NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 20, 2003

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this afternoon to give the invocation is the Reverend Ben Graham, pastor of the Open Bible Baptist Church in Johnson City, New York.

Reverend Graham.

REVEREND GRAHAM: Let's pray.

Dear Heavenly Father, Lord, we love You, God. We thank You for all You've done for us.

And, Lord, we thank You for those that are here today. God, we pray that You bless them. Lord, might they make wise decisions that will honor and glorify You.

And, Lord, we pray that they would know that there's folks around this country, God, around this state, that are praying for them. Lord, they're in a pressure situation.

But, Lord, we pray that they would make the right decisions. Would You give them wisdom, would You bless them, be with them and their family.

We ask this all in Jesus' name. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 19, the Senate met pursuant to adjournment. The Journal of Sunday, May 18, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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 Fuschillo.

SENATOR FUSCHILLO: Madam President, thank you.

On behalf of Senator Morahan, on page 68 I offer the following amendments to Calendar Number 1025, Senate Print Number 2226, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Larkin, on page 16 I offer the following amendments to Calendar Number 384, Senate Print Number 953, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: On behalf of Senator Skelos, on page number 41 I offer the following amendments to Calendar Number 760, Senate Print Number 2851, and ask that said bill retain its place on Third Reading

Calendar.

THE PRESIDENT: That amendment is also received, and the bill will also retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar, with the exception of Resolution 1758.

THE PRESIDENT: The question is on the Resolution Calendar. All in favor of adopting the Resolution Calendar as expressed by Senator Skelos please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted as voted on.

Senator Skelos.

SENATOR SKELOS: Madam President, at this time if we could take up Resolution Number 1758, by Senator Libous, have it read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Libous, Legislative Resolution Number 1758, memorializing Governor George E. Pataki to proclaim May 20, 2003, as Senate Disabilities Awareness Day in the State of New York.

"WHEREAS, The New York State Senate Select Committee on the Disabled is sponsoring the 23rd Annual Senate Disabilities Awareness Day in Albany, New York; and

"WHEREAS, Members of this Legislative Body have selected residents from their districts who embody the celebrated spirit of perseverance and determination to 'achieve through adversity' to be honored as 2003 Senate Achievers; and

"WHEREAS, In addition, a Technology Fair will be held with exhibitors from across the state displaying their programs; and

"WHEREAS, It is the sense of this Legislative Body that persons with disabilities merit our recognition as they realize the goals of inclusion and equality in our communities and society at large; and

"WHEREAS, It is the intent of this Legislative Body to recognize persons with disabilities, accentuating, in turn, the benefit to New York State of their contributions to our economic, educational, and social growth; and

"WHEREAS, Senate Disabilities Awareness Day so clearly labors for the positive and salutary definition of the communities of the State of New York; and

"WHEREAS, Senate Disabilities Awareness Day provides individuals with an opportunity to acknowledge and understand the legislative process; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim May 20, 2003, as Senate Disabilities Awareness Day in the State of New York, fully confident that such procedure mirrors our shared commitment to the efflorescence of human dignity; and be it further

"RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of

the State of New York, and selected representatives of persons with disabilities."

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

Madam President, it is indeed an honor for me to rise today and speak on this resolution here in the Senate.

We had another tremendous day, over twenty years in celebrating Legislative Disability Awareness Day and recognizing those individuals in our state, and over the past two years actually having an achievers' award ceremony. Last year was the first year that we were able to have an achievers' award ceremony, and certainly it was such a success that we did it again this year.

We have many of those achievers with us today. Some are here on the Senate floor; others are in the gallery joining us. And what a nice day. We learned an awful lot. We learned that many of our achievers are disabled and have disabilities. Some do not; some have worked with people with disabilities throughout their career.

Many of our achievers were able to succeed and contribute through their efforts over the years. Many have lobbied presidents of our great country, many have lobbied members of Congress, others have lobbied the distinguished members of this house and certainly the Assembly, and fighting for what's important to all individuals in New York State with disabilities: their rights and their dignity.

We celebrate their accomplishments today; we celebrate their achievement.

And in this chamber we are very proud to say that under the leadership of Senator Bruno we have come very far in helping people with disabilities through legislation that we have led the way on, whether it be reasonable accommodation in the workplace, working on tax credits for disabled individuals as they go into the workplace, working with different state agencies in trying to develop stiffer penalties for those who violate the law when it pertains to places they shouldn't be or they shouldn't park, as it pertains to helping people with

disabilities.

