NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 15, 2003

11:08 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.

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

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 14, the Senate met pursuant to adjournment. The Journal of Sunday, April 13, 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,

if I could interrupt for a moment, there will be an immediate meeting of the Energy and Telecommunications Committee in the Majority Conference Room.

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

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 Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar in its entirety at this time.

ACTING PRESIDENT MEIER: All those in favor of adopting the Resolution Calendar in its entirety signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

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

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 12, Senator McGee moves to discharge, from the Committee on Judiciary, Assembly Bill Number 4095 and substitute it for the identical Senate Bill Number 1600, Third Reading Calendar 144.

On page 19, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 7004 and substitute it for the identical Senate Bill Number 3014, Third Reading Calendar 298.

On page 19, Senator DeFrancisco moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7881 and substitute it for the identical Senate Bill

Number 2829, Third Reading Calendar 302.

On page 19, Senator DeFrancisco moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7882 and substitute it for the identical Senate Bill Number 2938, Third Reading Calendar 303.

On page 25, Senator Maziarz moves to discharge, from the Committee on Tourism, Recreation and Sports Development, Assembly Bill Number 686 and substitute it for the identical Senate Bill Number 3302, Third Reading Calendar 392.

And on page 4, Senator Leibell moves to discharge, from the Committee on Codes, Assembly Bill Number 6439 and substitute it for the identical Senate Bill Number 1177, First Report Calendar 450.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 1251, by Senator Larkin at the desk. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 1251, honoring Robert A. Hansut upon the occasion of his designation for special recognition by The Kingston Hospital Foundation at its 14th Gala Tulip Ball.

ACTING PRESIDENT MEIER: All those in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 1234, at the desk by Senator Marcellino. Could we have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the resolution in its

entirety.

THE SECRETARY: By Senator Marcellino, Legislative Resolution Number 1234, commemorating the 33rd Anniversary of Earth Day on April 22, 2003.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those organizations dedicating their purposeful work to increasing public awareness of, and appreciation for, the natural resources of New York, recognizing the role all citizens have in protecting the environment and the quality of life in this Empire State; and

"WHEREAS, On April 22, 1970, approximately 25 million Americans participated in the first Earth Day demonstration to express their concerns over the environment and the fate of the planet; and

"WHEREAS, In the 33 years that have passed since the original Earth Day, the planet has been subjected to the continuing burdens of world population growth, increasing commercial and residential development, ocean

pollution, increasing stores of toxic and nuclear waste, and other similar assaults which have exacerbated the growing dangers of global climate change, ozone depletion, toxic poisoning, deforestation, and mass species extinctions; and

"WHEREAS, Following the first Earth Day, and the demonstrations of concern of over 20 million Americans, a collective national action has resulted in the passage of sweeping new laws to protect the invaluable resources of air, land, and water; and

"WHEREAS, April 22, 2003, marks the 33rd Anniversary of Earth Day, a day set aside to celebrate the beauty and bounty of our environment and to revitalize the efforts required to protect, and maintain respect for, the environment and its resources; and

"WHEREAS, Earth Day 2003 activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation, and adopting more ecologically sound lifestyles; and

"WHEREAS, Earth Day 2003 activities and events will educate all citizens on the importance of supporting the passage of legislation that will help protect the environment and will highlight the importance of a heightened awareness of environmental concerns amongst our state's leaders; and

"WHEREAS, The goal of Earth Day 2003 is not to plan only one day of events and activities, but to continue worldwide efforts to protect all aspects of the environment; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 33rd Anniversary of Earth Day on April 22, 2003, and be it further

"RESOLVED, that this Legislative Body congratulate all the concerned citizens of New York State who have embraced the responsible work of protecting and preserving the environment for future generations."

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I won't go through the litany of things that have already been stated in that very fine resolution. I would just urge each and every one of us to take them to heart and keep them in our minds, that we must protect and must preserve our planet. It is the only one we have. They ain't making any more, as they say.

So we need to keep in mind the principles of Earth Day and never forget it.

I would, Mr. President, like to open the resolution to all members of the chamber in our usual manner.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

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

of the calendar.

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

THE SECRETARY: Calendar Number 101, by Senator Skelos, Senate Print 1023A, an act to amend the Domestic Relations Law, in relation to parents and other persons.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 363, by Senator Meier, Senate Print 1820, an act to amend Chapter 81 of the Laws of 1995 amending the Vehicle and Traffic Law and others.

