NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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February 23, 2004

3:38 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

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

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

ACTING PRESIDENT MARCELLINO: The invocation today will be given by Rabbi Nate Segal, The New Springfield Jewish Center, on Staten Island.

RABBI SEGAL: Our Father in heaven, we invoke Your blessings upon this august body. May it be guided by Your commandments and teachings.

We are told in the Book of Genesis that God destroyed the world with a flood. After the flood, Noah sent out a dove to see how much the waters receded. The dove returns with a leaf in its mouth.

The rabbis ask: "If the world was destroyed, where was the tree that the leaf came from?" Our rabbi's answer, that the leaf was from a tree that was growing in the Garden

of Eden, Paradise. And the message that the Almighty was giving to Noah was that the world that was just destroyed was corrupt. The world that Noah was about to rebuild can be a paradise.

The New York State Senate, under the dynamic leadership of our Lieutenant Governor, our Majority Leader, and my dear friend and Senator, the Honorable John Marchi: Never stop dreaming about this ultimate goal. It inspires you, our esteemed legislators, to work tirelessly towards its realization, bringing us a little piece of paradise in a place we call New York State.

In the midst of the Civil War, a soldier came in to President Lincoln and he said, "Mr. President, is God on our side?" The President said, "The question is, are we on God's side?"

May God bless this body with the courage and strength you need to be successful in this monumental task. May the spirit of God prevail on this house forever and ever.

Amen.

ACTING PRESIDENT MARCELLINO:

Senator Skelos.

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

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

May we have the reading of the Journal, please.

THE SECRETARY: In Senate, Sunday, February 22, the Senate met pursuant to adjournment. The Journal of Saturday, February 21, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Spano,

from the Committee on Investigations and Government Operations, reports:

Senate Print 749, by Senator LaValle, an act to amend the Tax Law;

1197A, by Senator Spano, an act to amend the Alcoholic Beverage Control Law;

1606, by Senator Spano, an act to amend the Arts and Cultural Affairs Law;

2514B, by Senator Spano, an act to amend the Public Lands Law;

3129C, by Senator Spano, an act to amend the Alcoholic Beverage Control Law;

3930, by Senator Little, an act to amend the Tax Law;

4173, by Senator Spano, an act to amend the Alcoholic Beverage Control Law;

4226, by Senator Spano, an act to amend the Executive Law;

4227, by Senator Spano, an act to amend the Alcoholic Beverage Control Law;

4228, by Senator Spano, an act to amend the Tax Law;

4241, by Senator Spano, an act to amend the Tax Law;

4806, by Senator Spano, an act to

amend the Executive Law;

4812, by Senator Spano, an act to amend the Executive Law;

5136, by Senator Spano, an act to amend the Civil Rights Law;

5144, by Senator Spano, an act to amend the Tax Law;

5151, by Senator Spano, an act to amend the Tax Law;

5803, by Senator Spano, an act to amend the Executive Law;

And Senate Print 5957, by Senator Seward, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MARCELLINO: All bills reported to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Mr. President, on behalf of Senator Rath, I move that the following bill be discharged from its

respective committee and be recommitted with instructions to strike the enacting clause: S3565.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR McGEE: Mr. President, on behalf of Senator Velella, on page number 13 I offer the following amendments to Calendar Number 156, Senate Print Number 5970, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR McGEE: Mr. President, on behalf of Senator Velella, on page number 13 I offer the following amendments to Calendar Number 157, Senate Print Number 5973, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR McGEE: Mr. President, on behalf of Senator Velella, on page number 22 I offer the following amendments to Calendar Number 275, Senate Print Number 3194, and ask

that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR McGEE: Mr. President, on behalf of Senator Maziarz, on page number 22 I offer the following amendments to Calendar Number 278, Senate Print Number 4417A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

Thank you, Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: On page 21, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 9212

and substitute it for the identical Senate Bill Number 6036, Third Reading Calendar 270.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

Senator Skelos.

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

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

THE SECRETARY: Calendar Number 21, by Senator Maziarz, Senate Print 264B, an act to amend the Highway Law, in relation to the designation of the "General Casimir Pulaski Highway."

