NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 19, 2003

3:18 p.m.

REGULAR SESSION

SENATOR PATRICIA K. McGEE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT McGEE: We're joined in chambers today by the Right Reverend Peter G. Young, who is from Blessed Sacrament Church in Bolton Landing.

The Reverend will give us a blessing, please.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

Dear God, You have blessed us with a beautiful day, but You have given us many other different gifts. But it is always Your spirit to guide us.

There are many different ways of serving as Senators, but it is always You, O God, that have granted these gifted people to be able to use their presence here in this

chamber for the good of our New York State citizens.

God has gifted each Senator with the unique potential to help their constituents. Let us take a moment to thank God for our talents and our skills.

God, we thank You for these gifts -- we thank You for these Senators -- unique to each Senator, and let us rejoice in who You have made us and dedicate our gifts to the good of our New York State citizens.

Amen.

ACTING PRESIDENT McGEE: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 18, the Senate met pursuant to adjournment. The Journal of Saturday, May 17, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Kuhl, Madam President, I wish to place a sponsor's star on Calendar Number 807.

ACTING PRESIDENT McGEE: So ordered.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Saland, I wish to call up his bill, Print Number 1573, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 437, by Senator Saland, Senate Print 1573, an act to authorize the Church of Jesus Christ.

SENATOR FARLEY: Madam President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT McGEE: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

SENATOR FARLEY: Madam President, I now offer the following amendments.

ACTING PRESIDENT McGEE: The amendments are received and adopted.

SENATOR FARLEY: Madam President, on behalf of Senator Spano, on page 22 I offer the following amendments to Calendar Number 431, Senate Print 3129A, and I ask that that bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution at the desk by

Senator Bruno. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 1665, honoring John M. Scarchilli upon the occasion of his designation as recipient of the Distinguished Alumni Award by the Hudson Valley Community College Foundation and Alumni Association.

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

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 74, by Senator Volker, Senate Print 662A, an act to amend the Civil Practice Law and Rules, in relation to conducting depositions.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 117, by Senator Balboni, Senate Print 850, an act to amend the Labor Law, in relation to providing.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 298, by Member of the Assembly Gottfried, Assembly Print Number 7004, an act to amend Chapter 521 of the Laws of 1994 amending the Public Health Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 471, by Senator Meier, Senate Print 1267, an act to amend the General Municipal Law, in relation to allowing certain shared purchasing contracts.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 480, by Senator Little, Senate Print 3873, an act to amend the Real Property Tax Law, in relation to making technical corrections

thereto.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 562, by Senator Marcellino, Senate Print 767, an act in relation to granting a retroactive senior citizen tax exemption.

ACTING PRESIDENT McGEE: 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 McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 592, by Senator Larkin --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT McGEE: The bill is laid aside for the day.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: If I could just interrupt, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

THE SECRETARY: Calendar Number 629, by Senator Flanagan, Senate Print 3580, an act to amend the Real Property Law, in relation to requiring.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 632, by Senator LaValle, Senate Print 2479, an act to amend the Highway Law, in relation to the limitations.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 639, by Senator Farley, Senate Print 3819, an act to amend the Highway Law, in relation to the New York State Scenic Byways System.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 640, by Senator Kuhl, Senate Print 4230, an act to amend the Vehicle and Traffic Law, in relation to the definitions.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 641, by Senator LaValle, Senate Print 4517A,

an act to amend the Highway Law, in relation to designating a portion of the state highway system.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 651, by Senator Golden, Senate Print 3999, an act to amend the Family Protection and Domestic Violence Intervention Act of 1994.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 658, by Senator Farley, Senate Print 1465, an act to amend the Not-for-Profit Corporation Law, in relation to providing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 715, by Senator Alesi, Senate Print 120, an act to amend the Correction Law, in relation to the penalty for a sex offender.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number

717, by Senator Alesi, Senate Print 948, an act to amend the Correction Law, in relation to making it a Class A --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 722, by Senator Skelos, Senate Print 3925, an act to amend the Correction Law, in relation to requiring registered sex offenders.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 723, by Senator Skelos, Senate Print 4007, an act to amend the Correction Law, in relation to registration of sex offenders.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 725, by Senator Skelos, Senate Print 4168, an

act to amend the Correction Law, in relation to the registration of sex offenders.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 726, by Senator Skelos, Senate Print 4455, an act to amend the Correction Law, in relation to the duty of sex offenders.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 960, by Senator Skelos, Senate Print 3868, an act to amend Chapter 704 of the Laws of 1991, amending the Arts and Cultural Affairs Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

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

SENATOR KUHL: Yes, Madam President. With the consent of the Minority, we would like to call up Calendar Number 1024. It's not on the active list, but it's part of the sex offender calendar that's being taken up by the house today.

So if you could call that at this time, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1024, by Senator Skelos, Senate Print 4835, an act to amend the Mental Hygiene Law, in relation to disclosure.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

Senator Kuhl.