All of that has really progressed here in this house. And we have so much more that we really need to do.

Many of you have dedicated your time in the Senate in helping people not only through legislation but in individual ways. I have been very blessed that in my 15 years, 12 of those 15 years I've had the honor and pleasure of serving as the chairman of the Select Committee on the Disabled. And I can tell you that as many of you have experienced, it has been an honor for me to be an advocate for people with disabilities.

And I say that very strongly as we talk about this very special Legislative Disability Day here in the Senate, that we must continue to be an advocate. All too often people with disabilities are pushed aside, they are left aside, they are not given the same respect and rights that all citizens of this state should be given.

So I am very pleased that you share with me on this very special day the opportunity to recognize not only all citizens

in the state but these very special achievers who have joined us today.

It is also a pleasure for me to introduce to you the young lady who is to my right, your left, who is signing for us today, and her name is Joy Hamlin. And we've had Joy with us for all of the day, and I just want to say thank you to her for her efforts.

As Henry Holden once said -- Henry Holden is an individual who is disabled, who has dedicated his life to people with disabilities, was our guest of honor a couple of years ago -- Henry Holden referenced that attitude is the only disability.

And he is correct. Attitude is the only disability. And I thank God that we don't have that attitude in this house in New York State.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I rise first to thank Senator Libous for this great program every year. And it's really an important program for all of us to reflect on people with disabilities.

In my mind, a person who has a disability is someone who's not able to do something. And all of us in this chamber are not able to do something. We celebrated the Syracuse basketball team a few weeks ago. I'd love to be able to dunk the ball. But for obvious reasons, I'm not able to do that. I'm vertically challenged.

And all of us have our challenges. And what we're really about in this ceremony here today is congratulating those individuals who, despite their challenges, have done great things.

I just want to mention one thing, and many of you know Ruth Brown, who is the most famous part of the Hal Brown family -- Hal, a former assemblyman, and now his son Jeff is here. But the most important member of the family is Betsy Brown, who is being honored today for her achievements. I'm very proud to have nominated her for this award. The main reason I'm standing is she wrote a very short note which I think is very moving and really shows how important this event is for all of us.

It says simply this: "Good afternoon. I would like to thank Senator John DeFrancisco for nominating me for this award. It's an honor." It's more of an honor for me, Betsy. "I'm grateful for my two brothers, Harold and Jeff, and my sister-in-law, Gina, for always being there when I need them.

"Last but not least, the two people that made me the person I am today, my parents, Ruth and Hal Brown. When I was younger, I didn't understand some decisions that they made, but now I realize they did them because they love me. Thanks, Mom and Dad, I love you. Betsy Brown."

Betsy, congratulations. You deserve this award.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: I have been admonished by my counsel, Keith St. John, and by my program director, Mark Leinung, that I should get up and welcome all of you here to the chamber today on what we're celebrating as Disabilities Day. I'm known as the most disabled senator in this chamber, for a variety of reasons --

(Laughter.)

SENATOR PATERSON: -- and wanted to let particularly all the young people know who are here today that there is, at times, a misperception about people who have disabilities. There is a statement that we just want to level the playing field because, when the playing field is leveled, they're just like everybody else.

And in a way, there is a uniqueness to our culture, a uniqueness to the geographic location in which we live, there's a uniqueness to how we each look, how we interact, the families we came from. And when you have a disability, it is a uniqueness that's added to your character. Perhaps you are more sensitive to issues involving those who don't have as opposed to those who do.

And certainly, without being born that way, we must certainly congratulate Senator Libous and Senator DeFrancisco for their continuing efforts in this -- in this, really, movement in America as we continually try to make sure that all of us, regardless of where we live or what we look like or how we

grew up, what families we came from, or regardless of what disability each of us might have, that we can be very effective and distinguished members of society here in this country.

And at a time when the number of people who are hearing-impaired constitute only 10 percent of the workforce and people who are visually impaired constitute only 29 percent of the workforce, obviously there's an underutilized wealth in this country. If there was some oil somewhere, we would immediately dig for it. If it was subterranean, we would bring in cranes and dig as far down until we found that rich quantity that would help our society.

Well, right here above sea level there are thousands if not millions of people who have a gift that they can offer to our society. And what we have to do as government officials is to make sure that they have all the skills, training, and resources to bring them to the point that they can excel to the best of their ability, and to understand that this investment will make our society, rich as

it is compared to the other nations of the world, the most superior society that our planet has ever seen.