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 23, by Senator LaValle, Senate Print 924C, an act to amend the Highway Law, in relation to designating the "North Fork Wine Trail" and the "Hamptons Wine Trail" as the "Long Island Wine Country Trails."

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 68, by Senator Farley, Senate Print 2262, an act to amend the Banking Law, in relation to the regulation of licensed transmitters of money.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 105, by Senator Spano, Senate Print 2989B, an act to amend the Public Authorities Law, in relation to extending the time.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 111, by Senator Marcellino, Senate Print 776, an act to amend the Vehicle and Traffic Law, in relation to the enforcement of the offense

of operating a motor vehicle with a suspended license.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 120, by Senator Kuhl, Senate Print 4230, an act to amend the Vehicle and Traffic Law, in relation to the definitions of a car carrier and overhang.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 140, by Senator Skelos --

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: Calendar Number 145, by Senator Volker, Senate Print 5912A, an act to amend the Civil Practice Law and Rules, in relation to the service of a subpoena duces tecum.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 177, by Senator Fuschillo, Senate Print 2961A, an act authorizing the assessor of the Village of Freeport to accept an application.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator Maziarz, Senate Print 3794A, an act creating the Lewiston Public Library District.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 198, by Senator DeFrancisco, Senate Print 1485, an act to amend the Surrogate's Court Procedure Act, in relation to computation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Withdraw the roll call.

Lay the bill aside.

THE SECRETARY: Calendar Number 202, by Senator Flanagan, Senate Print 5512, an act to amend the Real Property Law, in relation to filing of maps and abandonment.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 214, by Senator Bonacic, Senate Print 422, an act to amend the Penal Law, in relation to establishing the vehicular assault of a provider.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside, please.

THE SECRETARY: Calendar Number 231, by Senator Little, Senate Print 2629A, an act authorizing the payment of ordinary disability retirement benefits.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 237, by Senator Wright, Senate Print 4062A --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside, please.

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

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

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

SENATOR DUANE: I'd like unanimous consent to be recorded in the negative on Calendar Number 111 and Calendar Number 120.

ACTING PRESIDENT MARCELLINO:

Without objection, so ordered.

Senator Skelos, can we read the controversial calendar?

SENATOR SKELOS: Yes, Mr. President.

THE SECRETARY: Calendar Number 140, by Senator Skelos, Senate Print 554 --

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Skelos, an explanation has been asked for.

SENATOR SKELOS: Mr. President, this legislation will eliminate discretionary parole for violent felony offenders who have been convicted and sentenced for three or more violent felonies in a ten-year period.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would yield, please.

ACTING PRESIDENT MARCELLINO: Senator Skelos, do you yield for a question?

SENATOR SKELOS: Yes, I do.

ACTING PRESIDENT MARCELLINO: The

Senator yields, Senator.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I know I raised some of these issues last year, and I think some of my other colleagues did. But I guess I'll just narrow it down to one question this year.

So under your proposal there would never be any judicial discretion, no matter what the types of felonies were? There were three felonies, and therefore there is no judicial discretion to ever reconsider for an individual?

SENATOR SKELOS: I'm not sure if you heard my explanation at the beginning. It was three violent felonies within a ten-year period.

SENATOR LIZ KRUEGER: Okay. Thank you for the clarification.

Mr. President, on the bill, please.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I'd like to thank Senator Skelos for his explanation and the clarification of

the explanation.

Again, as I voted against this bill last year, I will vote against it again this year. While on its face three violent felonies in a ten-year time period might appear to justify life imprisonment without parole, we legislate, hopefully, on the exception and not the rule and not to have laws that are such that a judge can never be in a position where they can make an individual evaluation of the circumstance.

And I feel that for the State of New York to pass a law that takes away all judicial discretion, even in this one category for three violent felonies in a ten-year period, is not an option we should be taking. I would argue there are few judges who perhaps -- or few parole panels who would consider parole. But nonetheless, I don't think the State of New York should bind itself to life imprisonment without parole options for any individual prisoners.

This is a broad universe of people, a broad universe of violent crimes that might be considered, and I don't think that we in

the Legislature should pass a law that allows for no exceptions to the rule.

So I'll be voting against this bill again this year. Thank you.

ACTING PRESIDENT MARCELLINO: Any other Senators wishing to be heard?