SENATOR KUHL: Yes, Madam

President. Could we now have the controversial reading of the calendar, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 74, by Senator Volker, Senate Print 662A, an act to amend the Civil Practice Law and Rules, in relation to conducting depositions.

SENATOR SCHNEIDERMAN: Explanation.

SENATOR KUHL: Lay that aside temporarily, please.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 117, by Senator Balboni, Senate Print 850, an act to amend the Labor Law, in relation to providing for additional penalties.

SENATOR MONTGOMERY: Explanation.

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

SENATOR BALBONI: Thank you, Madam President.

This measure would seek to amend Section 220G of the Labor Law as it relates to

the enforcement of prevailing wages on any construction project done in the State of New York.

Essentially, what this bill would seek to do is to revisit an issue that has been of great importance to the working men and women in this state, and that is the enforcement of the prevailing wage law. Essentially, this bill would accomplish that by doing three things.

It would provide a private right of action for an employee who has been affected by the failure of a contractor to pay prevailing wage, in a sum equal to three times the wages and supplements that were improperly withheld.

In addition, the employee or employee organization -- i.e., union -- that brought the action would be afforded all attorney and court fees.

And, lastly, the Commissioner of Labor would be provided the ability to take a sum equal to 25 percent of the wages and supplements -- sorry, wages or supplements improperly withheld by the contractor and to

deposit it in an account used solely for the enforcement of Section 220 of the Labor Law.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 629, by Senator Flanagan, Senate Print 3580, an act to amend the Real Property Law, in relation to requiring the disclosure.

ACTING PRESIDENT McGEE: Read the last section.

Senator Duane.

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

ACTING PRESIDENT McGEE: Senator Duane, on the bill.

SENATOR DUANE: I notice that

today we're doing a number of pieces of legislation which deal with sex offenders. And I certainly think that addressing the issue of sex crimes is a very important thing for us to do.

I'm going to be voting no, however, on most of today's bills because I think what we really need to do -- and I've said this before -- is to do a major overhaul of all of our sex abuse laws. I don't think that we should do these bills in a piecemeal fashion. I think it's something which needs to be done comprehensively.

It's a very important issue. I know that work has already been done in this Legislature on it. But obviously, because of the number of bills which keep coming up, reform of that legislation needs to be accomplished, and that should not be done in a piecemeal fashion but comprehensively.

And also, and I've raised this on the floor before as well, these bills are very important, but we are not facing or addressing one of the most important issues which is being addressed by legislatures across the

country, and that is the statute of limitations. We know a lot more about the impact of childhood trauma, and particularly about the issue of childhood sex abuse. And we know that most victims do not come forward until much later on in their adult lives, and that is almost always long after the statute of limitations has expired.

And clearly, victims deserve their day in court. And one of the ways to make that happen is by extending the statute of limitations, certainly in the civil court but also in the criminal court.

You know, experts in the field of law enforcement and mental health dealing with the issue of childhood sexual abuse and trauma say that New York State is really behind the times for what we know scientifically about this issue, and we desperately need reform. We're way behind other states in the nation on this issue.

I have introduced bills on this issue which I think dovetail with the bills which are on today's agenda and which could be part of a more comprehensive package. There

is the mandatory clergy reporting bill, which would make it so that members of clergy would be added to the list of persons and professions that are required, under New York State law, to report suspected cases of physical and sexual abuse of children.

The bill would also require all religious institutions to go back fifty years and report to law enforcement officials all cases of suspected abuse. And this is regardless of whether the perpetrator is deceased or not. But it would certainly give victims the confirmation of things which they know have happened to them but where people may not have believed that what happened to them was a terrible thing.

Also, a three-year opening for lawsuits, which is currently barred under New York State's statute of limitations. So there would be a three-year window, starting with when the law was enacted in New York State, to extend the statute of limitations.

And it would also -- there's also a bill which would provide law enforcement with much more flexibility in prosecuting

perpetrators. A prosecutor could file charges three years from the victim's age of 18 or three years after it could be reasonably expected that the adult realize the impact of the childhood sexual abuse.

And, further, the last bill would prohibit charitable organizations from using money given to them to provide charitable assistance, to use that money for closed agreements. So that a person who makes a donation or a government entity that gives money to an organization, a charitable organization, to provide services could not then use that money to silence a victim or to make an order that would not be open to the public.

I know that I've invited all of you to this, but I just want to make sure that you know about it, because I would like everyone on both sides of the aisles to come to the hearing and forum which I'm holding tomorrow in Room A, in the LOB Hearing Room A. It's from 10:00 a.m. to 1:00 p.m.

Now, very recently Illinois and Missouri changed their laws and extended their

statute of limitations. About a year ago, California did the same thing. Many other states have not taken action because they don't have to because their statute of limitations laws are more acceptable.

But what is the case in New York State is not acceptable and does not provide an opportunity to victims to come forward and have their day in court and to have what happened to them be recognized as the terrible thing that it is.

