NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 22, 2002

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us today is Monsignor Robert Thelen, from the Nativity Blessed Virgin Mary Church in Ozone Park, New York.

MONSIGNOR THELEN: Let us pray.

O, God, the Creator of all, we thank You for the gift of life, our own individual lives and the lives of so many others whom You give us as companions in this world: family and friends, coworkers, and fellow citizens.

Grant to us the requisite prudence, wisdom, and compassion so that we might all live in the spirit of harmony and peace, one nation under God, a united country made up of many races and nationalities, varied backgrounds and cultures, different beliefs

and approaches to life.

Bless our nation and its leadership in these difficult times. Bless our great State of New York and bless its elected officials.

We pray in a special way this day for the members of our State Senate. Bless them with the wisdom and the courage to debate sincerely and honestly the matters which come before them, evaluating the complex issues of our times with ethical concern and moral sensitivity, helping to fashion a social climate ever in the service of the common good.

Bless them with the spirit of patience and a sense of mutual respect as they deliberate together for the benefit of all New Yorkers.

In a society sometimes angry, may their decisions foster healing and calm. In a world not always truthful, may they say what needs to be said. For the voiceless, may they provide a voice. To the powerless, may their decisions offer empowerment. For the emarginated and alienated, may they seek to

create a spirit of welcome. When voices are raised which seek to divide and alienate, may their deliberations serve to unite a citizenry enriched by ever-varied ethnic, racial, and religious backgrounds.

It was once said of our country: America is great because America is good. When America ceases to be good, America will cease to be great.

As we continue the struggle against the threat of terrorism, may we never become cynical as to the fundamental goodness of people, and may we, working together, rekindle the hopes and dreams so badly shattered by recent tragedy.

For it is indeed in our shared goodness that we can and will achieve new greatness, yet always under Your guidance and with the help of Your grace, You who are God forever and ever.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 21, the Senate met pursuant to adjournment. The Journal of Saturday,

April 20, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

SENATOR SKELOS: If we could just continue in the regular order.

THE PRESIDENT: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator LaValle and Senator Hannon, I move that the following bills be committed to the Committee on Finance: 3389, by Senator LaValle; 3762A, by Senator Hannon.

THE PRESIDENT: So ordered, Senator Farley.

SENATOR FARLEY: On behalf of Senator Bonacic, please place a sponsor's star on Calendar Number 557.

THE PRESIDENT: The bill is so starred, Senator.

SENATOR FARLEY: On behalf of Senator Kuhl, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: 2647 and 3063.

THE PRESIDENT: So ordered, Senator.

SENATOR FARLEY: On behalf of Senator Wright, Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill 5306 and 5307.

THE PRESIDENT: So ordered, Senator.

SENATOR FARLEY: Also, Madam President, the following amendments are offered to these Third Calendar bills:

Senator Marcellino, page 8, Calendar 136, Senate Print 4730;

Senator Kuhl, page 13, Calendar 264, Senate Print 6236;

Senator Marcellino, page 16, Calendar 321, Senate Print 5840;

Senator Marcellino, on page 26, Calendar 512, Senate Print 6207;

And Senator Alesi, page 36, Calendar 622, Senate Print 1503.

And I ask that these bills retain their place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a substitution at the desk. If you could make it at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 39, Senator Morahan moves to discharge, from the Committee on Elections, Assembly Bill Number 659 and substitute it for the identical Senate

Bill Number 4214, Third Reading Calendar 650.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Skelos.

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

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

SENATOR SKELOS: If we could take up the noncontroversial calendar.

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

THE SECRETARY: Calendar Number 78, by Senator Rath, Senate Print 3644A, an act to amend the Penal Law, in relation to aggravated harassment.

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, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 137, by Senator Marcellino, Senate Print 5551, an act to amend the Environmental Conservation Law, in relation to natural heritage areas.

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, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Kuhl, Senate Print 4766, concurrent resolution of the Senate and Assembly.

ACTING PRESIDENT MEIER: Call the

roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The resolution is adopted.