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, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 365, by Senator Kuhl, Senate Print 3033, an act in relation to requiring the Commissioners of Motor Vehicles, Transportation, and Education.

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, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 372, by Senator Balboni, Senate Print --

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 373, by Senator Libous, Senate Print 2580, an act to amend the Penal Law, in relation to the provision of large quantities of alcoholic beverages to minors.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 377, by Senator Wright, Senate Print 3078 --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the

bill aside for the day.

THE SECRETARY: Calendar Number 381, by Senator McGee, Senate Print 3315, an act to amend the Criminal Procedure Law, in relation to eligibility for youthful offender status.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 392, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 686, an act to amend Chapter 912 of the Laws of 1920.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 401, by Senator Leibell, Senate Print 2280, an act creating the Whaley Lake Dam Improvement District.

ACTING PRESIDENT MEIER: 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, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 413, by Senator Morahan, Senate Print 619, an act to amend the Public Authorities Law, in relation to the use of monies in the Metropolitan Transportation Authority.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR SABINI: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 465, by the Assembly Committee on Rules, Assembly Print Number 8021, an act to amend the Estates, Powers and Trusts Law, in relation to the statute of limitations.

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, 44. Nays, 1. Senator Volker recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos. Senator Skelos, I know you're distracted, and I'm blinded, but --

(Laughter.)

ACTING PRESIDENT MEIER: -- but that concludes the reading of the noncontroversial calendar.

SENATOR SKELOS: Mr. President, I didn't know today who to point out, whether it was Senator Bonacic or Senator Hoffmann.

But, Senator Hoffmann, you definitely win.

(Laughter.)

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

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the controversial reading of the calendar.

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

THE SECRETARY: Calendar Number 101, by Senator Skelos, Senate Print 1023A, an act to amend the Domestic Relations Law, in relation to parents and other persons having custody of a child.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MEIER: Senator Skelos, an explanation has been requested by Senator Montgomery.

SENATOR SKELOS: Mr. President, this legislation will eliminate the need for consent of a parent to adoption of a child when such parent has previously consented in writing to the other parent's surrender of the child.

However, there is a procedure set up where the revocation of such consent could occur under certain circumstances.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, the explanation, I believe, is satisfactory.

ACTING PRESIDENT MEIER: Thank you.

Any other Senator wish to be heard on the bill?

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, 45. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 381, by Senator McGee, Senate Print 3315, an act to amend the Criminal Procedure Law, in relation to eligibility for youthful offender status.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MEIER: Senator McGee, Senator Montgomery has requested an explanation.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, under New York State law presently, young people from 16 to 18 years of age who have been charged with crimes are eligible to be treated as youthful offenders. Youthful offender status treatment gives them -- provides significant benefits to

these youths, since it vacates a criminal conviction and provides for a more lenient sentence upon conviction.

Every youth in this age category is eligible for youthful offender treatment unless the youth is convicted of the following serious crimes: a Class A-I or a Class A-II felony; an armed felony in which a firearm is used; the following violent B felonies -- first degree rape, first degree sodomy, aggravated sexual abuse; previously convicted and sentenced for a felony; and previously adjudicated as a youthful offender following a felony conviction.

This legislation expands the exception for youthful offenders' eligibility to include all Class B felonies.

ACTING PRESIDENT MEIER: Senator Montgomery.

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

ACTING PRESIDENT MEIER: Just a second, Senator Montgomery.

Could we have some quiet in the chamber, please.

SENATOR MONTGOMERY: I would like to ask Senator McGee a question.

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

SENATOR McGEE: Absolutely.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR MONTGOMERY: Thank you, Mr. President.

Senator McGee, I would like to know that -- what is the difference in this bill and the bill that you had on the calendar yesterday where you were increasing, essentially, the sentencing for 13-to-16-year-olds?

SENATOR McGEE: This bill deals with youthful offenders from 16 to 18 years of age. Yesterday just dealt with murder. This deals with --

SENATOR MONTGOMERY: Yesterday was 13-to-16-year-olds.

SENATOR McGEE: -- violent crimes. This deals with violent crimes.

Yesterday was murder. This is all violent crimes, those that I just listed to

you. And it takes the exemption away from all the other crimes.