Now, I would like to see my bills included in a larger reform package of the state's sex abuse laws. I'm still hopeful that that will happen. But in the absence of that, my pieces of legislation need to be passed. And I think tomorrow at the hearing, when law enforcement officials and mental health advocates and victims come forward to tell their stories, you'll see how important this legislation is.

Thank you, Madam President. And I'm going to vote no on this bill for the reasons which I stated before.

ACTING PRESIDENT McGEE: Thank

you, Senator Duane.

Read the last section.

SENATOR SAMPSON: Explanation.

SENATOR SCHNEIDERMAN: Can we have an explanation of the bill.

ACTING PRESIDENT McGEE: Oh, I'm sorry.

Senator Flanagan, Senator Sampson has asked for an explanation of the bill.

SENATOR FLANAGAN: Thank you, Madam President.

There are two main components in this bill. It applies to residential leases, and it applies to contracts of sale for real property. And essentially, it's a notice provision.

Our office has worked with Parents for Megan's Law, and this would provide notification within a contract to let people know that there is the 900 number through DCJS.

Essentially, it's a notice provision. It doesn't put any onus on a realtor or a broker beyond that. In fact, in a way I think it helps them. But it's just a

notice provision that has to be contained in each lease and in each residential contract for sale.

ACTING PRESIDENT McGEE: Senator Sampson.

SENATOR SAMPSON: Through you, Madam President, will the sponsor yield for a question.

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SAMPSON: Through you, Madam President, if the residential lease or the contract for sale fails to disclose this notice requirement, what liability, if any, is on the homeowner, the leaseholder, or the real estate broker?

SENATOR FLANAGAN: Well, presently the bill does not have any specific penalty provision.

But this bill is an outgrowth of a case in Nassau County, and there was a question about civil liability for a broker or

a realtor for failure to disclose a sex offender who happened to live right across the street.

I would believe that there would be some potential civil liability for failure to include that. But there's no specific fine or other penalty within the bill.

ACTING PRESIDENT McGEE: Senator Sampson.

SENATOR SAMPSON: Through you, Madam President, would the sponsor continue to yield for a question.

ACTING PRESIDENT McGEE: Senator Flanagan, will you continue to yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SAMPSON: So my concern with respect to this is if there is no notice, and you're uncertain to as to what sort of liability may occur if you fail to leave this notice out, so how do we then enforce something like this if there's really no penalty with respect to the enforcement of this?

SENATOR FLANAGAN: Well, a couple of things.

First of all, we worked with the realtors on this bill. They have no objections to this bill. I don't have a memo in support, but they had given their viewpoint on this legislation. I think that they would be helpful in getting that message out to their own members.

Secondarily, Assemblyman Englebright has a similar bill; it's not directly on point. We had made some changes based on some concerns that were raised. And I'm going to try and follow up with Assemblyman Englebright to have him modify his bill.

Frankly, if people think it would be a stronger bill to have a penalty provision in it, that's certainly something that I would entertain. And I would be looking for his cosponsorship in the Assembly.

SENATOR SAMPSON: Thank you. Thank you very much.

ACTING PRESIDENT McGEE: Thank you, Senator Sampson.

Thank you, Senator Flanagan.

Senator Volker.

SENATOR VOLKER: Madam President, would Senator Flanagan yield for just a second.

ACTING PRESIDENT McGEE: Senator Flanagan, will you yield for a moment?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR VOLKER: Senator, you had this bill, I think, when you were in the Assembly, isn't that right? Didn't you carry this bill when you were an assemblyman?

SENATOR FLANAGAN: Well, Assemblyman Englebright has a very similar bill. The -- sometimes it was a challenge to --

SENATOR VOLKER: Yes, I understand that.

I just wondered, because my second question, Madam President, is, did that bill ever pass the Assembly?

SENATOR FLANAGAN: No.

SENATOR VOLKER: I didn't think

so.

Madam President, on the bill, if I might.

ACTING PRESIDENT McGEE: Senator Volker, on the bill.

SENATOR VOLKER: I was fascinated by the colloquy of Senator Duane. He should have been here years ago when I was involved in this very issue.

I would ask Senator Duane this question, in couple with this, if he's ever talked to the Assembly about your proposals. Because I have news for you, the Assembly never wanted to do the extension of the statute of limitations. And we had hearings all across the state on these very issues.

And eventually, what the Assembly did is they said, Well, we might be interested in doing the statute of limitations civilly. Because the trial lawyers got involved and said, Well, maybe we can sue somebody. At the time, the last people in the world they were thinking of was clerics, by the way. They were thinking of a lot of other people.

But I can assure you, the chances

of the Assembly passing an extension in the statute of limitations on sex abuse cases is extremely slim. I tried for years to get them to do it. And we passed legislation, finally got them to do some of the extension.

But it was not the Senate that was the house that made those kinds of decisions. Frankly, it was the Assembly that didn't want to do it. Because, of course, defense lawyers want no part of that.