Senator Schneiderman.

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

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I think that, as Senator Krueger indicated, it's important to recognize that this legislation is a part of an ongoing process of transferring discretion -- not reducing discretion, but transferring discretion from judges to prosecutors.

And I would really like to remind all of my colleagues that we're in a situation now where we're dealing with extremely long sentences in the first place. We have extended the length of the sentences.

In 1995, the mandatory sentence for the sorts of defendants that we addressed

under this legislation were substantially increased. Since then, we've seen many proposals come and go to further reduce the discretion of judges.

And while the judges have held onto their discretion, the crime rate has been steadily going down. It does not appear that from any public policy point of view the criminal justice system requires more severe sentences to be imposed without judges having the opportunity to take all factors into account.

Having worked in a prison for several years, I really have to tell you that the notion of people coming into prison with judges unable to fully and fairly assess all the factors that are involved in their case, and without the possibility of parole -- that's to say taking away an incentive they have to try and rehabilitate themselves while they're in prison -- is an extremely dubious proposal.

I don't really think we need this. I don't think it helps solve the crime problem in this state. I think the crime problem is

best addressed by devoting resources on the front end to police and to other law enforcement agencies rather than spending a tremendous amount of money on high security, intensive prison construction, and the maintenance of these prisons that don't really deter crime and don't really solve the problems.

A defense lawyer commented -- and I want to again remind people of this statement. A defense lawyer, a prominent defense lawyer has commented that he stopped representing people who are cooperating with prosecutors because for those defendants, quote, you don't just have to teach them how to sing, you have to teach them how to compose. That's the end of the quote.

There are people who are really, frankly, being forced to make things up in an effort to avoid this sort of sentencing provision. There are people who are possibly capable of rehabilitation who are being denied that possibility. I think we should be as tough as we possibly can be with these individuals, but not unreasonably so.

And I would suggest that once a prosecutor has the ability to charge a crime as to which there is no discretion in the court, that prosecutor has absolute power. And as much as I have friends and family who are prosecutors or who have been prosecutors, we all know what absolute power does to people.

I vote no. I suggest everyone vote no.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

Seeing none, read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Count the negatives and announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 140 are Senators Dilán, Hassell-Thompson, L. Krueger,

Paterson, and Schneiderman. Ayes, 51. Nays, 5.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

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

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

Let's continue with the controversial calendar. The Secretary will read.

THE SECRETARY: Calendar Number 198, by Senator DeFrancisco, Senate Print 1485, an act to amend the Surrogate's Court Procedure Act, in relation to computation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 214, by Senator Bonacic, Senate Print 422, an act to amend the Penal Law, in relation to establishing the vehicular assault of a provider.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. On the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I don't see my colleague Senator Bonacic, and I have to run to Rules. But I want to go on record why I'm voting against the bill --

ACTING PRESIDENT MARCELLINO: I believe he just has his back to you, Senator.

SENATOR LIZ KRUEGER: Oh, excuse me. Thank you.

-- why I'm voting against the bill.

Hello. Excuse me. Thank you, Senator.

I won't ask you questions on the bill. We had the debate last year. I will simply state this bill is not based on the intent of the driver to purposely hit someone who is an emergency service provider. If it was, perhaps an alternative criminal penalty might be justified.

But I don't believe we should have different criminal penalties for people who are committing the same kinds of crime depending on what the outfit of the person or car they hit is. I don't think that is good or good public policy or smart law.

So I hope that my colleagues will think about voting against this bill, again, because it is not written such that because you intended to hit an emergency service vehicle driver or do something to them that you should have an added penalty. It's simply a default if they are a driver of an emergency service vehicle, and I don't think that that is a rational approach to public policy.

So I will be voting against the bill and running to the Rules Committee.

Thank you very much. It's a no.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Is any other Senator wishing to be heard?

Seeing none, please read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll, please.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Count the negatives and announce the results.

THE SECRETARY: Ayes, 55. Nays, 2. Senators Hassell-Thompson and L. Krueger recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 237, by Senator Wright, Senate Print 4062A, an

act to amend the General Municipal Law, in relation to extending.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Wright, an explanation is requested.

SENATOR WRIGHT: Thank you, Mr. President.

