm sure that the distinguished member from New York City would not want to forestall any benefit that might be associated with the extension of a different financing mechanism to a public library, no matter whose district it is.

As far as the rationale associated

with individual or I should say specified public libraries being included in the statute, I do not know the original intent. I wasn't here in 1993 when the original chapter was done. It seems to me to be perhaps not a wise utilization of the legislative process, however.

You might not, also, have the ability from the Dormitory Authority's perspective to grant a broad-based program to these libraries. And perhaps this is a come-as-may approach to the financing of these particular projects.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: I'm going to vote for the bill.

I wasn't sure if Senator Balboni thought that I would hold up what would be needed construction of a public library in

Great Neck because of this concern.

But I have to raise the concern, because though Senator Balboni was not here in 1993, he was here in 2001 when we voted five additions to what was at the time eight, making it a total of 13, and now we're on 14.

But he is quite forthright and candid when he says that this might not be the best utilization of the legislative process. Now, from his point of view I certainly understand that if there is a process that he wanted to be included in it, and I affirm that and will vote for the bill.

But that was the point I was really getting at, that I don't understand how these libraries are getting funded -

ACTING PRESIDENT MEIER: Senator Paterson, pardon me.

Can we have some order in the chamber.

You have the floor, Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. It's starting to sound like a library in here.

ACTING PRESIDENT MEIER: Wait a minute. Shhhhhh.

(Laughter.)

SENATOR PATERSON: So in conclusion, Mr. President, it's just that I just have a concern, because there are a number of libraries around the district that might have some of the similar needs that the one in Great Neck would have. And what I think I will do is follow Senator Balboni's admonition and apply.

And I'll come back here next year and inform you of the results, Mr. President.

Thank you.

ACTING PRESIDENT MEIER: Does any other member wish to be heard?

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just very briefly.

I'm going to embrace Senator Balboni's explanation and vote for this bill, only with one caveat. And that is for some reason when these local bills come up in Democratic districts, we do these bills in the heat of the summer. You know, late at night,

when they have Democratic names on them. And we end up begging the Majority to do these kinds of local bills.

I can look at faces of people that I know, I've sat with for the last several years as Democrats beg for local bills to be done. And we have an explanation that's just as justified as both the one that Senator Kuhl gave and the one that Senator Balboni gave.

There's some reason why these bills that have Republicans' names on them get done in March and that the Democratic bills end up being backpiled and taken care of at the very last second, if at all. Or, in the case of some of us who have asked for local bills, are told we just can't do that bill.

I would suggest that the even-handed nature of this chamber might suggest that the library bill that Senator Balboni seeks, the volunteer fire department benefits that Senator Kuhl seeks -- there are a number of people on this side of the aisle that have very similar bills. Let's do them when we're still wearing coats and when the daffodils are blooming, as they will be in the

next couple of weeks, and not wait until the heat of summer to do them, if we do them at all.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President, the Minority in this house protests too much in this particular issue.

Sometimes you do raise some good points of conscience. But if you were to take a look right now at the current list of bills in the Corporations, Authorities and Commissions Committee, you would see that the only bill that currently requests that a public library be afforded the financing alternatives of the Dormitory Authority is my bill.

So it's not about it being a Republican bill, it's not about it being a Democratic bill. Currently in the committee there are no other bills that ask for this kind of relief. So your argument in this particular situation is not valid.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator

Dollinger.

SENATOR DOLLINGER: Mr. President, I'll rise for the second time.

Methinks Senator Balboni doth protest a bit too much. He has missed my point. And that is, I believe -- and someone can correct me if I'm wrong -- but not one bill has passed this house with a prime sponsor as a Democrat since January 1st. That was the point I was making, Mr. President.

And I would expect that not a lot of bills with Democratic sponsors are going to pass between now and -- oh, pick a date. June 20th, July 5th, August 5th. Pick a date. Go as late in the calendar as you want.

That was the point, Senator Balboni, is that the difficulty here is that these bills that have obvious merit, which your bill does, that happen to have Democratic names on them don't get a hearing until the dead days of summer -- the dog days of summer. That was my point, Mr. President.

I'll still vote in favor of Senator Balboni's bill.

ACTING PRESIDENT MEIER: Any

other member wish to be heard?

Debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 395, by Senator Alesi, Senate Print 5309B, an act to authorize.

SENATOR OPPENHEIMER: Explanation, please.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Energy Committee in the Majority Conference Room.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Finance Committee.

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

As a member of the Tax Appeals Tribunal, Carroll R. Jenkins, of Schenectady.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Move the nomination.

And please recognize Senator Farley.

ACTING PRESIDENT MEIER: Senator

Farley.

SENATOR FARLEY: Thank you, Senator Skelos, Mr. President.

It is with enthusiasm and pride that I nominate Carroll Jenkins of Schenectady as commissioner of the Tax Appeals Tribunal.

Let me just tell you a little bit about Mr. Jenkins. A distinguished lawyer, he actually came from the Legislature, a member of our New York State Assembly legal staff number of years ago.

He's been with the Division of Equalization Assessment. He's been a senior attorney with the Department of Taxation and Finance. He's been a tax law judge with the New York State Division of Tax Appeals, and also a senior attorney with the New York State Department of Taxation and Finance in 1996, and the New York State Tax Appeals Tribunal.

Mr. Jenkins has served our state very well. He's respected in his community. And it is with enthusiasm and pride that I nominate this man to continue on as a reappointment as commissioner of Tax Appeals Tribunal.

ACTING PRESIDENT MEIER: The question is on the nomination of Carroll R. Jenkins as a member of the Tax Appeals Tribunal. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Jenkins is with us today in the gallery.

Mr. Jenkins, congratulations on your confirmation and good luck with your duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Waterfront and Airport Commission of New York and New Jersey, Michael C. Axelrod, Esquire, of Roslyn.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, we have two fine nominees for reappointment before us today. And for the second, we turn to Senator Balboni.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Thank you very much, Chairman Stafford. I'd like to thank you for putting this nomination on the floor, Ron.

The gentleman before us today is Michael Axelrod. And this is one of the uniquely suited nominations that we have before us.

Mr. Axelrod brings a wealth of experience, knowledge, intelligence, and feel for this position. The Waterfront Commission plays a vital role in the Port Authority of the City of New York, one of the most important ports in the world. He has experience dealing with labor unions, particularly police unions. He brings that information and talent and skill to this job.

He deeply cares about this position. This is not just a part-time

position for him; he puts a tremendous amount of work and experience in this. And he's uniquely well-qualified for this particular position.

I would urge a yes on this vote.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, I join my colleague, Senator Balboni, in supporting the nomination of Mike Axelrod as a member of the Waterfront and Airport Commission of New York.

I've had the pleasure and privilege of knowing Mike for many years more than probably either one of us want to admit to. But he is a tremendous lawyer. He is a dedicated public servant. And I congratulate the Governor on his reappointment.

Thank you.

ACTING PRESIDENT MEIER: Any other member wish to be heard on the nomination?