THE SECRETARY: Calendar Number 245, by Senator Saland, Senate Print 5131A, an act to amend the Family -

SENATOR MARCELLINO: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 274, by Senator Marcellino, Senate Print 4754A, an act to amend the Navigation Law, in relation to the use of tow-chains.

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, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 507, by Senator LaValle, Senate Print 6685, an act to amend the Education Law, in relation to the registration of pharmacies.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 346 of the Laws of 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator Stafford, Senate Print 6577, an act to amend the Public Officers Law, in relation to permitting.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 570, by Senator Wright, Senate Print 6136, an act in relation to fire protection in the Village of Central Square, County of Oswego.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 572, by Senator Volker, Senate Print 6159, an act to amend the Local Finance Law, in relation to the sale of municipal obligations.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 577, by Member of the Assembly Destito, Assembly Print Number 10071A, an act to authorize the City of Utica, in the County of Oneida.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 581, by Senator Larkin, Senate Print 6580, an

act to amend Chapter 478 of the Laws of 1969.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 610, by Senator Padavan, Senate Print 5478, an act to amend the Criminal Procedure Law, in relation to statements.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 615, by Senator Fuschillo, Senate Print 6455, an act to amend the Penal Law, in relation to including an official.

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, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 616, by Senator Maziarz, Senate Print 6465, an act to amend the Criminal Procedure Law, in relation to electronic court appearance.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 618, by Senator Volker, Senate Print 5297, an act to amend the Public Authorities Law, in relation to the changing, fixing and collecting.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator Johnson, Senate Print 5715A, an act to amend Chapter 672 of the Laws of 1993.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR MARCELLINO: Yes, Mr. President. It's my understanding there was only one bill laid aside as controversial.

ACTING PRESIDENT MEIER: That's correct.

SENATOR MARCELLINO: Can we have that bill laid aside temporarily, because we have the sponsor not present for a while.

ACTING PRESIDENT MEIER: The Secretary will lay Calendar 546 aside temporarily.

Senator Marcellino.

SENATOR MARCELLINO: Can we just have the house stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 3:21 p.m.)

(Whereupon, the Senate reconvened at 3:29 p.m.)

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we return to the reports of standing committees.

I believe you have a report of the Rules Committee at the desk. Can we have it read.

ACTING PRESIDENT MEIER: Can we have some order in the chamber, please.

Reports of standing committees.

The Secretary will read.

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

Senate Print 7291, by Senator Saland, an act to amend the Vehicle and Traffic Law.

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

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 Marcellino.

SENATOR MARCELLINO: Mr. President, at this time can we take up Senate Print Number 7291.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 656, by Senator Saland, Senate Print 7291, an act to amend the Vehicle and Traffic Law, in relation to suspension of Class DJ or MJ learner's permit.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator

Saland, an explanation has been requested by Senator Paterson.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, my colleagues, we may all recall not too long ago, a matter of several weeks ago, when, in response to a terrible tragic that occurred in my district in the early morning hours of New Year's Day, wherein a fatal car accident occurred and the driver of that automobile was driving while his ability was impaired, and some 18 days earlier had similarly been charged, as a result of that second incident, there was the death of a young man, Sean French; a very severe and disabling, in fact, paralyzing outcome for another passenger; and a driver and a fourth passenger escaped with little or no injury.

The parents of young Sean French, a 17-year-old who was truly a model young man within the ranks of his community -- he was an athlete, a runner. He was a fine student, he was bound for college, he was mourned, I believe, by some 3500 people. His friends,

classmates and people from all over came to pay their respects to Sean.

His parents visited with me early in January, wrought with emotion, anguishing from the agony of the loss of their son - certainly the worst kind of nightmare for any parent to have a child predecease them under any circumstances, but certainly under these horribly wasteful circumstances -- they approached me with the idea of what could we do that somehow or other would help other parents so that perhaps their children and themselves might be spared the horrible agony that befell the Frenches.