The bill would extend the benefits of EDZs to agricultural cooperatives. When the original EDZ legislation was passed and subsequently amended, ag cooperatives have not been included.

And we found in a number of instances where there have been processing facilities, particularly cheese processing facilities that are located in rural areas, they were not in a position to market them to a cooperative of producers, and many times the very dairy farmers themselves create a cooperative because of the exclusion in the EDZ.

The plants themselves are within the EDZ; the new ownership simply can't take benefit of existing benefits under law. So

this will extend those rights.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President, if the sponsor would yield for a few questions.

ACTING PRESIDENT MARCELLINO: Senator Wright, do you yield for a few questions?

SENATOR WRIGHT: I will, Mr. President.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR SCHNEIDERMAN: Thank you.

My understanding is that this bill modifies paragraph H of section 1 -- Section 1, subdivision H of Section 957 of the General Municipal Law, which defines locally owned business enterprises for the purpose of an enterprise zone. Is that correct?

SENATOR WRIGHT: Yes.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Wright, do you continue to yield?

SENATOR WRIGHT: I do.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR SCHNEIDERMAN: Thank you. My understanding is that --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator Schneiderman.

If we can have a calming down, please. And if you can take the conversations out of the room, that would be appreciated.

Thank you.

SENATOR SCHNEIDERMAN: No, thank you.

My understanding is that the definition of a locally owned business enterprise currently requires -- and I'm reading from the statute -- that to get the benefits of the enterprise zone, any business has to be, quote, a business firm in which the total ownership interest held by individuals who are full-time bona fide residents of such zone is more than 80 percent, among other requirements.

This would provide an exemption from that rule, is that not true?

SENATOR WRIGHT: No, I don't believe that's the case. We had a second ii provision for an ag cooperative established to the subsequent section.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, if the sponsor would continue to yield.

SENATOR WRIGHT: I will, Mr. President.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: But this legislation that you're proposing would add Section ii as an alternative.

So you could either get the benefits of an enterprise zone if you were a business firm in which the total ownership interest held by individuals who are full-time residents of the zone is more than 80 percent, whose business activities are conducted in a manner whereby at least 50 percent of the assets of such firm are located and utilized in such zone and at least 40 percent of the firm's employees are principally employed in such zone. Three stiff requirements. Or if

you're an agricultural cooperative.

And is it not true that if you fall under Section ii and you're an agricultural cooperative, then you don't have to comply with the provisions of the first section, which every corporation and other business in this state has to comply with?

SENATOR WRIGHT: Senator, you're correct that we do provide an inclusion of a agricultural cooperative.

And if you read further down, you'll also note, on line 12, provided, however, for business firms located within zones designated in a city, then there's an approval process with a community planning board, et cetera. So that we're reflecting the local interest and there is local participation.

SENATOR SCHNEIDERMAN: Through you, Mr. President. But that's only for --

ACTING PRESIDENT MARCELLINO: Senator Wright, do you continue to yield?

SENATOR WRIGHT: I do, Mr. President.

ACTING PRESIDENT MARCELLINO: He

yields.

SENATOR SCHNEIDERMAN: Thank you.

That does not apply to firms not located outside of the city, does it?

SENATOR WRIGHT: It provides to those that are located within the zone. And there's a local governance for the zones.

SENATOR SCHNEIDERMAN: But through you, Mr. President --

ACTING PRESIDENT MARCELLINO: Senator Wright, do you continue to yield?

SENATOR WRIGHT: I do, Mr. President.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR SCHNEIDERMAN: Thank you. I appreciate it.

I just want to clarify this, that the language you just cited on lines 12 and 13 only applies to "business firms located within zones designated in a city"; is that not correct?

SENATOR WRIGHT: That is correct.

SENATOR SCHNEIDERMAN: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I thank the sponsor for his answers.

I think that what we're dealing with here is a situation in which once again the original purpose of enterprise zones is really being -- of Empire Zones is really being distorted. And I think this is something that has been going over a period of years, to the point that it's really very, very difficult to recognize a lot of the businesses in the zones if you analyze them under the original purposes of this legislation.