And we do this with the understanding that it is something that enables the individual to reach the true goals that one can, and it allows our society to flourish in the way that it can.

So I welcome all of you here to the chamber in Albany. And I'm looking forward to the day when we set up a high chair and let Senator DeFrancisco dunk just once in his life.

(Laughter.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, as the chamber knows, generally we do not do individual introductions of our guests. So on behalf of Senator Bruno and I think the entire Senate, we'd like to invite and thank all of the achievers for being here today and certainly congratulate Senator Libous for putting this fine program together.

I'd like to mention that, David Paterson, your suit is absolutely beautiful

today. It's -- Senator Bonacic, if you could see Senator Paterson's suit.

(Laughter.)

SENATOR SKELOS: But it is absolutely beautiful.

And it's also fitting that it's your birthday today, Senator Paterson's birthday.

(Applause.)

SENATOR SKELOS: And let me also mention that it is also Senator Marchi's 82nd birthday.

(Applause.)

SENATOR SKELOS: And I should also point out that he has been serving in this chamber since 1957, and he is the longest-serving state legislator in this country. Any country. Any country.

(Applause.)

SENATOR SKELOS: And we wish both of you a very, very happy birthday.

(Applause.)

SENATOR SKELOS: At this time, Madam President, if we could pass the resolution.

THE PRESIDENT: All those in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

SENATOR SKELOS: Thank you, Madam President.

THE PRESIDENT: The Secretary will read the noncontroversial calendar.

SENATOR SKELOS: I'd also like to welcome Senator Paterson to the good side.

(Applause and catcalls.)

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 472, by Senator Meier, Senate Print 1276, an act to amend the Town Law, in relation to increasing the amount.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Will the Senators place take their conversations out of the chamber.

The Secretary will continue to read.

Senator Skelos.

SENATOR SKELOS: Madam President, it's an exciting day. Number one, I neglected to open up the resolution by Senator Libous to the entire Senate. If anybody does not wish to be on the resolution, they should notify the desk.

And if we could now proceed, with decorum, with the reading of the noncontroversial calendar.

THE PRESIDENT: Any member who does not wish to cosponsor the last resolution that was passed please notify the desk.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 472, by Senator Meier, Senate Print 1276, an act to amend the Town Law, in relation to increasing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 500, by Senator Velella, Senate Print 4169, an act to amend the Workers' Compensation Law, in relation to the death benefits for police officers.

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, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Balboni.

SENATOR BALBONI: Yes, Mr. President, I'd like to announce an immediate meeting of the Children and Families Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Children and Families Committee in the Majority Conference Room.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 510, by Senator Hoffmann, Senate Print 4825, an act to amend the Agriculture and Markets Law, in relation to domestic animal health.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 554, by Senator Velella, Senate Print 4349, an act to amend the Retirement and Social Security Law and the General Municipal Law, in relation to certain impairments.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 615, by Senator McGee, Senate Print 2859, an act to amend the Vehicle and Traffic Law, in relation to the definition of a drug.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 616, by Senator McGee, Senate Print 3518, an act to amend the Vehicle and Traffic Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 638, by Member of the Assembly Tocci, Assembly Print Number 6634, an act to amend the Public Authorities Law, in relation to advertising devices.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 649, by Senator Golden, Senate Print 3972A, an act to amend the Penal Law, in relation to financial exploitation of the elderly.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 655, by Senator Volker, Senate Print 4814, an act to amend the Penal Law, in relation to the causing of the death of a peace officer.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 660, by Member of the Assembly Rivera, Assembly Print Number 6271, an act to amend Chapter 383 of the Laws of 1991.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Farley, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 662, by Senator DeFrancisco, Senate Print 3345 --

SENATOR VELELLA: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 663, by Senator Marchi, Senate Print 3417, an act to amend the Not-for-Profit Corporation Law, in relation to the reacquisition.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Maltese and Stavisky recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator Flanagan, Senate Print 4220, an act to amend the Public Authorities Law, in relation to clarifying the provisions.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 756, by Senator Skelos, Senate Print 2553, an act authorizing the assessor of the County of Nassau.

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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 758, by Senator Marcellino, Senate Print 2563, an act in relation to authorizing the Village of Upper Brookville.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 763, by Senator Little, Senate Print 4856, an act to amend the General Municipal Law, in relation to changing the name of the Glens Falls Urban Renewal Agency.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 793, by Senator Maziarz, Senate Print 4987, an act to amend the Vehicle and Traffic Law, in relation to repeat convictions.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 794, by Senator Fuschillo, Senate Print 4988, an act to amend the Vehicle and Traffic Law, in relation to adding aggravated vehicular assault.