And they had some suggestions. One of the suggestions was that if a junior licensed or permitted driver was charged with a DWAI, there should be some more rapid response than under the existing law. And by more rapid response, they wanted the ability for an expedited hearing and the suspension of the license of that young person.

Similarly, they felt it was important that a parent be notified, parent or parents or guardian be notified of the

pendency of this kind of action, so the parent would be apprised that in fact their child was charged with driving while ability-impaired or driving, for that matter, while intoxicated.

What we have incorporated in this bill, which we are calling Sean's Law, and which the Assembly will also be passing today, is basically a provision for suspension of the license of a junior licensed or permitted driver for driving while ability-impaired or DWI or common law DWI.

We have provided for an appearance at the first regularly scheduled court available time immediately after the arrest. We have also provided for written notice to the parents of such a young person, who would be 16 or 17 years old.

The idea is not about being punitive, the idea is really about being protective. We know, unfortunately, that disproportionately the numbers of accidents involving young people very often prove to be serious injuries or fatalities. We know far too often the numbers of accidents involving drinking and driving involve young people.

And we would hope that through this mechanism, in memory of Sean French, and as a testimony to the advocacy of his parents, that we would have crafted this mechanism to basically be able to intervene, to be able to deter those young people who would drink and drive, and to be able to provide families with the ability to be aware that something like this has happened to one of their children.

That, Mr. President, is an explanation of the bill. And if there are any questions, I'll be very happy to take them.

ACTING PRESIDENT MEIER: Senator Paterson.

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

ACTING PRESIDENT MEIER: Senator Saland, do you yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, I would assume there's some difference in this legislation from the one that we passed just a

few weeks ago. There must be some further consultation with the other houses. Can you reflect on that with us?

SENATOR SALAND: Yes. The principal difference, Senator Paterson, is that the bill which we discussed last time and which we passed also had provision for suspension of a registration, in the very same fashion in which there would be a suspension of the license or permit. And I apologize for not having mentioned that.

Upon dealing with the Department of Motor Vehicles -- it was brought to my attention by some folks involved in this process, and upon dealing with the Department of Motor Vehicle accident, we were told that would be an extraordinarily difficult thing for them to accomplish mechanically in the type of time constraints that we were hoping to be able to impose upon them.

So out of deference to the realities of that process, we chose to omit that particular provision. And I must tell you, we shared that as well with Mr. and Mrs. French, telling them that it did vary

from the bill that we had originally proposed.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, we are going to have to stand at ease for a while until we receive the bill back from the printer that is to be brought up on the calendar.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:37 p.m.)

(Whereupon, the Senate reconvened at 4:32 p.m.)

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. There will be an immediate meeting of the Rules Committee in the Majority Conference Room, 332.

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

Senator Marcellino.

SENATOR MARCELLINO: Can we just stand at ease and await the report of the Rules Committee.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 4:33 p.m.)

(Whereupon, the Senate reconvened at 4:42 p.m.)

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

Senate Print 7300, by Senator Skelos, an act to amend the State Law.

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: Please take up Calendar Number 657.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number

657, by Senator Skelos, Senate Print 7300, an act to amend the State Law, in relation to the descriptions of certain Assembly and Senate districts.

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.

SENATOR DOLLINGER: Explanation.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT MEIER: Senator

Skelos, an explanation has been requested by Senator Connor.

SENATOR SKELOS: Mr. President, this is a chapter amendment to the redistricting bill that we passed last week.

Basically, working closely with Governor Pataki, there are certain changes made in Williamsburg, Borough Park, and in Manhattan and the Bronx.

The Williamsburg area, during the debate on the main bill, I indicated that Williamsburg had been combined back into Senator Connor's district as it is presently. He mentioned how we hadn't combined all of it. So we did accomplish this in the chapter amendment, by putting Williamsburg into Senator Connor's district.

We also wish to point out that Senator Connor made a request to have his old S.D. number back, so we did accommodate him with that.