The difficulty I have with this bill is that if there's a business in the Bronx that's in an Empire Zone or a business in Queens that's in an Empire Zone, some manufacturing facility that's bought by an out-of-state corporation, they lose the benefits because they don't comply with the requirement of the total ownership interest being 80 percent held by people who live in the zones.

This provides a loophole for one particular type of business enterprise, an agricultural cooperative. And it may be that we should change the legislation in its entirety. But if we're not willing to do that, we certainly shouldn't make an exception for one type of business enterprise. I am sympathetic to the situation that forms the basis for this. But I cannot in good conscience create a loophole that doesn't apply to other companies.

So recognizing the need for local ownership to obtain the benefits of an Empire Zone for any other business, I'm going to vote no and I encourage my colleagues also to vote no.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

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

ACTING PRESIDENT MARCELLINO: Senator Wright, do you yield?

SENATOR WRIGHT: I will, Mr.

President.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR LIZ KRUEGER: Thank you. And I was out at Rules, so I apologize if I am repeating a question, and then just tell me it was already asked.

SENATOR WRIGHT: I will.

SENATOR LIZ KRUEGER: Thank you, Senator.

How many agricultural cooperatives are there in the State of New York that this change might affect?

SENATOR WRIGHT: I don't know the answer to that.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

Well, I have to say I am concerned that we don't even know how many cooperatives this bill would affect, how large an impact this would have on the existing empowerment zone model that we have in place in New York

State.

Although I would hazard to take the position that at the rate we keep changing the rules in empowerment zones, expanding what they cover, changing the boundaries on now a yearly basis for the zones, that what we might rather do in the New York State Senate is simply expand empowerment zones to include everyone in New York State.

Because that's the path that we have taken. From what was started out as one model -- a model that's set to expire, actually, this year, and which the Governor said he intends to reform -- we keep, over time, and through authorities, expanding the universe of what Empire Zones cover, who can be in them, the different tax credits that are available to them.

At the budget hearing last week before the Urban Development Corporation, when the question was asked about how many tax credits and exemptions have been given out in empowerment zones in comparison to jobs created, the Commissioner could not answer the question how much money has the State of

New York lost in tax revenue because of its decision to have Empire Zones and continue to expand them, nor how many real jobs were created.

The fact that in this specific proposal we don't even know how many cooperatives might be affected, so we certainly can't know a projection on how much lost revenue the state would see or, in return, how many projected new jobs that otherwise wouldn't be created would be created, I have to say I think it is a mistake for the State Senate to go piecemeal into continued expansion of a set of programs that in theory are up for expiration and reform this year.

And again, I think when the numbers are finally in, what we will find is that Empire Zones have been an enormously expensive model that have not justified the cost to the State of New York and lost revenue and have not justified themselves in the number of new jobs created paying living wages for people in our state, the ostensible goal of Empire Zones.

And I, for one, would rather see us use our tax revenue to pay for expansion of public education rather than to continue to give expenditures and credits to businesses who we don't even know the answer in advance of passing legislation who they are, how large the tax credits and tax exemptions they might be getting would be, or what the return will be for our communities.

So I have to say, at this point in history, any vote to expand a subsection of Empire Zones is the wrong direction for New York State to be going. I'll be voting no and urge my colleagues to.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President. I would just like to speak on behalf of this bill.

ACTING PRESIDENT MARCELLINO: Senator Little, on the bill.

SENATOR LITTLE: And the question was asked how it would affect different businesses and cooperatives in New York State.

The McCadam Cheese factory in Chateaugay was purchased by Agri-Mark. Agri-Mark is made up of many, many New York farmers as well. And for the McCadam Cheese factory in Chateaugay, this takes additional milk from all of the farmers in that area, at a time when our dairy farmers have had huge problems and the price of their milk has gone down and many of them have had to go out of business.

The McCadam Cheese factory has added additional jobs already. They are making a Pride of New York cheese product that hopefully will equal what they have done to the Cabot Cheese factory in Vermont.

So I would ask for support of this bill and am very grateful that it is here on the floor today. Thank you.

ACTING PRESIDENT MARCELLINO: Is there any other Senator wishing to be heard on the bill?

Hearing none, read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators L. Krueger and Schneiderman recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Sabini.

SENATOR SABINI: Mr. President, I'd like to please be recorded in the negative on Calendar Number 237.