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, 58.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 795, by Senator Flanagan, Senate Print 4990, an act to amend the Navigation Law, in relation to lowering the threshold.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 796, by Senator Golden, Senate Print 4992, an act to amend the Vehicle and Traffic Law, in relation to reducing the blood alcohol level threshold.

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, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 853, by Senator Libous, Senate Print 2577, an act authorizing the Commissioner of Transportation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 859, by Senator Nozzolio, Senate Print 3026, an act to authorize the Erie Canal Cultural Center, Inc.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 935, by Senator Maziarz, Senate Print 4991, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to lowering the threshold.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

967, by Senator Larkin, Senate Print 1382, an act to amend the General Municipal Law and the Town Law, in relation to the continuation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 975, by Senator Skelos, Senate Print 2673, an act authorizing the assessor of the County of Nassau to accept an application.

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, 57. Nays,

1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 978, by Senator Skelos, Senate Print 2852, an act authorizing the assessor of the County of Nassau to accept an application.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Seward, Senate Print 3253, an act making certain findings and determinations with respect to a certain revenue.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 986, by Senator Balboni, Senate Print 3758, an act to amend the Town Law, in relation to including the Westbury fire district.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 991, by Senator Saland, Senate Print 4045, an act to authorize and direct the County of

Dutchess to waive interest and penalties.

ACTING PRESIDENT MEIER: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1033, by Senator Robach, Senate Print 4989, an act to amend the Penal Law, in relation to aggravated vehicular assault and vehicular murder.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Mr. President, we're going to move to the controversial reading of the calendar.

There's one bill on by Senator Farley. Senator Krueger has asked for an explanation. She is in the committee meeting right now. So we'll just stand at ease pending the return of Senator Krueger.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:40 p.m.)

(Whereupon, the Senate reconvened at 3:45 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Please call up Calendar Number 661, by Senator Farley.

ACTING PRESIDENT MEIER: The

Secretary will read Calendar Number 661.

THE SECRETARY: Calendar Number 661, by Senator Farley, Senate Print 2890, an act to amend the Public Authorities Law and the Social Services Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MEIER: Senator Farley, Senator Krueger has asked for an explanation of Calendar Number 661.

SENATOR FARLEY: Thank you, Mr. President.

Senator Krueger, this bill would establish a mechanism for low-cost Dormitory Authority financing for the residential facilities operated by these non-for-profit schools that are serving troubled youngsters.

Currently, there is a parallel mechanism for the financing of the educational part of the facility of these schools that's already in the law. These non-for-profit schools, such as in my district there's Northeast Parent and Child, they operate residential facilities, programs for children that need particular supervision.

Their educational component is regulated by the State Education Department, and the residential component is regulated by the Office of Children and Family Services. These are funded through tuition paid for by the school district or the social services district responsible for the child.

Since 1991, these schools have been able to access the Dormitory Authority for financing of their educational facilities. But the Public Authorities Law creates an accountability, including state approval of plans and specs and all of that stuff. The state, until full payment is made, reports to the legislative fiscal committees. This bill parallels this Dormitory Authority financing for residential facilities.

This bill passed this house unanimously in 2001, but it was vetoed by the Governor. This version here responds to the fiscal elements of the veto by pushing the effective date to the next state fiscal year, ensuring adjustment of the state aid to compensate the local schools and the social services district for any increased tuition

cost.

It's sponsored in the Assembly. There's been no known opposition to it necessarily, that I know of.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If, through you, the sponsor would yield to a question.

ACTING PRESIDENT MEIER: Senator Farley, do you yield?

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Senator Farley, as I understand your explanation, at some point in time there's a price tag attached to this bill. How much money would be expected to be contributed, and in what way, through the state budget to pay for this additional expansion of not-for-profit schools having their residences covered under the Dormitory Authority?

SENATOR FARLEY: The fiscal impact note -- well, it would -- that's a

figure that is very difficult for me to come up with precisely, because it would depend on how many schools finance through the Dormitory Authority.

That's just -- that is an authority that provides money for their construction and their capital. I don't see that there would be a tremendous cost to the State of New York on that. That's a cost, if you will, to the Dormitory Authority.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would yield again.