The question is on the confirmation of Michael C. Axelrod as a member of the

Waterfront and Airport Commission of New York.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Axelrod is with us in the gallery today.

Mr. Axelrod, congratulations and good luck with your duties.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I was outside the chamber, but if I was here, I would tell everybody what a great guy Mike Axelrod is and compliment the Governor on this nomination.

Michael, I wish you continued success in your position.

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Ogdensburg Bridge and Port Authority, Connie Grandy Augsbury, of Ogdensburg.

As a member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry, Curtis H. Bauer, of Jamestown.

And as a member of the Board of Trustees of the New York State Higher Education Services Corporation, Anne Marie Lisuzzo, of Albany.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move the nominations, please.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

The Secretary will continue to read the report of the Finance Committee.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following bills:

Assembly Print Number 10485A, Assembly Budget Bill, an act to amend Chapter 50 of the Laws of 2001;

Senate Print 6251B, Senate Budget Bill, an act making appropriations for the legal requirements;

6617, by Senator Fuschillo, an act authorizing the removal;

6674, by the Senate Committee on Rules, an act making appropriations for the support of government;

And Senate Print 6675, by the Senate Committee on Rules, an act to amend Chapter 405 of the Laws of 1999.

All bills ordered direct to third reading.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar 460 at this time.

ACTING PRESIDENT MEIER: The

Secretary will read Calendar 460.

THE SECRETARY: In relation to Calendar Number 460, Senator Stafford moves to discharge, from the Committee on Finance, Assembly Bill Number 9751B and substitute it for the identical Senate Bill Number 6251B, Third Reading Calendar 460.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 460, Assembly Budget Bill, Senate Print Number 9751B, an act making appropriations for the legal requirements.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

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

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could call up Calendar Number 462.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 462.

THE SECRETARY: Calendar Number 462, by the Senate Committee on Rules, Senate Print Number 6674, an act making appropriations for the support of government.

ACTING PRESIDENT MEIER: Senator

Skelos.

SENATOR SKELOS: Is there a message of necessity and appropriation at the desk?

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

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity and appropriation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 46. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 463.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 463.

THE SECRETARY: Calendar Number 463, by the Senate Committee on Rules, Senate Print Number 6675, an act to amend Chapter 405 of the Laws of 1999.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

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

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 464.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 464.

THE SECRETARY: Calendar Number 464, Assembly Budget Bill, Assembly Print Number 10485A, an act to amend Chapter 50 of the Laws of 2001.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, will you please call up Calendar Number 461.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 461.

THE SECRETARY: Calendar Number 461, by Senator Fuschillo, Senate Print 6617, an act authorizing the removal of the Board of Education of the Roosevelt Union Free School District.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

SENATOR GENTILE: Explanation.

ACTING PRESIDENT MEIER: Senator Fuschillo, an explanation has been requested of Calendar 461 by Senator Gentile.

SENATOR FUSCHILLO: Thank you,

Mr. President.

This house has visited this issue for the third time on the floor today. What's different is we have an agreement with the Assembly on this bill. The bill will provide greater financial aid and governance from the state to the Roosevelt School District.

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

Debate is closed.

Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 461 are Senators Connor, Duane, Hassell-Thompson, L. Krueger, and Senator A. Smith.

Ayes, 54. Nays, 5.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President. I was out of the chamber in a committee meeting, which is a problem in and of itself.

But I was hoping to have unanimous consent to be recorded in the negative on Calendar Numbers 460, 462, and 463, as a protest to the way that we've been doing the budget.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on calendars 460, 462, and 463.

SENATOR DUANE: And also, Mr. President, if you would indulge me with unanimous consent to be recorded in the negative on 464 as well.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendar 464.

Senator Skelos.

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

read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 6625, by Senator Saland, an act to amend the Social Services Law.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could please take up Calendar Number 459.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 459.

THE SECRETARY: Calendar Number 459, by Senator Saland, Senate Print 6625, an act to amend the Social Services Law, in relation to the duty to report child abuse.

ACTING PRESIDENT MEIER: Read the last section.

Just a second. Can we have some order in the chamber, please.

Read the last section.

SENATOR STACHOWSKI: Explanation right here.

ACTING PRESIDENT MEIER: Well, just -- I'm having a little trouble hearing. And if we're going to get through the calendar, it would help if you take your conversations outside. I can't hear when members are asking for recognition. We'd like some cooperation so we can go home today.

An explanation has been requested, Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a bill which is intended to deal with a situation that certainly over the course of the past month to month and a half has been the subject of considerable public focus, media attention. The bill attempts to deal with the issue of abuse of children, particularly in those instances where that abuse is attributable to or at the hands of a member of the clergy.

There's been very little time over the course of these past several weeks when some media account, whether it be print, radio, or television, has not labored long and hard. Many of us have received calls in our districts, district offices or here in our Capitol, letters saying what are we going to do about this.

Well, what we are proposing to do with this legislation is to fill what I believe has been a very tragic loophole in our law by requiring reporting in those instances in which there is involvement by a member of the clergy in an incident of abuse with

respect to a child.

Certainly we have attempted in the past to deal with abuse and neglect under our Social Services Law. And in our efforts there, we've confined ourselves to dealing with incidents of abuse and neglect as they occur within a family situation -- involving a child, involving a parent.

And what we have done through these many years that we have had this system, referred to as a central registry of abuse and maltreatment -- sometimes commonly referred to as the hotline -- what we have done is to create a system that has a number of mandatory reporters, probably somewhere in the area of 25 to 30 mandatory reporters: primarily health providers, also school officials, EMTs and the like.

And where they have reason to believe that there has been an incident of abuse that has occurred, they are required by law, under penalty of a misdemeanor should they fail to report, to make that report to the central registry.

That central registry has provision

and has had provision in the law since 1987 for those instances in which a report comes in that is not limited to a family situation but involves what I will term a third party. They are required by statute, something that this body has enacted long ago, to report to an appropriate law enforcement agency.

The last data that I have seen was for the year 2001, and nearly 2,000 of such reports were referred to law enforcement agencies.

What we are proposing to do is to take that same construct and expand it, expand it to provide that we will now require reporting by a member of the clergy who receives such a report, and also to provide that those reports will be required where this abuse occurs at the hands not only of a family member but at the hands of any third party. And the failure, again, to report would be a misdemeanor.

We provide that all of those mandated reporters that are currently listed in the existing social service section will be expanded to include members of the clergy,

which is defined by statute in the Religious Corporation Law. And we would reasonably expect that this would do away with any distinctions and impose upon reporters the obligation to report.

They should not make distinctions where a child has been abused between whether that abuse was at the hands of a family member, at the hands of a neighbor, at the hands perhaps of somebody employed in or in close proximity to the household of the abused child.

We believe that we respond to the immediate problem that has been so dwelled upon, and appropriately so, at great length recently. And we also believe that we anticipate, by expanding the role to other mandated reporters, problems that could occur in other disciplines as well.