And I can certainly tell you that this bill would add to it attempted second degree murder, first degree manslaughter, first degree robbery and burglary if no firearm is used but which may involve the use of a dangerous instrument and result in a serious physical injury to the victim, second-degree arson, or kidnapping.

SENATOR MONTGOMERY: Mr. President, through you, I'd like to ask another question.

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

SENATOR McGEE: Absolutely.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Yes. So, Senator McGee, you are now working on the 16-to-18-year-olds, and you are increasing their sentencing from 1-1/3 to 4 years to 8-1/3 to 25 years maximum, is that what the --

SENATOR McGEE: No, ma'am. No, ma'am.

This bill takes youthful offenders from 16 to 18 years of age. And presently there are exemptions for them to get the youthful offender status, and I already delineated those to you -- a Class A-I, Class A-II felony, et cetera, et cetera.

At the present moment, there are other areas where the youthful offender status can be given to them. This bill exempts them from all of that. This bill says that any time a youthful offender who would be eligible for youthful offender status from 16 to 18 years of age, this bill says no, they will not be granted that just carte blanche.

What will happen is they will have to go in front of the judge, the judge will then adjudicate whether they can or cannot receive youthful offender status.

SENATOR MONTGOMERY: Thank you --

SENATOR McGEE: You're welcome.

SENATOR MONTGOMERY: -- Senator McGee.

Mr. President, just briefly on the bill.

ACTING PRESIDENT MEIER: Senator

Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. I think that in my attempt to understand, based on Senator McGee's memorandum of the bill, that yesterday we dealt with 13-to-16-year-olds, and today Senator McGee is dealing with 16-to-18-year-olds.

So that there is less and less tendency to look at a case, a child and determine, based on a range of issues, what should be done, but, rather, that there is an automatic assumption that under the circumstances described in this legislation they will receive automatically an increased sentencing in an adult facility so that they're no longer viewed as youth even though they may be 16.

And there is an assumption for me, certainly, that young people who get into trouble begin at a very early age. And it seems to me that if we really want to deal with the problem of youthful, adolescent behavior, we need to begin at a very early age and we need to be talking about a mental health system for children that catches these

children at a much earlier age.

I'm going to vote no. I think I've voted no in the past on this legislation, and I will again. Not because I don't respect the fact that we want to deal with criminal behavior no matter at what age, but I think that there's an appropriate way to approach young people, and I don't believe that this is the right way.

So I'm voting no.

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

Debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Mr. President.

If we are making a decision as a

Legislature to reform our juvenile justice laws, then fine, let's bring that on and let's do that. But to do it in a piecemeal manner is completely inappropriate.

I in many ways think that our juvenile justice laws are too harsh the way they are now. It's hard for me to bear that we are bringing up bills to make them even harsher. But that said, if we're going to do an overhaul of juvenile justice laws in our state, then let's do it that way.

I'm going to vote no on this bill, with the hopes that as we move forward with this budget that we look at what programs we have that need to be funded or funded greater that will deter young people from crime.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 381 are Senators Duane, Hassell-Thompson, and Montgomery. Ayes, 55. Nays, 3.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Skelos.

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

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

Senator Hassell-Thompson, why do you rise?

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I rise to request unanimous consent to be recorded in the negative on Calendar Number 372.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson, that bill has been laid aside for the day. We haven't voted on it. So you're still good.

SENATOR HASSELL-THOMPSON: Thank you, sir.

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: Calendar Number 413, by Senator Morahan, Senate Print 619, an

act to amend the Public Authorities Law, in relation to the use of monies.

SENATOR SABINI: Explanation.

ACTING PRESIDENT MEIER: Senator Morahan, Senator Sabini has requested an explanation.

SENATOR MORAHAN: Yes, Mr. President.

This bill is a special bill for Rockland County which would allow the county to use MTA money that's normally set aside for mass transit to help the county do road equipment and those sorts of expenses.

It's a one-year bill. It's only for -- I think it's $2 million, and then that's the end of it for next year.

SENATOR SABINI: Thank you.

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

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, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the controversial calendar.

SENATOR SKELOS: Mr. President, would you please recognize Senator Andrews.

ACTING PRESIDENT MEIER: Senator Andrews.

SENATOR ANDREWS: Yes, Mr. President. On Calendar 381, I'd like to have unanimous consent to be recorded in the negative.