So I just would like to point that out to you, because I don't think you realize -- in fact, we passed extensions of the statute of limitations here in the past. The problem is not -- by the way, had nothing to do with the -- with clergy. Because in fact, back in those days, the DAs were still -- didn't want to prosecute clergy. It's worked its way up as the years have gone on and the media's gotten involved. You couldn't prosecute a clergyperson in those days. It was virtually impossible.

And so I just point that out to you, that this is not quite what it seems.

Senator Flanagan, although I --

admittedly, as somebody who has done real estate law, it does bother me a little bit. But in reality, I think maybe it's something that we need to do.

We don't want to put any more burdens on the legal issues involving real estate, which have -- the contracts, at least in our area, are getting bigger and bigger and bigger with different issues.

But I think this probably is an issue that certainly deserves a lot of observation, and that's why I'm going to vote for it.

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

SENATOR DUANE: Thank you, Madam President. If Senator Volker would yield.

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

SENATOR VOLKER: Yeah, I'll yield.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR DUANE: Thank you.

In 1988, I thought about running

for the New York State Senate, but I changed my mind and my life took a different course.

But I was wondering if the Senator recalls what year it was that the Senate passed an extension of the statute of limitations.

ACTING PRESIDENT McGEE: Senator Volker.

SENATOR VOLKER: Hmm. You know, actually, I don't. It was at least 1988. It was probably earlier than that. Time goes by so quickly. And -- did I say '88? I'm sorry. '96. It was in the '90s. I'm sorry.

It was in the '90s, because Senator Paterson and myself did a series of hearings -- in fact, I did a hearing in Harlem with Senator Paterson, it probably was '95 or '96, somewhere in there -- I don't remember anymore. It was way back -- and it was one of the toughest hearings that either one of us had ever been involved in.

And we concluded at the time that we were going to do what we could to at least give more opportunity for prosecution in these child sex cases. But we realized we were up

against a ton of opposition from the trial lawyers, from all sorts of groups who were opposed to it because of the difficulty in doing it.

I might point out at the hearing we had two psychiatrists testify back to back, a man-hating woman and a woman-hating man. And I will never forget it. It was one of the worst hearings any of us have ever participated in.

SENATOR DUANE: Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: On the bill.

ACTING PRESIDENT McGEE: Senator Duane, on the bill.

SENATOR DUANE: I know it seems to some of my colleagues that I have been here forever. However, I didn't arrive till 1999. But I am glad to hear that the Senate did that.

I can virtually guarantee that tomorrow's hearing may at times be emotional, but I don't think it will be hostile. And I

am also hoping -- and as I say, both in terms of the invitation to both sides of the aisle for the hearing -- that all of my colleagues would be open to discussions with me on the issue of extending the statute of limitations again.

And I think if we did pass laws in this house doing that, it would send a powerful message to the other house that something needs to be done about this crisis.

I believe it was last week or the week before, there was a terrible case in the papers of a soccer coach who had abused players. There is a problem with those in positions of trust becoming perpetrators, and I think that we need to recognize that. The victim oftentimes is not able or cannot come to terms with it till later on in life.

The other thing I just wanted to mention is in terms of Megan's Law, the sort of glaring error is that without extending the statute of limitations and allowing people to come forward with their stories and recollections of what may have happened earlier on in their lives, many perpetrators

slip through the cracks and are not put into the net that Megan's Law was intended to be used for. So this, for those who are very supportive of Megan's Law, is a way to identify other perpetrators.

So again, I'm hoping that -- and as I say, everyone is invited to come to the hearing tomorrow. I think it will be very interesting. And I think as a body it would be really a step in the right direction for victims if we did pass the statute of limitations as well as the reporting legislation during this session.

Thank you, Madam President.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 715, by Senator Alesi, Senate Print 120, an act to amend the Correction Law, in relation to the penalty for a sex offender.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT McGEE: Senator Alesi, Senator Montgomery has asked for an explanation.

SENATOR ALESI: Thank you, Madam President.

This bill would simply create an E Class felony for anyone who knowingly gives false information as far as their requirement to register under Megan's Law.

Thank you very much.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would just like to ask Senator Alesi a question regarding this.

ACTING PRESIDENT McGEE: Senator Alesi?

SENATOR ALESI: I'd be happy to

yield.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR MONTGOMERY: Yes, Senator Alesi. The category of sex offender that must be kept in the registry, what categories are we talking about?

SENATOR ALESI: Anyone that's required to register under any category who gives false information, if found guilty, would be facing an E felony.

SENATOR MONTGOMERY: I asked that question, Senator Alesi, because my assumption is that the sex offender that would be part of a registry or be required to register would have served time and therefore would probably be on parole.

Are those sex offenders -- that registry requires them to register for the rest of their lives; is that right?

SENATOR ALESI: Whatever the requirement for whatever level of identification they are under Megan's Law would apply to them. And they would be required, as prescribed in Megan's Law in

general, to comply with that registration requirement.