ACTING PRESIDENT MARCELLINO: Without objection.

THE SECRETARY: In relation to Calendar Number 237, ayes, 55, nays, 3. Senators L. Krueger, Sabini, and Schneiderman recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Parker.

SENATOR PARKER: Mr. President, I'd like to request unanimous consent to be recorded in the negative on Calendar Number 140, Bill Number S554.

ACTING PRESIDENT MARCELLINO: Without objection, so ordered.

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

SENATOR SKELOS: Thank you.

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 at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

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

Senate Print 6201, by Senator Morahan, an act to amend the Election Law;

6202, by Senator Morahan, an act to amend the State Finance Law;

6204, by Senator Morahan, an act to amend the Election Law;

6205, by Senator Morahan, an act to amend the Election Law;

6206, by Senator Bruno, an act to amend the Tax Law and the State Finance Law;

And Senate Print 6207, by Senator

Morahan, an act to amend the Election Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The motion is to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Rules report is accepted.

Senator Skelos.

SENATOR SKELOS: If we could just stand at ease for a moment.

ACTING PRESIDENT MARCELLINO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:21 p.m.)

(Whereupon, the Senate reconvened

at 4:23 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 326.

ACTING PRESIDENT MARCELLINO: The Secretary will read Calendar Number 326.

THE SECRETARY: Calendar Number 326, by Senator Bruno, Senate Print 6206, an act to amend the Tax Law and the State Finance Law, in relation to prostate cancer research, detection, and education.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

SENATOR BRUNO: To explain my vote, Mr. President.

I want to thank my colleagues here

in the Senate for their support. This is a very important piece of legislation. It has to do, as you all know, with a tax check-off for prostate cancer research, aiming towards a cure. It creates a coalition, a foundation for prostate cancer.

And what is unique about this is that Michael Milken, the Milken Family Foundation, is going to match every dollar that is contributed here in this state by any donor. And we believe that this is unique.

Michael Milken has joined us here, with some of the very distinguished medical community. We had a two-hour session this morning on prostate cancer prevention, early detection and treatment.

And when you talk to Mr. Milken, he will say that their objective -- and he has done works over the last three decades to help cure cancers, and most specifically now prostate cancer, having started with his philanthropy having to do with breast cancer when his mother-in-law, 32 years ago, had that disease.

So I'm indebted to you for your

support and appreciate the participation of the Milken family, and Michael in particular, and his colleagues that are here.

And someday, when we all recognize one out of two men are going to end up with some form of cancer, one out of three women are going to end up with some form of cancer -- this year, 2,000 New Yorkers will die from prostate cancer; 13,000, 14,000 will be informed that they have it. Nationally, 230,000 prostate cancers a year; 30,000 people die. If we don't address this, as Mike Milken has and as we are, in ten years the estimates are there will be 50,000 people, not 30,000, dying from prostate cancer.

So thank you, Mr. President, and thank you, colleagues, for your support.

ACTING PRESIDENT MARCELLINO: Senator Lachman.

SENATOR LACHMAN: First I want to commend our Majority Leader, Senator Bruno, for sponsoring this legislation, along with Senator Alesi.

Only a Majority Leader can get something out of Rules and on the floor in one

day so that Michael Milken can observe what the Senate has done today. It's an outstanding piece of legislation, and it will do much good -- much good -- in the State of New York.

I also want to commend Michael Milken, who is here with us today. Very few people realize that the Milken Family Foundation has been involved in numerous health and educational and cultural activities.

In the 1990s, the Milken Family Foundation, Michael and his brother Lowell, contributed tens of thousands of dollars each year to the CUNY -- the City University of New York -- Graduate Center, to bring together the leaders of the public and nonpublic school communities in the twenty largest cities in America. I will never forget their effort in this endeavor. I was privileged to serve as chairman of this group.

And I hope and pray that the Milken Family Foundation will continue in the process of helping society in good health for many, many more years to come. Congratulations,

Michael.

ACTING PRESIDENT MARCELLINO: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I think there are probably several members of this chamber who have been afflicted, some publicly, some not publicly, which is certainly an individual decision. The leader of this conference, on a Friday in August last year, made the decision to be public about his issue and gave up his privacy and private life to become a leader on this issue.