Borough Park, there was concern within the community that the original Senate plan split Borough Park, depending on whose interpretation it was, four times or five

times. We've managed to consolidate that into two districts.

And in the Manhattan Bronx area, S.D. 31, which had a voting age Hispanic population of 47.48, is now up to 53.25 - again, working very closely with Governor Pataki.

And there are also some changes in Monroe County. At the request of Senator Alesi, University of Rochester, I believe, is put into his district, and the airport, which is a minor population, balanced between S.D. 56 and S.D. 55.

ACTING PRESIDENT MEIER: Senator Dollinger.

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

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: Mr. President, we spent the better part of a full year, Senator Skelos and I and Assemblyman Parment, Assemblyman Ortloff, and two appointees, working on a task force to solicit public opinion -- first about the general

configuration of new districts for Congress, the Senate, and the Assembly and then, in the last two months, we spent the better part of eight days in hearings on a specific proposal for new Senate and Assembly lines.

We now learn today, in a bill that -- yeah, it's still a little warm. It's still got that little sense of being a print on it, that power of just having been printed -- we now find that there are additional changes to the redistricting plan that passed this house earlier.

It seems to me, Mr. President, and I said at the time we did that bill that the role of public input was important. We were told it was important. But, quite frankly, we now find that there have been amendments and changes to the plan that have been apparently approved or agreed to behind closed doors, as Senator Skelos said, in discussions with the Governor and the leadership in both houses.

Mr. President, I served on a panel that was committed to public participation. I said at the time we passed the first bill that I didn't believe that the public process was

fully accommodated. I stand here today with a bill in my hands that no member of the public has seen. I've only seen it myself in the last 25 minutes.

I would suggest that these last-minute changes, prepared and concocted in a back room, suggest that the comments I made earlier about the process as being tainted by bad faith continues to exist.

Mr. President, I voted against the last bill. I will vote against this one. I think we promised the people of this state a process, we promised them a role in the process. We promised them that before we changed their communities of interest, we would seek their opinions.

Now, despite whatever intentions the Governor or anyone else has, we now have a bill before us that not only has the public not had a chance to comment on, but frankly, at least as a representative of the 300,000 people in what is now going to be the 56th Senate district, they hadn't even seen.

I would suggest, Mr. President, that the bad faith that tainted the process

the last time around continues to infect it. I will continue to vote no.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Just a comment on Senator Dollinger's comments.

Obviously he likes to use the word "bad faith," so that would indicate their lawyers are talking to them about the type of language that should be used for litigation.

However, if you recall the discussion on the floor, discussion with individuals that we've met, the public has had input with the changes that have been made, whether directly from the public or as members of the Senate who represent the public.

Now, Senator Connor specifically stood up and said when we put part of Williamsburg into his district, he said, "You know what, you should have gone all the way and put the balance of Williamsburg in my district." And as a representative of that community and requests from that community, we accomplished that and we accommodated that. And I think that was the appropriate thing to

do.

In the area of Borough Park, there was concern that was raised on the floor. We accommodated those needs I think in a very appropriate way.

And as I've said so often, redistricting is an evolving process. We had a debate last week about it. We've made changes. We worked with the Governor, which is his -- the appropriate time was after passage of the bill. We had discussions with him. And I think the chapter amendment continues to represent what the public has wanted from us.

We've made more positive changes in this, and I think it's a good amendment. To say "bad faith, behind closed doors," you know what, Senator Dollinger, that's a good sound bite, and it sounds good to the press. But I think it's perfectly legitimate, what we are doing today, in accommodating the testimony of many people, accommodating the requests of many people, including Senators who represent so many people here, such as Senator Connor.

ACTING PRESIDENT MEIER: Senator

Connor.

SENATOR CONNOR: Thank you, Mr. President.

I did mention on the floor a week and a half ago that Williamsburg was split. I think my actual remarks were "but I really don't want to discuss that," because that community takes care of itself and made its own representations.

I did request a change in the number, for the important reason that I'm getting too old to learn a new district number and repeat it faithfully.