But this bill simply says that whatever the requirements are because of whatever classification you are, if you give false information knowingly to circumvent any requirements under Megan's Law, then it would be a felony.

SENATOR MONTGOMERY: All right. Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. My concern about this bill is that in the event there is a person who falls under that category and for some reason does not give -- misstates their identity or their residence, or they move and they don't -- for whatever reason, they don't have full and accurate and complete information, could be given a E felony charge, and they could be reincarcerated and their incarceration or their parole would obviously automatically be revoked, I suppose, and they would spend X number of additional years in prison.

So while -- certainly I'm concerned about this, because it theoretically could be a bill which ends up extending the extension of a person unnecessarily, not because they committed another sex offense, but simply because they gave misinformation. It's in a sense something akin to a technical violation which would automatically trigger reincarceration.

So I'm reluctant to support this, even though obviously I support sex offenders registering with local law enforcement. I would not want to see us put into statute an automatic reincarceration because a person misstates a fact.

SENATOR ALESI: Madam President.

ACTING PRESIDENT McGEE: Senator Alesi.

SENATOR ALESI: It would be a very, very large stretch to think that this bill would design for a technicality or for something unnecessarily harsh or anything that creates an additional penalty simply because somebody didn't follow the procedures of Megan's Law.

And if they go back to jail, that's too bad. That's where they belong. The whole idea of Megan's Law is to protect society. And if somebody wants to give false information as to their identity or their address, that's not a technicality, that's willful action to evade the requirements of Megan's Law. And that willful action removes any protection that the neighborhood has that Megan's Law provides.

It's beyond my comprehension how anybody couldn't support this law, even if someone did go to jail for more time. Because that's where they belong if they do this. If they're out and they've served their time and they're on parole, as the Senator suggests in her scenario, they have certain obligations under parole to behave in a certain way. If under parole and under Megan's Law they're required to register and they don't follow those rules, they belong back in jail.

This isn't to punish them extra for being sex offenders. This is to punish them for violating another section of the law, just as if they robbed a house or if they did

something under DWI or anything else.

So I would simply ask the remaining members of this chamber to consider voting for this bill.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 715 are Senators Duane, Hassell-Thompson, and Montgomery. Ayes, 56. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 717, by Senator Alesi, Senate Print 948, an act to amend the Correction Law, in relation to making it a Class A misdemeanor.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT McGEE: Senator

Alesi, Senator Schneiderman has requested an explanation.

SENATOR ALESI: Thank you, Madam President.

Senator, as we continue with some of these provisions of Megan's Law, it would be a good idea for us to recognize that a bill as comprehensive as Megan's Law can also provide us, as we go along, with the opportunity to make it even better with its original intent.

The original intent was to protect society by arming them with an awareness of who a sex offender is when they come back into the general community. Under different levels of identification, they're required to do certain things. That provides protection to the community.

In an instance where someone, out of maliciousness or any other motivation, falsely identifies an innocent person as a sex offender, this bill, if they're convicted, would have an A misdemeanor applied to that misbehavior.

ACTING PRESIDENT McGEE: Any

other Senator wishing to speak on the bill?

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President, could we now go back to Calendar Number 74, which we laid aside temporarily, call that up, and then go back and resume the rest of the controversial reading of the calendar, in order.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 74, by Senator Volker, Senate Print 662A, an act to amend the Civil Practice Law and Rules, in relation to conducting depositions.

SENATOR SCHNEIDERMAN:

Explanation.

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

SENATOR VOLKER: Madam President, this is a bill that is an extension of a bill that we've been dealing with for some years. In fact, Assemblyman Lentol is the sponsor in the Assembly. And it creates a procedure to permit parties to a civil lawsuit to conduct depositions by telephone or other electronic means.

In the past, the bill had a provision in it which would allow the judge in certain cases to make a decision, irrespective of the parties' agreement, that would allow these civil depositions to be taken by telephone or other remote means.

The Trial Lawyers Association and some defense organizations got very nervous about that and felt that the provision should be done strictly on the basis of agreement between the parties. So in the last few weeks, we pondered that stance and decided that it was probably a good idea.

So we amended the bill so that the

bill now provides that the parties may stipulate to a deposition by telephone or other remote means and may decide on exactly how it's to be done, but that it can only be done by agreement between the parties rather than to have a judge be able to come in and say, Well, it needs to be done, or whatever.

So we struck that out, and that is the bill that's before us, 662A. So the opposition by several organizations has been dropped, even though I don't know if they've actually sent it out or not. But we have an agreement with them about this bill.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Briefly on the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I'd like to thank Senator Volker for amending the bill.

I have voted against this the last two years. The amendment addresses my concern.

As long as the parties can

stipulate to this, it requires everyone to agree. No judge can intervene and order someone to conduct a deposition without the witness present, and that deals with my concern. It deals with the concern, as far as I'm aware, of the Trial Lawyers and other organizations.