We provide, as part and parcel of this bill, for a five-year look-back to enable us to deal with those types of activities that rise to the level of the definitions of abuse as contained in this bill and, in effect, the ability to deal with things retrospectively

and not merely prospectively.

We believe that this bill takes advantage of the current construct, builds upon the construct. We believe that in negotiations with the Executive and with the Division of the Budget there will be some need perhaps to ramp up our commitment to the functioning of the central registry, and we are certainly prepared to make that commitment to make that happen.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Will Senator Saland yield for a question, Mr. President.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: You stated a minute ago, Senator Saland, that the most recent data you had seen from the hotline showed that approximately 2,000 cases were referred after they had been -- after the

hotline had been contacted, they had been referred to other agencies for other actions. Could you tell me -

SENATOR SALAND: Law enforcement.

SENATOR DOLLINGER: To law enforcement, for -

SENATOR SALAND: About 146,000 cases were part of the intake by the central registry. Those were cases involving family members. Those were cases that were part of the intake process, and to one extent or another investigated. Some 18-plus-thousand of them were abuse-related.

And there were some additional 2,000 cases that didn't fall within the parameters of what their responsibilities were in terms of their investigation. Those were what I have termed third-party reports. They referred those to law enforcement.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Saland will continue to yield.

ACTING PRESIDENT MEIER: Senator Saland, will you continue to yield?

SENATOR SALAND: Yes, Mr.

President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Do you know, Senator Saland, how many of these 2,000 reports actually resulted in the prosecution of someone for child abuse?

SENATOR SALAND: Senator Dollinger, I do not. I -- the department does not keep those types of records. And I would assume there would be the ability to follow up -- it might be a bit time-consuming, but follow up and find out what subsequently occurred.

SENATOR DOLLINGER: Okay. Through you, Mr. President, if Senator Saland will continue to yield.

ACTING PRESIDENT MEIER: Senator Saland, do you yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator, do you know whether in 2001 there was anyone who

was prosecuted under the provisions of this statute for failure to report as required?

SENATOR SALAND: I'm sorry, I didn't hear the beginning of your question. I heard the end of it.

SENATOR DOLLINGER: Through you, Mr. President, do you know whether there was anyone who was prosecuted under this statute, under the misdemeanor penalty that you've described, for failure to report?

SENATOR SALAND: I have no firsthand knowledge of any prosecutions. I do know that the issue of liability with respect to mandated reporters has occurred, as to whether or not they were required to report in specific instances. And I believe, in fact, one such case occurred in Monroe County.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Saland will continue to yield.

ACTING PRESIDENT MEIER: Senator Saland, do you yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR DOLLINGER: That was my next question, Senator Saland. Because this statute sets up a criminal penalty for failure to report, which is the inducement for those who are obligated to report to fulfill their statutory obligation, because otherwise they could be charged with a crime.

It also sets, as I'm sure you understand, a standard of care. Because it's a statute that is punitive or criminal in nature, it sets a standard of care for reporters to fulfill their obligation. If they fail to do that, they can be subjected to civil liability.

My question is, other than the case in Monroe County, do you know whether there are any other instances in which civil liability has attached to mandated reporters who failed to perform their statutory duty?

SENATOR SALAND: I'm not aware of those cases. That's not to say that they're not out there.

I am aware of the Monroe County case. It's something my staff and I had

discussed earlier today during the deliberations of putting this bill together.

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

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: I read these bills, and I always have. And you and I have discussed this a number of times before, in the ten years that I've been here, where I read through these bills and I say "Does this really do what we want it to do?"

Let me call your attention to page 2 and the language from line 19 through line 27 or 28. What that language primarily focuses on is what happens when a child appears before the reporter or when the reporter becomes aware of the abuse of a child.

My question is, Senator Saland, if

you read that language, does it apply in an instance where the person who comes before the mandatory reporter or a clergyman is no longer a child?

For example, as you well know, given the spate of information that's been available in the public, many of the people who have come forward with respect to abuse have said that "This happened to me when I was a child. I'm now an adult."

This statute, this language talks about instances and focuses on when they are children. Does this apply in instances where someone comes forward and they are no longer a child, no longer under the age of 18? And if so, could you point me to the language that says that?

SENATOR SALAND: Under Section 414, anybody can make a report. And if you look, it's not in this section, in the bill as amended, but 414 permits anybody to make a report.

So that a child who might have exceeded the age of 18 would have the ability to self-report in this situation, in the

situation that you described.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Saland will continue to yield.

SENATOR SALAND: I would also add the statute of limitations, as you know, would provide additional time beyond the age of 18 within which to make that report.

SENATOR DOLLINGER: Correct.

Through you, Mr. President, if Senator Saland will continue to yield.

ACTING PRESIDENT MEIER: Senator Saland, do you yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: My point in asking that question, Senator, is that what this new bill is going to do is add members of the clergy to the list of those who are required to report.

And it seems to me the question is what happens if there is an individual who is no longer a child but yet a member of the

clergy knows that when they were a child, they were subjected to abuse.

Is there an obligation to report - under the actual wording of this statute as it's currently drafted, is there an obligation for them to report? Because they're no longer a child.

SENATOR SALAND: The language you've referred to has additional language thereafter. It says "when they have reasonable cause to suspect that a child is an abused or maltreated child, where any other person comes before them in their professional or official capacity and states," and so on and so forth.

That "any other person" I believe would be broad enough to include the circumstances that you describe.

SENATOR DOLLINGER: Through you, Mr. President -- I'm going to yield to Senator Connor in just a second.

But Senator Saland, I would just call your attention to the continuation of that language in the bill which says -- and you properly read the section. But it says

"any other person who comes before them in their professional capacity and states from personal knowledge has facts and circumstances which, if correct, would render the child an abused or maltreated child."

It presumes that the individual who is the subject of the complaint is still a child.

And I would suggest, Senator Saland -- and I know this bill comes quickly and is part of a debate and a discussion perhaps with our colleagues in the Assembly. But I would just suggest that one of the problems that's emerged in the last month is that the victims are no longer children, they would no longer qualify as abused children, they happened to be abused when they were children, but they are now adults. Even though in many cases, as I think the stories in the press have pointed out, the stains and the tremendous trauma and indignity of this crime continues to live with them long after their childhood is over.

So I would just suggest -- and maybe after consultation with counsel you've

got an answer for that, so I'll -

SENATOR SALAND: I would call your attention to page 3, starting at line 12.

Basically what is dispositive there is not the age but the fact that the event occurred. "The provisions of this paragraph shall not be deemed to exempt a member of the clergy from any other requirements of law to prevent the perpetrator from committing additional acts of abuse." It then goes on into a five-year look-back.

So the period of time which would be applicable here would be certainly in excess of the 18th birthday and would not exonerate the clergy in any way, shape, or form if in fact they had reason to believe that this event had occurred. There would still be an obligation to report under that section.