Which shows that he's more than just an elected leader, he's more than just a leader of his peers or a leader around the state, he is a leader of people, not just among them.

This has, I think, resolved him to be actually a stronger person than even before, because of the great good that he's done and the tremendous help that he's given to the cause, and to bring as distinguished an individual to our chamber -- we welcome

Mr. Milken today -- and all of us around an issue that is so vital and spreads at such a terrific rate.

Some of those statistics, that 90 percent of males over 70 years old will be afflicted in some form, and all of the measures that we're even taking now to try to stop it, even with the use of alternative therapies such as beta-sitosterol, which is an element that contributes to reducing the actual disease -- these are all different avenues that we will investigate, plus the traditional treatments.

And this is a fight that we can win when there is public awareness and public education and also a commitment from government to actually fight it.

So on behalf of all the members of this conference, we can't think of a time that we've ever stood in this chamber when we are proud to serve under Senator Bruno's leadership, and we can't think of an issue that is a greater menace to so many people in society that we would need to fight any harder than we would right now.

ACTING PRESIDENT MARCELLINO: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

I join my colleagues in asking the support of this bill for all of the families in New York State, and in recognizing that whenever we've had a great issue before us, especially when it deals with health care, that there has to have been one person who ignites the fire and one person who starts that engine, one person who energizes the issue to the point where it comes to the floor.

And we can look around, not only today but in the past, and unfortunately in the future, and know that there are people that are family members, people that are friends and colleagues that will be affected by prostate cancer -- not the least of which is our leader, Senator Joe Bruno, who has had his own challenges and has met them with great courage, but also been an inspiration.

And by taking the charge on this bill, Senator Bruno is just simply continuing

his commitment to the health care and welfare of all New Yorkers that he started years ago when he started his political career.

So I'd like to thank Senator Bruno for his leadership, for showing us how to be courageous. And in doing that, I'd also like to thank Michael Milken for bringing another aspect to this particular piece of legislation which allows us to leverage the money that taxpayers are willing to check off on, and all of those colleagues that joined Michael Milken and Senator Bruno today in their seminar.

And most importantly, time and time again we hear how important it is to get early diagnosis. If this bill does nothing else but remind taxpayers every year when they have the opportunity to check off a certain amount of money, when they have that opportunity it will remind them that they should have a checkup. And in getting that checkup, hopefully everything will be fine. But if not, early diagnosis is always the key.

Yes, we want to provide funding for research, hopefully for a cure, for treatment. But at the same time, we want to remind people

of the importance of getting an annual checkup.

Senator Bruno, thank you for your leadership on this. And thank you, Mr. President, for the opportunity to speak.

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President, can I recommend that any of my colleagues in the Senate that would like to be on this bill join us on this bill as cosponsors. And any that would not want their name added, would you please just privately notify the desk.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: We'll follow our usual procedure. Any Senator not wishing to be on the bill, please notify the desk.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

As you know, I am from Puerto Rico. And when we talk about prostate cancer, my father died of prostate cancer. Two of my brothers have died of prostate cancer. Right

now, at this very moment, another one of my brothers is dying in Puerto Rico of prostate cancer. So this is an illness that is following my family. And I don't wish for anyone to go through what my family has gone through and what they are going through right now.

So I am here praising Senator Bruno and Mr. Michael Milken. And I wish, I just wish that we could do the same thing in Puerto Rico to bring the Milken Foundation to Puerto Rico and do the same thing. This is something that I'm very proud, very honored to know, because I have gone through what people go through with this kind of illness.

Senator Bruno, Senator Bruno, one more time, I praise you and I admire you and I thank you for this bill. This is something that has merit anyplace. And I'm glad we -- I would be honored to join you on this bill.

Thank you very much.

ACTING PRESIDENT MARCELLINO: Senator Volker.

SENATOR VOLKER: Mr. President, very quickly, I too want to commend Joe -- or

Senator Bruno for this bill.

You know, I was just thinking that it was almost exactly this day ten years ago that an elderly doctor called me -- and what had happened is, by the way, so that everybody knows, I knew nothing about the PSA test. My doctor, who is a close personal friend of mine, said: "You know, you should really take the PSA test." Which was developed, by the way, at Roswell Park in Buffalo. I just want to tell you that it was started there.