I will be voting for the bill, and I encourage everyone to do so.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 722, by Senator Skelos, Senate Print 3925, an act to amend the Correction Law, in relation to requiring registered sex offenders.

ACTING PRESIDENT McGEE: Read the

last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 723, by Senator Skelos, Senate Print 4007, an act to amend the Correction Law, in relation to the registration of sex offenders.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

One of the reasons that I think that Megan's Law needs to be reformed has to do with a part of the law which makes it so that if an 18-year-old has sex with a 16-year-old, they could potentially forever after be on Megan's list.

And there's a big difference

between an 18-year-old and a 16-year-old having sex than a 30-year-old or a 35-year-old having sex with a 16-year-old or a 15-year-old, and yet the law doesn't make that distinction.

And I know of a couple of cases personally where people are on that list for the rest of their lives because in their teenage years they had sex with someone close to their age and they were turned in by an angry parent. And I don't think that that is right.

And one of the things that I'm trying to do is to take the focus off the potential for, you know, an 18-year-old to forever after, you know, be put on Megan's list instead of going after someone that did something, a misdeed, or it may not even be a misdeed when they're 18 and put the focus more on an older person who's in a position of trust. You know, a 30- or 35-year-old who takes advantage of a teenager is a much different thing.

So that's why I object to this bill, because of some of those cases of people

being on Megan's list when they should not be.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you.

Any other Senator wishing to speak on the bill?

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Dilán and Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 725, by Senator Skelos, Senate Print 4168, an act to amend the Correction Law, in relation to the registration of sex offenders.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 726, by Senator Skelos, Senate Print 4455, an act to amend the Correction Law, in relation to the duty of sex offender offenders.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1024, by Senator Skelos, Senate Print 4835, an act to amend the Mental Hygiene Law, in

relation to the disclosure of sexual offender information.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR SKELOS: Thank you, Madam President.

This bill would authorize both the Commissioner of OMRDD and the Commissioner of OMH to release certain portions of client or patient clinical information related to the sex-offender status of individuals to others, other persons and entities, when necessary to ensure the safety and welfare of these individuals.

The release of such information would be limited to sex offender registration information that is available to the public pursuant to Article 6C of the Correction Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: May I have unanimous consent to be recorded in the negative on Calendar 74, Senate Bill 662A.

ACTING PRESIDENT McGEE: Without objection.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like unanimous consent to be recorded in the negative on Calendar 723.

ACTING PRESIDENT McGEE: Without objection.

Senator Skelos.

SENATOR SKELOS: Madam 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 McGEE: The Secretary will read.

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

Senate Print 949, by Senator Alesi, an act to amend the Correction Law;

3587, by Senator Flanagan, an act to amend the Correction Law;

4771, by Senator Flanagan, an act to amend the Correction Law and the Criminal Procedure Law;

And Senate Print 4989, by Senator Robach, an act to amend the Penal Law.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Senator Skelos.

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

ACTING PRESIDENT McGEE: All in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The

Rules report is accepted.

Senator Meier.

SENATOR MEIER: Thank you, Madam President. May I request unanimous consent to be recorded in the negative on Calendar 629.

ACTING PRESIDENT McGEE: Without objection.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up, in order, Calendar Numbers 1030, 1031, and 1032.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1030, by Senator Alesi, Senate Print 949, an act to amend the Correction Law, in relation to barring sex offenders.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT McGEE: Senator Alesi, Senator Schneiderman has requested an explanation of 1030.

SENATOR ALESI: Thank you, Madam President.

This would prohibit anyone who is a

convicted sex offender from being released on a work release program or a community service program.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, if the sponsor would yield for a question.

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

SENATOR ALESI: I'd be happy to.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SCHNEIDERMAN: So if in the opinion of the presiding officers of the correctional institution at which this person was incarcerated it would be appropriate for them to participate in a community services program as defined under the Penal Law, this would take away that discretion to allow such an offender to participate in the community services program?

SENATOR ALESI: Through you, Madam President, this would make circumstances equal to the circumstances surrounding work

release.

And in the case of work release, a convicted sex offender -- or a murderer, for that matter -- is not allowed to engage in work release, for the obvious reasons that even though they might be eligible under any other circumstances, they remain a serious threat to the community.

And so what this bill does is it recognizes the validity of not allowing such a person out on work release, and it similarly says they cannot engage in community service either.

SENATOR SCHNEIDERMAN: Thank you, Madam President. On the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I must admit to having some prejudices in this regard because before I went to law school I worked in a correctional facility, and one of the things I worked on was trying to provide for community services and work release programs.

And it is my strong view that the nature of the sentence someone is serving is

not necessarily an absolute indicator throughout the duration of their sentence as to whether or not they are an appropriate person to participate in such a program.

Quite frankly, in my experience we had a lot more trouble with people who were convicted of lesser offenses in community services programs and work release programs than we did from people who had been convicted of relatively serious crimes.