SENATOR DOLLINGER: Senator, just briefly on the bill, and then I'll yield to Senator Connor. But I -

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Senator

Saland, I appreciate -- I throw you a curve ball, because I've read the statute for the first time, in asking a question about how it details the specific problem that has been pointed out in the public.

But I would just suggest as much as the section that you cited may cover this issue, I would suggest, if we get to a second draft or a B or a C print of this bill, that we specifically put in the reporting requirement that says if an individual becomes aware that an individual who was at the time a child was a victim of abuse, they have a continuing obligation to report even if the subject of the abuse is no longer a child.

And I just think that would clarify that language and specify that specifically. Specify specifically? It would specify it.

And with that, Mr. President, I'd yield to Senator Connor, who I believe has a question or a -

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

May I call up my amendment previously served and filed with the desk, ask that its reading be waived, and have the floor for the purpose of explaining the amendment.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived. And you're recognized now for the purpose of explaining your amendment.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, I appreciate, first of all, Senator Saland's efforts at bringing this bill to the floor and appreciate his concern.

The amendment, first of all, contains a change from the bill. Senator Saland's bill would require those who are the subject of mandatory reporting to report to the child abuse hotline. My amendment would require that when there's a reported child sex abuse allegation that it be reported to the district attorney in the county where the offense occurred.

My reason for this, Mr. President, is simple. The child abuse hotline receives

reports of a variety of situations, many of them egregious, where children have been abused or neglected or grossly neglected. They refer it to Child Protective Services, which investigates.

Very often investigates, first of all, with a view -- because let's be candid, Mr. President, in many cases what we're talking about are dysfunctional families - from the social worker viewpoint: Go in, see is there a problem, if the problem is egregious, remove the child from the home. That's what they very often do. When in doubt, remove the child from the home. See what else can be done.

Sometimes there's a mediating or negotiating aspect to it to improve the conditions in the home for the child. There's a view toward corrective action to perhaps allow children to be placed back in the home.

But this bill, the thrust of this bill, what we're talking about is child sex abuse. That's never negligence. That's never something that a social worker is going to work out. It's always a crime, Mr. President.

It's always a crime. And law enforcement and district attorneys prosecute -- investigate and prosecute crimes.

And I don't believe we ought to mix it up in our ordinary Child Protective Services, which are really geared toward incidents in the home, which are really geared toward abuse of children in their home setting.

That's not what we're talking about here. We're talking about sex abuse very often outside the home or at least outside the family circle. And I think that's a law enforcement -- we ought to report that to law enforcement, let the DAs -- the larger DAs' offices certainly have the expertise to investigate sex crimes, crimes against minors. The smaller DAs' offices may lack some of the expertise, but certainly we ought to give the State Police in those counties, they would have the expertise to investigate a sex crime.

So we really -- when a child has been sexually abused by an adult outside of their family circle, you call the cops. You don't call the social workers, Mr. President.

And I think that with all due respect -- and I know there's more amendments and negotiating with the other house -- I respectfully urge, and that's why I offer this as an amendment, that Senator Saland consider why this is a little different than the other things that get referred or many of the other things that are referred to the hotline and to Child Protective Services.

Mr. President, the other thing, the other thing that the amendment does is it extends the statute of limitations, both for civil actions and criminal actions.

Mr. President, my colleagues who are lawyers understand a statute of limitations is always regarded in the law as a procedural device, not affecting substantive rights. As a practical matter it does, because if you can't litigate, you can't vindicate your rights.

But there is no constitutional or legal bar or legal doctrine in the common law that precludes extending the statute of limitations for prosecuting or for pursuing a civil lawsuit related to an event that's

already occurred.

Indeed, indeed, we have done that. Many years -- a few years back, we did it for victims of DES. We've done it for victims of other torts where we have extended the statute of limitations many years forward so that people who had been injured in the past could still vindicate their rights.

This may shock my colleagues, but in 19 -- I think it was '79, my first full session here as a member of the minority party, I passed a bill -- no, not reconveying a house, I passed a bill changing the statute of limitations for statutory rape. Which had been five years from the incident, and I changed -- I sponsored a bill, and got it through this house and the other house and signed into law, to make the statute of limitations for that crime five years from the age of majority.

That's just the way this Legislature operated in those days, Mr. President. Good ideas could pass whether or not the sponsoring Senator was in the Majority or the Minority.

What my amendment would do is provide for a civil statute of limitations of ten years for all actions based on childhood sex abuse or exploitation to be tolled until the victim reaches age 21. In other words, the civil statute of limitations would be ten years from age of 21.

Mr. President, the fact is in many, many cases where children have been abused sexually by persons they trust, by adults they trust, it is such a traumatic experience that the child's self-preservation instincts result in heavy denial, dissociative behavior. It's many, many years later, usually when, frankly, the person's life has been very dysfunctional in a variety of ways -- perhaps in their own interpersonal relationships, in their inability to succeed in school or at a job, sometimes other problems, alcoholism or other problems surface.

And after therapy and only after therapy, in many cases, do these victims even recall the abuse that took place in their childhood, because they've kept it so suppressed from their conscious memory.

So that a statute of limitations on a civil suit that goes ten years from the age of 21 is certainly reasonable. Very often the person, it's not till their late twenties - unfortunately, sometimes it's even much later in life -- does the person even become consciously aware of having been abused and suddenly realizes that it's the trauma of that, the emotional, psychological trauma of that that has caused them many other problems in their lives.

Current law, current law provides a one-year statute of limitations from the date of a criminal conviction for intentional torts, a three-year statute of limitations for personal injury, and a three-year toll for infancy.

In other words, the current statute, at its max, would give someone three years from age 18, that's just three years from age 18 to bring a lawsuit in a case where I'm sure by age 21 the person doesn't quite know why they are so dysfunctional and has no recollection of it.

So I would again -- not that I

think this house will adopt an amendment, but I would urge, I would urge Senator Saland, as this bill evolves in negotiations, to consider the necessity of having that kind of statute of limitations.

And by the way, Mr. President, that would put -- my amendment, my suggestion would frankly put us in line with most other statutes. Very few states have such a short civil statute of limitations, three years from the age of 18 in these cases.

Indeed, you're not reading a lot, if you think about it, about New York cases in the press. You're reading about Connecticut and Florida and other states where people are coming forward and suing. They're not doing in it in New York because they're barred. By age 21, someone who has been abused when they were 9 or 10 years old by age 21 is barred from pursuing any remedy.

Similarly, I would extend, in this amendment, the criminal statute of limitations from five to ten years. Basically, ten years. And the crime we're talking about is one we defined a few years ago as a course of sexual

conduct. We would extend the period in this amendment for the prosecution of sex offenses against children under 18, currently tolled when the victim reaches 18, by tolling it till the victim reaches 21. So again, we have ten years from age 21.

The other thing the amendment would do is Senator Saland's bill proposes a five-year retroactive reporting requirement. I know the Assembly bill is talking about a twenty-year reporting requirement. My suggestion here, no act of genius, is that we take a ten-year retroactive reporting requirement.