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

SENATOR FARLEY: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you. Thank you, Senator Farley. It may be my lack of understanding of Dormitory funding, but in fact in this bill it would be authorizing the Dormitory Authority to --

SENATOR FARLEY: To provide these loans.

SENATOR LIZ KRUEGER: -- to borrow additional money to build these facilities for the schools, or to loan the money to the schools?

SENATOR FARLEY: Yes, to loan the money to these schools at a low rate, so that they -- they already can do this for their educational part, but they need to house these youngsters, and this is for their residences.

SENATOR LIZ KRUEGER: Thank you. Mr. President, if, through you, the sponsor would yield again.

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

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

So again, for my clarification, is there a limit on how much the Dormitory Authority can go out into the market and borrow and then loan at low cost?

Is it an endless amount of money that the Dormitory Authority can continue to borrow and loan for these kinds of expanded

purposes, or is there a limit in our law somewhere on this?

SENATOR FARLEY: Well, you know, there's a limit on everything. And I presume the Dormitory Authority says that we are stretched so they can't sell their bonds or whatever they do to raise their money.

But by and large, the Dormitory Authority would have to review the request from the facility to make sure that they feel that this is a worthwhile project and a few other things, and it's audited and checked on.

But by and large, I don't know that there's any -- I could say that there's a limit how much they would lend to these not-for-profit schools or what is the lending authority of the Dormitory Authority.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would yield to one more question.

ACTING PRESIDENT MEIER: Senator Farley, will you yield for one more question?

SENATOR FARLEY: Yes, go ahead.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Farley, in your bill on page 5, Section 5, there's a listing of not-for-profit schools and corporations who are eligible, I assume, under the existing authority.

Is this the only list of schools who would be eligible for this new, expanded Dormitory Authority funding for their residential facilities as well? Or would this be a broader universe?

SENATOR FARLEY: I understand that there would be a broader list of schools that would be eligible. And that's the purpose of the law.

SENATOR LIZ KRUEGER: Thank you, Mr. President. On the bill briefly.

ACTING PRESIDENT MEIER: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I'm certainly not opposed to providing further assistance from the state to ensure that our not-for-profit schools or our schools anywhere in the state can provide the educational services and, in this case, the

residential services that the children need.

But I am going to vote against the bill, because I have to ask the question why are we piecemeal making decisions about broad-based issues around borrowing money, off-budget authorities, broadening, I think much further, the definition of what was originally intended by the state of the use of the Dormitory Authority.

And I think that it is well worth this house and both houses taking a look at how we make decisions about approving expanded borrowing by the State of New York, how we make decisions in a piecemeal fashion about giving authority, off-budget, to off-budget authorities such as the Dormitory Authority to borrow money and make loans, and how we make the decisions about how we prioritize the role of the State of New York to some degree as a banking operation in its own right.

So while I have no opposition per se to any of these schools or the purpose that they serve in providing assistance to our children with special needs or the concept of needing residential facilities, I do have to

ask the question and I hope all of us will start asking the question about how we pass piecemeal legislation in this house around the use of approval for off-budget authorities to make fiscal decisions and borrowing decisions and loaning decisions that do not go through the normal budget process or have any review by the Legislature over time.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: On the bill.

ACTING PRESIDENT MEIER: Senator Farley, on the bill.

SENATOR FARLEY: You know, the whole purpose of the Dormitory Authority is to help institutions such as this to provide funding for them so that they can serve their people and their clients.

And, you know, I'm not an expert in the Dormitory Authority, but this is not really the State of New York going into borrowing, it's providing a facility for these schools and so forth.

Certainly the educational part of

these schools is terribly important, but they can't educate these children if they can't house them. And this provides a mechanism at a low cost to the taxpayers, or whoever you want to say, to be able to provide residential facilities for these youngsters in these schools through an authority that we set up. And that's their main purpose for being.

I think it's a good piece of legislation, and it's just one that -- one area that has not been addressed that should have been addressed, because it's a particular school for troubled youngsters and they have to have a place to live if they're going to go to school.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of April.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Marcellino, that completes the calendar.

SENATOR MARCELLINO: Thank you, Mr. President. Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR MARCELLINO: In that case, if we could just hold on for a second.

Mr. President, while we're waiting, could we recognize Senator Montgomery.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like unanimous consent to be recorded in the negative on Calendar 616.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 616.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move that we adjourn until

Wednesday, May 21st, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Wednesday, May 21st, at 11:00 a.m.

(Whereupon, at 4:00 p.m., the Senate adjourned.)