The reason being, the people convicted of relatively serious crimes never got into these programs until they had served an extraordinary long portion of their sentence and participated in other programs inside the facility and been found to be people for whom such a program was appropriate.

So I think this does impose an unnecessary restriction on the discretion of those in the correctional facility working in these programs. And I think that they certainly are going to do everything in their power to prevent anyone who may cause a problem to the community from participating in

such programs.

And I would rather leave the discretion where it belongs, with the people who know the inmates, know the programs, and allow them to proceed as I proceeded. And I think community service and work release can have tremendously beneficial effects for getting people prepared to reenter society. I think whenever possible and whenever deemed appropriate by the corrections authorities, these are good programs.

So I am going to vote no. I think that it takes away discretion that is more appropriately left in the hands of the people on the scene who know the situation best.

Thank you, Madam President.

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

Senator Alesi.

SENATOR ALESI: Thank you, Madam President. On the bill.

I would like to stress the main thrust behind this bill is not centered around taking discretion away from anyone who would make work release available as part of the

system or community service, for that matter.

It's not about taking away someone's discretion. This bill simply recognizes that work release is not available to sex offenders because of the high recidivism rate and because of the serious threat that they pose to the community.

And so it says if work release is not available for those reasons, then neither should community service be. It's not about taking away discretion, it's simply about protecting the people in our society that deserve to be protected from sex offenders.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1030 are Senators Duane, Hassell-Thompson, Montgomery, and Schneiderman. Also Senator L. Krueger.

Ayes, 54. Nays, 5.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1031, by Senator Flanagan, Senate Print 3587, an act to amend the Correction Law, in relation to information disseminated.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR FLANAGAN: Thank you, Madam President.

This bill makes a relatively simple change. It takes one word in the statute and changes it from "may" to "shall."

And this is an outgrowth of a couple of cases in Nassau County. And one in the school district and the community that I represent right now, the Commack area, there was a Level 3 sex offender in the area. And the school district had inquired of the police, and the police decided that they didn't want to disseminate the information.

This would make it mandatory that

that information shall be shared. So therefore, the word being changed from "may" to "shall."

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Flanagan, Senate Print 4771, an act to amend the Correction Law and the Criminal Procedure Law, in relation to sex offenders.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR FLANAGAN: Thank you,

Madam President.

One of the groups that's very active in Suffolk County is a group called Parents for Megan's Law. And we have worked with them on a number of bills within their legislative program. This is one of their bills.

And sometimes you have notoriety within your different communities for good reasons and bad reasons. In Suffolk County, there's a gentleman named Albert Fentress who committed a heinous crime years ago and was found not guilty by reason of mental disease or defect.

What this law would change, or this change in the law would advocate for, is to say that even if a person is not guilty, as we have normally determined for the sex offender registry -- right now you have to be found guilty in order to qualify -- this would say if you are found not guilty by reason of mental disease or defect, you would still have to register with the sex offender registry thereafter.

Mr. Fentress is a very notorious

case. And he was about to be released. And under present law, even though there are many people who still feel that he presents a clear and present danger to all kinds of people, he would not be required to register.

This change in the law would mandate that a person in that category would have to register.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, with the consent of the Minority, if we could call up Calendar Number 719, Senate 1016.

ACTING PRESIDENT McGEE: The

Secretary will read.

THE SECRETARY: Calendar Number 719, by Senator Skelos, Senate Print 1016, an act to amend the Correction Law, in relation to the failure to register or verify.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT McGEE: An explanation has been requested, Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

Senator Schneiderman, this would make it a Class D felony for failure to register under Megan's Law.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, if the sponsor would yield for one brief question.

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

SENATOR SKELOS: Yes, Madam President.

ACTING PRESIDENT McGEE: The

Senator yields.

SENATOR SCHNEIDERMAN: Through you, Madam President, what is the present sanction for failure to register?

SENATOR SKELOS: Madam President, if I could respond, the first offense would be a Class A misdemeanor; second offense would be a Class D felony.

And as you remember, this was something that Senator -- former Senator Dollinger was very supportive of, making a Class D felony for any time you fail to register.

SENATOR SCHNEIDERMAN: Thank you, Madam President. On the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I look forward to hearing Senator Dollinger's wisdom cited frequently by the Majority as the session goes on.

(Laughter.)

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 30th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator DeFrancisco.

SENATOR DeFRANCISCO: I just want to indicate that despite the information given by Senator Skelos about Senator Dollinger, former Senator Dollinger, I vote yes.

(Laughter.)

ACTING PRESIDENT McGEE: Recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 2. Senator Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT McGEE: There is no housekeeping at the desk.

SENATOR SKELOS: Then we just

have to stand at ease for a moment. Or we can sit at ease, if you wish.

ACTING PRESIDENT McGEE: The Senate will stand at ease.

Senator Smith.

SENATOR ADA SMITH: Thank you, Madam President. There will be an immediate conference of the Minority immediately following session, in the Minority Conference Room.