So that's the sum of the amendment, Mr. President. I urge its consideration. Namely, extend the civil statute of limitations ten years from age 21; criminal statute ten years from age 21 or ten years from the time of occurrence, whichever is later; and take the retroactive reporting requirement back ten years instead of five and make the reporting to law enforcement, not simply to the child abuse hotline.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

If I might, with regard to the reporting to district attorneys, we have been certainly involved, over the course of the past several weeks, in drafting legislation. And as part and parcel of that process, we did contact a variety of district attorneys offices. We do not have any word from the District Attorneys Association.

But among the offices we contacted were a couple of the larger offices in the city of New York. And they in fact were not only comfortable with but actually expressed a preference for use of the central registry.

And I'm assuming that that reflects the fact that those couple of thousand cases that I had mentioned before had come to one or another DA's office, ultimately, through either NYSPIN, if you're outside of the city of New York, going to the State Police and referring out, or the equivalent of NYSPIN in the city of New York, and I don't know what

the acronym would be for that in the city of New York.

So we believe that the system that we've crafted insofar as the reporting is one which the law enforcement community has a considerable comfort level with.

With regard to the statute of limitations, I would be more than happy to defer to either Senator Skelos or Senator Volker, both of whom have labored long and hard to expand the statute of limitations, particularly in criminal cases with respect to acts of sex offenses. And I can go on at some length but would certainly defer to Senator Skelos if that's what he would like to address.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you, Senator Saland.

If I could, Mr. President, I think there is a clear history in this house of passing legislation to eliminate the statute of limitations on the prosecution of certain violent Class B felonies. I've sponsored

legislation, Senator Maziarz has sponsored legislation.

Senate 417A, which would eliminate the statute of limitations completely on these felonies, passed the Senate last year, died in the Assembly.

This year on March 4th we passed Senate 5640 that would eliminate the statute of limitations for Class B violent felons. This exemption would include crimes such as first-degree attempted murder, first-degree rape and sodomy, first-degree assault, second-degree kidnapping, first-degree aggravated sexual abuse, and course of sexual contact against a child in the first degree.

The Assembly once again has been silent on this legislation. They have not even considered bringing it up for a vote.

So I'm afraid that the amendment that Senator Connor is proposing to Senator Saland's legislation is nothing more than a poison pill to this legislation, because the Assembly Majority has had absolutely no interest in passing statute of limitations - eliminating statute of limitations on the

Class B violent felonies as I enumerated.

I wish to point out that it's been the Senate's position, the Senate Majority's position that these statute of limitations should be eliminated because, whether it's a child or whether it's a woman that has been raped, there is absolutely no statute of limitations to their pain and suffering.

So our history is very clear in this house. I would urge you to ask the Assembly to pass my bill, 5640, which has been sitting in the Assembly now for a period of time, too long a period of time.

And I would just remind, before there's a canvass of agreement, that on that statute of limitations bill, that I believe Senators Andrews, Montgomery, Duane, and perhaps one other individual voted against - and Hassell-Thompson, Senator Hassell-Thompson, voted against the elimination of the statute of limitations.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

You know, I appreciate Senator Skelos's position on his bill. My humble suggestion with this amendment is perhaps this is the way to get a foot in the door and make the Assembly move, at least in this particular instance, to extending the statute of limitations.

While I appreciate that Senator Skelos's bill would include this crime, it also includes other crimes, in many of which the victim would be an adult.

In this unique situation, child sex abuse, the victim is always a child. And we have seen, because of the psychological and emotional havoc this crime wreaks upon the victim, that when a child, they're not often in a position to report or pursue any remedy, whether it's civil or criminal. And it takes some time after adulthood, if ever, for the victim to become aware of the injury suffered and pursue it either through a criminal prosecution and/or a civil lawsuit.

So while I appreciate what Senator Skelos said about the position the Assembly has taken, I just humbly suggest that perhaps

if we push it just in this one bill, Senator Saland's bill we may get -- you know, the dawn always starts with a little pencil-point of light -- we may get a little bit of movement there that could lead to an opening up of the Assembly's position with respect to other crimes.

So I would urge, Mr. President, that my amendment be adopted because, again, I just think it improves the bill. Again, I congratulate Senator Saland for his concern and for bringing this bill forward. But I do suggest that these few things would improve the bill, in my opinion.

ACTING PRESIDENT MEIER: Any other member wish to be heard on the amendment?

Debate is closed, then.

Will those members, then, who agree with the motion to amend Senate 6625 please raise your hands.

The Secretary will announce the results of the canvass.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin,

Brown, Connor, Dollinger, Duane, Gonzalez, Hassell-Thompson, Hevesi, L. Krueger, Montgomery, Onorato, Oppenheimer, Paterson, Sampson, Schneiderman, A. Smith, M. Smith, Stachowski, and Senator Stavisky.

ACTING PRESIDENT MEIER: The motion to amend is defeated.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Just briefly on the bill.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I asked Senator Saland a series of questions earlier, and I appreciate his, as always, candid answers.

I'm going to vote in favor of the bill, Mr. President, because I agree with both Senator Saland and Senator Connor, it's time to start a discussion with the Assembly about dealing with this specific problem.

But I would just urge Senator Saland again to take a look at the language about reporting, instances in which the person who is obligated to report finds out about

abuse that occurred when the victim was a child but now the victim is emancipated, they're an adult.

I think you could make it clearer in this bill and tell those who are obligated to report that if they become aware of information, even when the individual is an adult, that they were abused as a child, they still have an obligation to report, for all the reasons that Senator Connor outlined.

This should eventually find its way into the criminal process, and people who commit these crimes against children should never take any solace from the fact they committed them upon a child who didn't have reason or judgment to be able to report them at the time it occurred. That is the great outrage behind all of this.

ACTING PRESIDENT MEIER: Senator Duane.

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

I know that as a Legislature we are under tremendous pressure to address a problem which is in the newspapers every day, with

more and more terrible stories. And I realize that we need to take action. It is my hope, though, that this doesn't become a political matter in the way that so much, unfortunately, that we do is a political matter.

Also, I get frustrated when the Assembly's business is raised over and over again here. We're the Senate, we're the upper house. There's a certain amount of discussion that should go on in this house among colleagues which is not expected, frankly, in the Assembly. I think that the discourse here needs to be less politicized and more on the issues.

I think that that's why our foremothers and fathers created a state Senate, so that we could deliberate in a different way than the Assembly does. And it's my hope, since this bill is not a negotiated bill at this point, that in this house we will be able to work together to craft the best possible bill.

I just also, since the issue of 5640 has been raised, I do want to repeat again why I vote against it. I know, and I've

spoken with the sponsor of that legislation about his bill and that I believe his intentions are very good. My disagreement with it lies with the fact that it does not include DNA evidence.

Again, there's a reason that we have statute of limitations. It's because evidence gets stale, memories fade, witnesses disappear. So when statute of limitations were created, they were needed. And to this day they're needed except in those cases where DNA evidence would be able to solve a crime and convict the offender.