ACTING PRESIDENT MEIER: Without objection, Senator Andrews will be recorded in the negative on Calendar 381.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Corporations Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Corporations

Committee in the Majority Conference Room.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to motions and resolutions, I believe there's a privileged resolution at the desk by Senator Hoffmann. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read the title.

THE SECRETARY: By Senator Hoffmann, Legislative Resolution Number 1170, urging the New York State Congressional Delegation to support and continue its efforts to reauthorize and include New York State in the Northeast Dairy Compact.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: I think all of my colleagues are aware that the State of New York's agricultural economy has been seriously affected by the failure of Congress

to reauthorize the dairy compact.

Not too long ago, our Commissioner of Agriculture said that his number-one priority for this state for agriculture is to get that dairy compact reestablished in Washington.

It proved its effectiveness during the months that it was in operation in the New England states. And for approximately one-third of New York's dairy farmers, it was in effect as well, because they shipped their milk into New England.

This is simply a message to our Congressional delegation that we need their shoulders to the wheel to get that dairy compact or something very close to it back in place as quickly as possible. Most of them are already on record voicing their commitment to it.

This is simply a very necessary measure to show that this chamber strongly supports them and stands ready to assist them in any way possible to get the dairy compact back on track.

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, could we stand at ease. Or sit at ease, whichever is preferable.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:40 a.m.)

(Whereupon, the Senate reconvened at 11:41 a.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Bonacic would like to know when there's going to be a Majority conference.

So there will be an immediate

conference of the Majority in the Majority Conference Room.

ACTING PRESIDENT MEIER: Do you want to tell Senator Bonacic, or should I?

There will be an immediate conference of the Majority Conference in the Majority Conference Room.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Mr. President, I'd like to advise Senator Bonacic there will also be a conference of the Minority in the Minority Conference Room.

ACTING PRESIDENT MEIER: Senator Schneiderman, do you want your members to know that also?

There will be an immediate conference of the Minority in the Minority Conference Room.

SENATOR SKELOS: Mr. President, we will be returning following the conferences.

ACTING PRESIDENT MEIER: The Senate will reconvene following the conferences.

(Whereupon, the Senate stood at

ease at 11:43 a.m.)

(Whereupon, the Senate reconvened at 12:45 p.m.)

ACTING PRESIDENT MEIER: The Senate will please come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, would you ask the members to please take their seats.

ACTING PRESIDENT MEIER: Members, please take your seats.

Staff, please take a seat.

SENATOR BRUNO: Mr. President, can we at this time return to motions and resolutions.

And I believe that there is a privileged resolution at the desk by Senators DeFrancisco and Hoffmann. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the privileged resolution.

THE SECRETARY: By Senators DeFrancisco and Hoffmann, Legislative Resolution Number 1235, congratulating the

Syracuse University Men's Basketball Team and Coach Jim Boeheim upon the occasion of capturing the 2003 NCAA Division I Basketball 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, It is the sense of this Assembled Body to recognize and commend those athletes of the State of New York who combine in a team effort to achieve a common goal, thereby representing this great Empire State with exceptional dignity, determination and honor; and

"WHEREAS, The Syracuse University Orangemen Men's Basketball Team are the 2003 NCAA Division I Basketball Tournament Champions; and

"WHEREAS, Led by the Final Four's Most Outstanding Player, Freshman phenom Carmelo Anthony, the Orangemen defeated Kansas 81-78 in the Louisiana Superdome to win its first NCAA Basketball Championship; and

"WHEREAS, Syracuse entered the NCAA Tournament as the number three seed in the East Region; and

"WHEREAS, In the NCAA regionals at the Fleet Center in Boston, Massachusetts, the Orangemen defeated MAAC Champion Manhattan College 76-65, and Oklahoma State 68-56, to advance to the Sweet 16; and

"WHEREAS, In the Sweet 16 at the Pepsi Arena in Albany, New York, the Orangemen beat Auburn University 79-78 before overwhelming the number one seed in the East Region, Oklahoma University, 63-47, to win the East Region and secure Syracuse's fourth appearance in the Final Four; and

"WHEREAS, in the Final Four, the Orangemen beat South Region Champion Texas 95-84 to advance to the NCAA Championship for the third time under Coach Jim Boeheim; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Jim Boeheim and his dedicated assistants, skilled and inspirational tutors, respected for their ability to develop potential into excellence;

and

"WHEREAS, the Team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, friends, Syracuse University alumni, and fans across the Empire State; and