But while this bill does contain some improvements in a couple of areas over the bill that originally passed, it still suffers from the fact that the plan, as this would amend it, will in fact devalue the vote of voters in New York City, devalue the vote of the voters in that city which contains a large share of New York City's minority population.

The fact, Mr. President, that at 62 seats, if one were to correct the 9.9 percent total deviation, which deviation

militates against all of the seats in the New York City/ Westchester/Rockland region of apportionment, if you corrected that down to about 4.5 percent, which this Senate represented in the courts ten years ago was the policy of this body -- and which the Court of Appeals relied upon in sanctioning deviations from requirements of the State Constitution for the greater good of keeping that deviation at 4.5 percent -- if you rectify that, it results in not only an additional seat, not only an additional seat ending up in the New York City/ Westchester/ Rockland region, that additional seat in fact would be another majority minority seat.

Furthermore, this plan does not address the historic division of the minority community in Nassau County and in Suffolk County. And if you were to draw a compact district, certainly in Nassau County, you would get another majority minority seat.

So while this contains improvements, it does not address the overriding issues that led me to oppose the initial plan. And therefore I intend to vote

no, and I urge my colleagues to vote no.

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

The debate is closed.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately on the same date as a chapter of the Laws of 2002.

ACTING PRESIDENT MEIER: Call the roll.

SENATOR CONNOR: Slow roll call.

ACTING PRESIDENT MEIER: More than five Senators have arisen.

The Secretary will call the roll slowly.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Andrews.

(No response.)

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Aye.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: No.

THE SECRETARY: Senator Brown.

SENATOR BROWN: No.

THE SECRETARY: Senator Bruno.

(Senator Bruno was indicated as voting in the affirmative.)

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator DeFrancisco.

(No response.)

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Duane, excused.

Senator Espada.

(No response.)

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Aye.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: No.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: No.

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: No.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Aye.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Yes.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: No.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: Yes.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Yes.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

(No response.)

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Libous.

(No response.)

THE SECRETARY: Senator Maltese.

(No response.)

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

(No response.)

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Yes.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Yes.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: Yes.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Morahan.

(No response.)

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Sampson, excused.

Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: No.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator A. Smith.

SENATOR ADA SMITH: No.

THE SECRETARY: Senator M. Smith.

SENATOR MALCOLM SMITH: Yes.

THE SECRETARY: Senator Spano.

(No response.)

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford, excused.

Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Velella.

(No response.)

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT MEIER: Senator

Skelos.

SENATOR SKELOS: Are the bells ringing?

ACTING PRESIDENT MEIER: Yes, they are, Senator.

SENATOR SKELOS: Please call the absentees.

ACTING PRESIDENT MEIER: The Secretary will call the absentees.

THE SECRETARY: Senator Andrews.

SENATOR ANDREWS: No.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: Yes.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Yes.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Yes.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

ACTING PRESIDENT MEIER: The Secretary will announce the results.

THE SECRETARY: Ayes, 40. Nays, 18.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Yes, there is, Senator.

Can we have some order in the chamber.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I'd like to call up my bill, Calendar Number 502, Assembly Print Number 1914A.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 502, by Member of the Assembly Colman, Assembly Print Number 1914A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MEIER: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I now move reconsider the vote by which this Assembly Bill was substituted for my bill, Senate Print 5511, on 4/22.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: Senator Libous.

SENATOR LIBOUS: Mr. President, I now move that Assembly Bill Number 1914A be recommitted to the Committee on Mental Health and that my Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: So ordered.

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

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move -- oh, I'm sorry, would you please recognize Senator Paterson.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, there will be a brief conference of the Minority in the Minority Conference Room, Room 314, directly following session, right now.

Thank you, Mr. President. Thank you, Senator Skelos.

ACTING PRESIDENT MEIER: Meeting of the Minority Conference immediately following session.

Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Tuesday, April 23rd, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until

Tuesday, April 23rd, at 3:00 p.m.

(Whereupon, at 5:09 p.m., the Senate adjourned.)