And the bill unfortunately does not take advantage of the advances that we've had in DNA evidence. If the bill included DNA evidence, I would vote for it. And I think that it could easily be amended to include DNA evidence.

So I don't want anyone in this chamber or elsewhere to be under the misimpression that I -- and I don't want to speak for my other colleagues, but that I'm voting against a bill which has very good intentions, but I believe it could be

improved. And I have respectfully spoken with the sponsor about that legislation because I do believe that the intentions are very good.

There are a couple of points that I want to make, though, as it applies to this legislation. And as occasionally happens in this house, I find myself in a way thinking out loud and undecided about how I'm going to vote on it.

I have been concerned that the Catholic Church's response in part to the issue of pedophilia in the church has been to say that we are not going to let gay people be priests. Well, there is -- gay people are not pedophiliacs. Pedophiliacs are pedophiliacs, and the vast majority of them are heterosexual, usually married, with children or stepchildren.

So to tie those two issues together, which is what the church sadly has been doing in part, is really a terrible thing. And through the ages, quite frankly, they have tied these two things together.

But pedophilia is a disease and an offensive act in and of itself, regardless of

sexual orientation. And I would also say that it probably happens with gay people about the same percentage that they exist in society, which we could debate whether it's 4 percent or 10 percent or someplace in between.

So that is always uppermost in my mind, because there's always the problem of making false accusations against someone because you don't like their sexual orientation, as opposed to whether or not they're offenders or not.

Now, I absolutely believe that child abuse is a horrible, horrible, terrible offense which needs to be punished. And also treated, so that we can stop the cycle. Very often, very often pedophilia is just part of a cycle of abuse. And today we know that pedophilia, as well as being an offensive behavior, is also a disease which in some cases can be treated.

So we need to look at both things. Absolutely, pedophilia needs to be punished and child abuse needs to be punished. Absolutely. And there's a possibility of rehabilitation and in some cases redemption.

So really what our mandate is for the future is not just punishment, I believe, but also to stop the cycle in the future.

Now, the reason that I voted for the amendment is because I like the idea of getting the DA involved. I think that's very important. And I also think that extending the statute of limitations is a very, very good idea. And as I say, this is not an agreed-upon bill, and I think we need to look at those issues.

I think what would be a good idea is to require the government to have DCJS promulgate regulations so that DAs and child protection agencies are mandated to work together when reports are made and in fact reports, in addition to being made to an 800 number, could be made to the DA and could be made to a child welfare agency, providing more options, and have a coordinated response in every county.

There are models for that. That happens now in at least one and probably more boroughs in New York City. And I think that the Governor, with his leadership and his

criminal justice people, could work towards that.

We have discussed internally and I have discussed with my colleagues that it's not always a great idea to have police officers and DAs show up at someone's door, that sometimes it's better to have a caseworker go and investigate.

So this is a very, very complicated issue. And I know that we are under great pressure to get something done to address the issue. But it would also be my wish, since this is not an agreed-upon bill, to actually have a hearing and get testimony from DAs and child welfare advocates and lawyers to try to address this problem.

I'm also very interested to see if the Governor's DCJS people would be open to working with us to craft legislation which would more fully solve the problem.

As I say, I also think Senator Saland's initial bill drafting is very well intentioned, but I think that more needs to be done. I think the amendment provides a very helpful part of that discussion, but I do

think that more needs to be done. And as I say, I think that here in the Senate, we could really do things to solve this terrible, terrible problem.

I've really pretty much said most of the things I wanted to say about it, and I'm torn between voting no because the bill is not good enough or voting yes because it's a good start. And I know you're all waiting with bated breath on what I'm going to do. But really I have a very hard time with this, because as I say I'm very, very concerned about the issue of child abuse. I'm very concerned about what's been happening in the newspapers, and I want to be part of doing the right thing.

So now in a spirit of hoping that we can all work together in a collegial manner on this legislation and really be a Senate in the way I think our state leaders intended us to be, I'm going to vote yes, with a plea that we work together and that we craft a bill which we can be proud of.

I'll be voting yes, Mr. President.

ACTING PRESIDENT MEIER: Senator

Hevesi.

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

Mr. President, I supported the amendment that was put forth by Senator Connor. I think it was a better way to go about this. But I recognize that there is one substantive difference between Senator Connor and Senator Saland, and that's on where the mandatory report would go. I agree with Senator Connor, I think it should go to the district attorney. Senator Saland has a difference of agreement on it.

But on the issue of eliminating or extending the statute of limitations for civil and criminal offenses, I don't think there actually is agreement between Senator Connor and Senator Saland. And I commend Senator Saland for his bill and Senator Skelos for, in two successive sessions, having brought legislation that I supported and spoke out in favor of to completely eliminate the statute of limitations for Class B violent felonies.

And I think it's unfortunate that the Assembly hasn't done anything on this and

that we find ourselves in the situation now where I suspect -- I don't want to speak for him, but I suspect that if Senator Saland believed that the Assembly would have found an extension or elimination of the statute of limitations on these things palatable, he would have included them in his bill. And it would have been a better bill as a result of that.

Having said that, I support the bill before us and I support the bill before us, even though I don't think it's a perfect bill, for primarily one reason. And I don't want to single out the Catholic Church, because this bill applies to all members of the clergy. But that's the issue that's really brought this whole issue to the forefront.

And here's why we need this bill. This is the position of the Catholic Church as espoused by Cardinal Egan in a recent letter: "Should the Archdiocese of New York be approached with an allegation, we will make the appropriate report to the proper authorities, if there is reasonable cause to

suspect abuse and the victim does not oppose the reporting."

That's the position of the Archdiocese of New York. I believe that is almost the exact same position as Bishop Daily in the Archdiocese of Brooklyn.

Now, that position is wrong, in my opinion. It's wrong. Members of the clergy are not experts. They are not trained to assess the veracity of allegations. And they don't have a track record of successfully doing what they suggest that they would do here.

Secondly, to put in the additional requirement that a child who has been victimized has to consent before they will turn over or report evidence to civil authorities is completely unreasonable. It is just flat-out wrong to have an expectation that a child who has been sexually abused is going to be willing to come forward. If anything, the presumption automatically is that child is going to be terrified to come forward and most likely will not.

And the result of having this dual

requirement that the church will ascertain whether they believe there is reasonable evidence to move forward and report it and that the child will have to consent to it, the effect is the following: my child or the children of my constituents may be in a position where they may be abused by some member of the clergy because the allegations that came forward didn't meet these criteria.

And that's wrong. And that is why we need Senator Saland's legislation here today.

And I hope that whatever the differences are between the Senate and the Assembly on this -- and we disagree all the time. But I would implore everyone who is negotiating on this particular issue, be reasonable. Compromise. Because we can't get everything we want on this, but there must be this mandatory reporting requirement, even if we have to sacrifice what we'd want on the statute of limitations or some other provision.