"WHEREAS, The hallmarks of the Syracuse University Men's Basketball Team, from the opening practice of the season to participation in the Final Four in New Orleans, Louisiana, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on Syracuse University; and

"WHEREAS, Coach Jim Boeheim and his staff have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and

accomplishment, and Coach Jim Boeheim and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition at Syracuse University; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Syracuse University Men's Basketball Team, its members -- Tyrone Albright, Carmelo Anthony, Josh Brooks, Kueth Duany, Billy Edelin, Craig Forth, Xzavier Gaines, Matt Gorman, Gary Hall, Ronneil Herron, Andrew Kouwe, Gerry McNamara, Jeremy McNeil, Josh Pace, and Hakim Warrick -- Assistant Coaches Mike Hopkins and Troy Weaver, Associate Head Coach Bernie Fine, and Coach Jim Boeheim on their outstanding season and overall team record; and be it further

"RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the Syracuse University Men's Basketball Team and to Coach Jim Boeheim."

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you,

Mr. President.

I rise with great pride, being an alumnus of Syracuse University, having played four years in baseball, obviously, not basketball, for the obvious reasons --

(Laughter.)

SENATOR DeFRANCISCO: -- and being a season ticketholder, watching this fantastic team over the years.

The only person I really want to single out, because we had a wonderful rally at the Dome the other night, is the captain, who wasn't able to be there, Kueth Duany, the old man.

We'll appreciate it in this chambers. He's the old man of the team, he's gramps. He's 22 years old. And you'll see someday what it really means to get old.

But I want to congratulate you on your leadership and the fantastic season that all of you have had. I have season's tickets. I sit in the third row and over the years given Jim a lot of help. He never takes any of my advice.

I give more help to the referees,

like John Cahill here. Whenever he -- stand up, John.

You remember him?

(Laughter; applause.)

COACH BOEHEIM: I'd just like to say that the gentleman that you just pointed out -- I won't mention his name -- we lost five games this season; he refereed three of them.

(Laughter.)

SENATOR DeFRANCISCO: Jim, it won't happen again.

(Applause.)

SENATOR DeFRANCISCO: And congratulations. You really brought great pride to our community, and we very much appreciate it.

And lastly, I just want to congratulate my good friend Bernie Fine. We play tennis every so often together. He's not very good, but he brings a ringer in. One time he brought Mike Hopkins in and took care of the whole court for him.

But fantastic events all year long, fantastic leadership, great kids. God bless

all of you, and I wish you the best for next year as well.

(Applause.)

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

Senator DeFrancisco does play-by-play; I do color for Syracuse.

(Laughter.)

SENATOR HOFFMANN: We're very proud in this chamber today. But I would just like to add my thanks for all of the people in Syracuse who, after a real tough battering by the economy and an unusually long winter, finally had something incredible to celebrate.

Every newspaper for the last week has had stories about your exciting victory, and it's something that's shared by every person in Syracuse of any age. People who never knew much about basketball all of a sudden know each one of you by name, by face, your statistics, and they're proud.

And we're prouder still of a coach who has stayed in Syracuse since his college

days. I had the pleasure when I was a student of watching Coach Boeheim play with Dave Bing, and then he stayed and was assistant coach. And I remember there was a great discussion about whether there would be a national search when the position opened up. And there was really no great discussion about it after the first little volley; it went to Jim Boeheim, and he's stayed ever since.

Somewhat unusual in this field. We've watched guys like Rick Patino and a lot of other coaches move around the country. One of your most recent vanquished foes has just made a move to North Carolina.

But Jim Boeheim, through good times and bad, has stayed. And what he had molded out of this team is really remarkable. The fact that you were led by freshmen, the fact that you hung in there, even though you weren't even rated until the middle of January, in the Associated Press poll that didn't put you in the top 25 until sometime the end of January, nothing ever stood in your way.

And it's that kind of grit and

determination that's the mark not only of great athletes but of great citizens. And all of us share some of that satisfaction that you feel right now.

I had the pleasure at the Superdome of sitting right in front of Donovan McNabb. And I was just telling Carmelo Anthony a few minutes ago, I watched how Donovan handled his celebrity with just such grace and ease. It didn't matter how many times people came up and interrupted him and his wife; he was willing to sign an autograph or say hello or say thank you when they offered some commentary about a play from a decade ago.