ACTING PRESIDENT McGEE: There will be a conference of the Minority immediately following this session in the Minority Conference Room.

(Whereupon, the Senate stood at ease at 4:22 p.m.)

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

I am from the Bronx, and I belong to the Bronx Democratic County organization. And I have been lucky enough and blessed to have known a member of that organization by the name of Senator Ruth Hassell-Thompson.

She has been a member of this body for three years. And today I'm here to congratulate her because yesterday, Sunday, May 18, she was granted an honorary doctor degree in humanities by the Christ Theological Seminary.

So fellow members, Madam President, I know we have a lot of lawyers here, but now we have another doctor, Dr. Ruth -- no, Senator Dr. Ruth Hassell-Thompson, which I am privileged to have known. And I praise God because he gave me the privilege and the honor to serve and to sit here next to this magnificent human being and this great person by the name of Dr. Senator Ruth Hassell-Thompson.

So members of the Senate, of the New York State Senate, please join me in congratulating our beloved Senator Dr. Ruth Hassell-Thompson in her new position as a doctor in humanities.

Thank you. Congratulations.

ACTING PRESIDENT McGEE: Our congratulations, Doctor.

(Applause.)

ACTING PRESIDENT McGEE: Senator Hassell-Thompson, we congratulate you very much on the receipt of your doctorate. Surely that's something that you've been looking forward to, and it's very nice that you were awarded it. Congratulations.

SENATOR HASSELL-THOMPSON: Thank you.

(Whereupon, the Senate reconvened at 4:46 p.m.)

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time return to messages from the Assembly.

ACTING PRESIDENT McGEE: The chair hands down the message from the Assembly.

The Secretary will read.

THE SECRETARY: Assembly Print Number 8388, veto message 121, an act to amend the Tax Law and others.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Madam President,

I move at this time to override the Governor's veto.

ACTING PRESIDENT McGEE: The Secretary will read the title of the bill.

THE SECRETARY: Assembly Print 8388, veto message 121, an act to amend the Tax Law and others.

ACTING PRESIDENT McGEE: The bill is before the house.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

This is the override of the Governor's veto of the city aid package which we discussed, debated and voted on last week. And some of us have expressed concerns it may not do enough for the city; we're certainly open to doing more in the future.

However, I certainly am going to be supporting the override.

Thank you.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Madam President, this does relate to the New York City budget

restoration, the authorization that was requested by the council, among other things, and that was vetoed by the Governor. And this moves that whole package forward.

And I believe, with what we did in restorations in the budget, this has something in the neighborhood of a billion seven hundred million in aid to the city, either direct requests or what we're doing, plus about 900 million in restorations through the regular budget process.

So there's about $2.7 billion that helps the city meet their deficit as this moves forward to become law.

Now, the Governor has a proposal out there that deals in different ways with some parts of what we're doing here today. And we're going to be talking with the Governor's counsel, and we'll be talking with the counsels here and with the Speaker's counsel to see what parts, if any, of what is there may make sense or complement what we're doing or replace part of what we're doing, if there is agreement to do that.

I just want to observe that and

make that comment, because we weren't sure quite what the timetable would be here today to get done what we're getting done.

But it just seems in everyone's best interest to create as much certainty as possible as we move forward, recognizing we're in session here through June, at least to June 19th, which is our scheduled departure date, if the good Lord wills. We can do what we have to do daily as we legislate together, this house, the other house, and with the Executive.

So, Madam President, I would ask my colleagues to concur in this vote.

ACTING PRESIDENT McGEE: I'll put the motion of Senator Bruno to override the veto before you. Senators, ought the same become law notwithstanding the veto of the Governor.

The Secretary will read the last section.

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

ACTING PRESIDENT McGEE: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The motion to override the Governor's veto is carried.

Senator Bruno.

SENATOR BRUNO: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: There are three substitutions, Senator Bruno.

SENATOR BRUNO: Can we make them at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: On page 31, Senator Balboni moves to discharge, from the Committee on Rules, Assembly Bill Number 7127 and substitute it for the identical Senate Bill Number 3029, Third Reading Calendar 581.

On page 37, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 6271 and substitute it for the identical Senate Bill Number 2846,

Third Reading Calendar 660.

And on page 58, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 3309 and substitute it for the identical Senate Bill Number 1449, Third Reading Calendar 875.

ACTING PRESIDENT McGEE: Substitutions ordered.

Senator Andrews.

SENATOR ANDREWS: Madam President, I'd like to request unanimous consent to be recorded in the negative on Calendar 1030, Senate Bill 949.

ACTING PRESIDENT McGEE: Without objection.

Senator Bruno.

SENATOR BRUNO: Madam President, there being no further business to come before the Senate, I would move that we stand adjourned until tomorrow, Tuesday, at 3:00 p.m.

Thank you.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Tuesday, May 20th, at 3:00 p.m.

(Whereupon, at 4:51 p.m., the Senate adjourned.)