This is absolutely essential. We're talking about protecting children.

And I'm not here to attack anybody, but there has been a track record of conduct which has permitted sexual abuse of children. We're talking about child rapists here. I don't care whether they're politicians or teachers or members of the clergy, they're criminals. They're criminals. Pedophiles are criminals. They belong prosecuted and in jail, and they belong out of an environment where they can further victimize children.

And most of the pedophiles that I've read about don't just do it once, they do it again and again and again. And if we aren't extremely vigilant to make sure that these individuals are taken out of the environment where they can abuse children, then we have failed and we are going to see another generation of kids growing up being victimized.

And I suggest to you also that the cases that we're now hearing about -- and I've gotten emails into my Senate email on this from 30-year-olds who are only now coming forward because the press has made it acceptable for people to come forward in their

shame about what happened and talk about this -- that the numbers are far greater than what any of us really here can realize.

This legislation is essential, even if it's not perfect. I urge everybody to support it.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I will be voting for this legislation. I know Senator Saland has taken a very good stab at addressing a very, very difficult issue, and we should not downplay the complexity of it.

I do think that the system of reporting as proposed in this legislation is just unworkable. I think the variations across the state are tremendous and the lack of consistency in enforcement is exactly the kind of thing we cannot have with this type of crime. We need to ensure -- and that may mean providing additional guidelines and resources -- that if a crime like this is

reported, that everyone in the state, all of our constituents have confidence that it will be dealt with in the appropriate way.

The one thing I do want to urge, and I hope that this is not -- I hope this is a problem that will not work to the disadvantage of our constituents, it would be a great shame if we finished this legislative session without actually passing a law. And I realize that sometimes we pass a bill, the Assembly passes a bill, we don't agree on something, we go home saying "We passed a bill, what do you want from us?"

This is a situation where I think there is a willingness on both sides - certainly, from what I gather from my colleagues in the Assembly, there is a willingness there, or so they express it, to negotiate out a bill, to resolve some of these differences. And I hope that that willingness is going to be present from our side as well.

I do think this is something we can address. I think it is something that we have the political support to address this year. I would hate to see that opportunity wasted. My

constituents don't want me going back saying, "Hey, we passed a bill, but we couldn't agree with the Assembly." They want to see a law, they want to see us take action.

I do think with regard to the statute of limitations the Assembly has clearly opened the door to dealing with that issue in the context of this legislation.

So we're all behind Senator Saland and his team as they try and negotiate this out. I just hope that we don't end up in a situation where legislative gridlock prevents us from addressing a critical issue at the moment when we have the political support to resolve it.

I will be voting yes, with the hope that we are going to be moving forward on this to pass a law this year.

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

Then the debate is closed.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

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

SENATOR SALAND: I'd like to take this opportunity to merely bring up one point that I did not in the course of the debate, nor was it raised by anybody. It's something that has been discussed and I think all of the members are aware of it.

This proposal, this bill does recognize the privilege that is associated with CPLR 4505 dealing with statements made to clergy by way of something in the nature of a confession. And the language pretty well tracks that. So I would want everybody to have that comfort level and understand that, because it's something that certainly has been of concern to some of the members. And I just wanted it to be on the record and have everybody be aware of it.

Thank you, Mr. President.

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

SENATOR SALAND: In the

affirmative, thank you.

ACTING PRESIDENT MEIER: I thought so.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Padavan.

SENATOR PADAVAN: Mr. President, with unanimous consent, I'd like to be recorded in the negative on Calendar 463, Senate Rules Bill 6675.

ACTING PRESIDENT MEIER: Without objection, Senator Padavan will be recorded in the negative on Calendar 463.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I'd like to request unanimous consent to be recorded in the negative on Calendar 461.

ACTING PRESIDENT MEIER: Without objection, Senator Stachowski will be recorded in the negative on Calendar 461.

Senator Dollinger.

SENATOR DOLLINGER: Mr.

President, can I have unanimous consent to be recorded in the negative on Calendar Number 460, 461, 462, 463, and 464. I was in the Energy Committee meeting when we did those bills.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Without objection, Senator Dollinger will be recorded in the negative with regard to Calendars 460, 461, 462, 463, and 464.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 395.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 395.

THE SECRETARY: Calendar Number 395, by Senator Alesi, Senate Print 5309B, an act to authorize the Town of Henrietta, in Monroe County.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT MEIER: Senator Alesi, Senator Dollinger has requested an explanation.

SENATOR ALESI: Thank you, Mr. President.

This legislation, through the request of the Town of Henrietta, would authorize the town to sell acreage currently used for recreation purposes so that they can use the funds for purchase of additional recreational property.

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: If the sponsor would yield for one brief question.

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

SENATOR ALESI: One brief question, yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President. It has come to my attention -- I can't pretend to be an expert on this part of the state, but it has come to my attention through the Sierra Club that in fact in Henrietta, according to them -- and again, I submit it for your commentary as much more familiar with this

area than I am -- that there is in fact opposition to the sale of this land in Henrietta, that it has now essentially reverted to a natural state over the last couple of decades, and that the area of Big Ben Park would be threatened by the sale.

And I just would ask the sponsor, are you aware of any local opposition? Have any of the environmental groups been in touch with you?

Because as the Governor has stated so eloquently, the one thing we can't create in this state is more wilderness. And where we have it, it should be preserved wherever possible.

SENATOR ALESI: Yes, Mr. President, through you, I am aware of some local opposition.

However, I am also aware of the very strong support of the Town of Henrietta's sitting board, which has made this request through its home rule.

And with respect to the notes from the Sierra Club, I have not seen them but I would argue very strongly with their assertion

that some of the land has reverted to nonuse.

And under the circumstances, I would ask my colleague for support on this legislation that comes with a home-rule message.

SENATOR SCHNEIDERMAN: Thank you.

Thank you, Mr. President. Thank the sponsor.

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

Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 395 are Senators Dollinger and Oppenheimer.

Ayes, 58. Nays, 2.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like unanimous consent to

be recorded in the negative on Calendar Number 130 and Calendar Number 461.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendars 130 and 461.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there's a report to be read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Wright, from the Committee on Energy and Telecommunications, reports:

Senate Print 1087A, by Senator Wright, an act to direct the Department of Public Service;

And Senate Print 2127, by Senator Seward, an act to amend the Public Service Law.

Senator Morahan, from the Committee

on Veterans and Military Affairs, reports:

Senate Print 830, by Senator Morahan, an act to amend the Tax Law;

1109A, by Senator Morahan, an act to amend the Real Property Tax Law;

1665, by Senator Larkin, an act to amend the Real Property Tax Law;

2122, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

And Senate Print 2133, by Senator Seward, an act to amend the Executive Law.

Senator Velella, from the Committee on Labor, reports:

Senate Print 6154, by Senator Meier, an act to amend the Labor Law;

6398, by Senator Velella, an act to amend the Labor Law;

6426, by Senator Velella, an act to amend the Labor Law;

And Senate Print 6595, by Senator Espada, an act to amend the Labor 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: Would you please recognize Senator Connor, please.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, I now call up my motion to petition a bill from committee, waive its reading, and take my time to explain the bill.