And I see that same kind of grace here. And much has been written about how you are genuinely nice young men.

God bless you all. Good luck in everything you do. Thank you for giving us a really special treat.

(Applause.)

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, Coach Boeheim, members of the Syracuse team.

First of all, Coach, if you thought that John Cahill is easier on people in his day job than when he's refereeing, he's as hard on us as he probably was on you. I just want you to know that.

My first year here was the year that a lucky shot by Indiana took Syracuse out of winning the national championship in 1987. And we actually congratulated the Syracuse team then. And players such as Rony Seikaly were here at the time.

But we're much happier today congratulating you as the champions. It was a long road. I watched that game right here, your 81-78 victory over Kansas last week. It's the first basketball game I had watched in a number of years. I really lost interest in basketball since I was cut from the Knicks some years ago.

(Laughter.)

SENATOR PATERSON: But I have -- was very happy personally to see the victory for Syracuse, because since I graduated from that hailed basketball institution of Columbia, who I think won three games in the

four years that I was actually there --

(Laughter.)

SENATOR PATERSON: -- the fact is that in the summers of 1971 and 1972 -- I believe Senator Hoffmann is the only one here that knows this -- I actually attended Syracuse under a New York State program where legally and totally blind students were taught mobility, and we actually took classes.

And six of the credits on my transcript actually come from Syracuse. So I thought it would be all right if I rooted for the Orangemen, where there was a better opportunity for victory.

We are absolutely thrilled at not only the win that you accomplished but the tremendous class and the way in which all of you athletes and the coach accorded yourselves during that period of time.

So on behalf of those of us on this side of the aisle, we wish you well. And we'd like to come back here next year and congratulate you on winning another title.

So good luck, and please celebrate it, because the season will start soon.

Thank you.

(Applause.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President, and Coach Jim and members of the Syracuse Orange.

You really, you do us proud by not only what you've done but by your presence and the way you handle yourselves generally. You're really representative of everything that's good in New York State.

You can see how proud Senators DeFrancisco and Hoffmann are, Senator Paterson, everybody here in this chamber. We're as proud as we can be that you represent New York State throughout the world.

So congratulations to you. And as proud as they are, I am proud that, Coach Jim, you have one of my constituents, your 7-footer Craig Forth, right there.

Craig, raise your hand. Craig, right there --

(Applause.)

SENATOR BRUNO: Craig, as you all

know, I know you know, was a star at Columbia High in East Greenbush. Broke all the records, as many of you did, I'm sure, in the schools that you come from. But he is someone that we have been proud of. And all politics are local. He's the only guy there that can vote for me.

(Laughter.)

SENATOR BRUNO: So, Craig, congratulations to you. Congratulations to each and every one of you.

And the resolution that you heard read, that becomes, as passed, really part of the history of the Senate. And by the number, any time in the future you, your children, your grandchildren, you can bring up this resolution and you would have it read just as any law that passes here that becomes law in New York State.

So you truly are champions, and you're part of the history of this state.

God bless you all. And thank you very much, Coach.

(Applause.)

ACTING PRESIDENT MEIER: Senator

Bruno.

SENATOR BRUNO: We'd like to open the resolution up to cosponsorship for everyone in the chamber. And anyone that would rather not be on, please raise your hands and then leave the chamber.

(Laughter.)

ACTING PRESIDENT MEIER: Very good, Senator Bruno. So ordered. They wouldn't dare.

The question, then, is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is unanimously adopted.

(Standing ovation.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to come before the Senate, I would move -- you have another

piece of legislation there?

ACTING PRESIDENT MEIER: Senator, we have one committee to report.

SENATOR BRUNO: Would you report the committee at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Leibell, from the Committee on Corporations, Authorities and Commissions, reports the following bill direct to third reading:

Senate Print 2844, by Senator Velella, an act to amend Chapter 465 of the Laws of 1994.

ACTING PRESIDENT MEIER: Without objection, the bill is reported to third reading.

Senator Bruno.

SENATOR BRUNO: And now, Mr. President, there being no further business to come before the Senate, I would move that we stand adjourned until Monday, April 28th, at 3:00 p.m., intervening days to be legislative days.

Thank you.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, April 28th, at 3:00 p.m. Intervening days will be legislative days.

(Whereupon, at 1:02 p.m., the Senate adjourned.)