ACTING PRESIDENT MEIER: Okay. The Secretary will read.

THE SECRETARY: Senate Print 2643, by Senator Connor, an act to amend the Election Law.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, this bill is one that I've attempted to bring to the floor in the past, and it deals with campaign finance reform.

Mr. President, obviously we know just last week, in an amazing breakthrough on the federal level, the campaign finance reform bill passed both houses. The President has either signed it or said he will sign it. And on the federal level, that effort has gone a long way toward restoring people's perception of a level playing field and of eliminating the undue influence of large and unregulated soft money contributions and the extraordinary at least appearance of influence-buying to which both major parties were vulnerable because of the competitive world we live in, Mr. President.

We all know that whatever the rules are, if you're going to play the game, we all have to play by the rules. And so when there's unlimited contributions allowed to a certain account or another, everybody is going to pursue them. Whether they think it's the right thing or seemly or should be or

shouldn't be, if the rules permit it, you're going to do it.

This bill, Mr. President, would do a number of things. It would eliminate transfers among committees by deeming all transfers to be contributions and therefore subject to contribution limits.

It also limits contributions to candidates' committees to a thousand dollars per individual. Which, by the way, is now stringent -- when drafted, was the federal law, and now it's more stringent than the newly reformed federal rule.

It also limits contributions to party committees to $20,000. The current limit now is, I think, $77,600 per individual.

It would abolish all soft money housekeeping account donations. We know now, for party committees with housekeeping accounts, there is absolutely no limit on the amount an individual or corporation or any other entity can contribute. It's unlimited. This would abolish housekeeping account donations.

It would require the itemization of

all expenditures to vendors in excess of a thousand dollars. The Board of Elections has attempted to do this by regulation in past years. The idea behind this, Mr. President, is so that you don't look at somebody's report and see this huge check going to, in effect, a general contractor, a consultant that then turns around and pays printers and any other variety of campaign vendors without disclosing who they are.

It would restrict a candidate to one authorized committee. There are those who have multiple authorized committees and move money back and forth between them in a way that tracking the money, for the press and public or even the opposition, becomes near impossible.

And furthermore, it would prohibit the use of campaign funds for anything unrelated to a political campaign.

Finally, it would require additional information from contributors which are similar to what the FEC requires for federal contributors. Namely, employment information and so on, so that you can, you

know, get a sense of the real source of money.

The measure is intended to restore confidence in our political system. There have simply been too many instances of the appearance of undue influence created by excessively large contributions taking advantage of a variety of loopholes, from the housekeeping account to the party committees.

Frankly, now someone can give $77,600 to any one of the party committees in 62 different counties, plus the legislative leaders' committees, plus the state committees. And it's just an excessive amount of money in the system.

The idea here is to make the system transparent, to make it have credibility with the public, and to disclose as fully as possible where the money is coming from and where it's going.

Mr. President, candidates, if this becomes law, will still raise money. They'll have to work a little harder at it. In my opinion, that's a good thing. They'll have to meet more people, they'll have to solicit contributions from a far wider cross-section

of the population in order to get the kind of funds it takes to run for office.

This is a good thing. I believe citizens should participate in our electoral process not just by voting, but by volunteering, and by writing a check for an appropriate amount. I think that's a good thing.

You know, the experiment -- I'm put to mind of our former colleague here who was up here a couple of weeks ago, Marty Markowitz. Under the New York City system, everybody said Marty couldn't raise money, couldn't raise money. Never, when a Senator, much to my often disappointment, he could never raise any campaign money. Concert money, yeah. Campaign money, no.

He went in that borough president's race, and I said to him and other people said, "Look, you've got to go raise the money."

And he literally raised -- I think he ended up with 3400 or 3500 contributors, only a handful of whom gave him as much as a thousand dollars. His average contribution was $200. With the program in effect there,

it multiplied to the point where he had $1.2 million to spend in his election race, which was the maximum allowed to spend.

But it took a whole series of house parties and ordinary folks who frankly, under our current system, under pressure to raise the money, you know, when somebody says "I'll give you a house party and invite a whole bunch of my friends who can write $50 or $100 checks," you sometimes think: Jeez, that's not worth a couple of hours of my time. I've got to go somewhere where I can meet, you know, 25 people who can write a $1,000 check if I'm going to get to whatever my fundraising goal is.

Let's restore the purse strings to the public as well as the vote. Let's have a system where candidates and candidates' representatives have to go to those little house parties, have to meet with ordinary people. Let's encourage the citizens to know how valuable they are when they write a $100 check or a $200 check.

People don't participate in the financial level because they think, well,

those big contributors control the system.

The more money that gets raised for politics and political campaigns and the more money that's been spent in the last 25 or 30 years on political campaigns has resulted in an ever-decreasing turnout among voters. And I suggest, Mr. President, that that inverse ratio may be our fault for not correcting a system that cries out for correction.

Let's correct the perception. The perception of what we do, the perception of what political candidates do is very, very important. That perception is the only thing most of the public has any idea about the system.

So, Mr. President, I would urge that this bill be brought to the floor and the petition be supported to bring this bill to the floor so that we can act on it when we come back and take our step in New York State toward campaign finance reform.

ACTING PRESIDENT MEIER: Those Senators who agree to petition Senate Bill 2643 out of committee please raise your hands.

Announce the results.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Brown, Connor, Dollinger, Duane, Gentile, Hassell-Thompson, Hevesi, L. Krueger, Montgomery, Onorato, Oppenheimer, Paterson, Sampson, Schneiderman, A. Smith, M. Smith, Stachowski, and Stavisky.

ACTING PRESIDENT MEIER: The petition is not agreed to.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I thought we had that one.

But I would like to ask unanimous consent to be recorded in the negative on Calendar 395, Senate 5309B.

ACTING PRESIDENT MEIER: You have that one, Senator Schneiderman. Without objection, you'll be recorded in the negative on Calendar Number 395.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Andrews.

SENATOR ANDREWS: Mr. President, I request unanimous consent to be recorded in

the negative on Calendar 461, Bill 6617.

ACTING PRESIDENT MEIER: Without objection, Senator Andrews will be recorded in the negative on Calendar 461.

Senator Paterson.

SENATOR PATERSON: Mr. President, with unanimous consent I'd like to be recorded in the negative on Calendar Number 461.

ACTING PRESIDENT MEIER: Without objection, Senator Paterson will be recorded in the negative on Calendar 461.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I want to be sure that I'm in - thank you.

ACTING PRESIDENT MEIER: You're already recorded as being in the negative on 461, Senator.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Monday, April 8th, at 3:00 p.m., intervening days being legislative days.

And we wish everybody good health.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, April 8th, at 3:00 p.m. Intervening days will be legislative days.

(Whereupon, at 1:23 p.m., the Senate adjourned.)