He took the test, it was a little high. And anyways, the bottom line is I went to a doctor who was quite a -- a somewhat elderly doctor to be checked. And around this time ten years ago, the doctor called me on the phone in my Senate office and said, "Senator, I hate to tell you this, but you have cancer." And, you know, my legs buckled.

In fact, when I went to Roswell and told the Roswell people what had happened, they were horrified. I mean, they said that should never happen. But it's an example, I think, of some of the things that can happen to you.

At the time -- I will tell you one quick little story -- I was thinking about running for attorney general. I don't want to get into it, but there was a possibility that I might have run for attorney general, and the rest would have been history. But I obviously decided that was not in the cards.

That was '94. I had the surgery in April. And as is so often the case, as Joe knows, and many of us that have had cancer, somebody said the death watch started in Buffalo.

Well, ten years later -- it will be ten years in April -- still here. Thank God, I'm still here. But I have to tell you that I credit my doctor for telling me about the PSA test.

And the more I thought about this bill, I happen to think that the fact that it's on the return, probably the most important thing lies in -- and people, when they read their tax returns, I assure you they'll read that. I know all my friends will. And it will remind them that there is a fairly simple test that can determine,

sometimes, life or death. Because the earlier you get to it, the better off you can be. And the more advice you get -- because I must tell you, I have advised hundreds of people, most of the time just advised them where to go and who to talk to.

And unfortunately, and I will only say this one very close friend of mine, who was a close friend of many people in this chamber, failed to take my advice and the advice of several doctors -- he'd had many doctors. And as he was dying, he said to me: "If I had listened to you, I wouldn't be dying today." Because he was afraid of the surgery. And that was Senator Daly, John Daly, who was my very close personal friend.

But the thing you should understand is if he had found it earlier and if -- you know, the situation would have been different. Or could well have been much different. And unfortunately, John, you know, passed away, although he was considerably older -- he was ten years older than I was.

But I only point out to you if I were going to give somebody advice -- and my

children, for instance, now that I've had it, they've been already warned that very early they're going to have to take the test. Because if you have a history, you've got to be very careful especially. However, there was no history in my family. None at all.

And yet it is something that I think -- and, Senator Bruno, probably, you know, there will be many things that you'll be remembered for -- getting the trains running on time, as we call it in the chamber, and all that sort of thing, and for a lot of legislation. But maybe in the long haul some would argue that, thanks to you and thanks to Mr. Milken, we may be doing something here today that may contribute to more people's lives than anything we've done.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on Calendar Number 326.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Civil Service and Pensions Committee in the Majority Conference Room.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Civil Service and Pensions Committee in the Majority Conference Room.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: We'll have the noncontroversial reading of the Rules report at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 322, by Senator Morahan, Senate Print 6201, an act to amend the Election Law, in relation to creating a statewide voter registration list.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay

the bill aside.

THE SECRETARY: Calendar Number 323, by Senator Morahan, Senate Print 6202, an act to amend the State Finance Law, in relation to establishing.

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 324, by Senator Morahan, Senate Print 6204, an act to amend the Election Law, in relation to providing.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 325, by Senator Morahan, Senate Print 6205, an act to amend the Election Law, in relation to verification.

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 327, by Senator Morahan, Senate Print 6207, an

act to amend the Election Law, in relation to enacting the Voter Machines Modernization Act of 2004.

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

Senator Duane, why do you rise?

SENATOR DUANE: If I may have unanimous consent to be recorded in the negative on Calendar Number 140.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, we'll go to the controversial reading of the Rules report now.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 322, by Senator Morahan, Senate Print 6201, an act to amend the Election Law, in relation to creating a statewide voter registration list.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Morahan, an explanation has been requested.

SENATOR MORAHAN: Thank you, Mr. President.

This bill would create a voter verification list and a reporting system by requiring the county board of elections to transmit a copy of the county voter list electronically to the State Board of Elections.

It would also have the State Board of Elections compile such information from the counties into a statewide voter registration list and maintain the list, which will be the official list of voters in New York.

The list will be accessible to each county board of elections. The State Board of Elections will establish a statewide voter hotline for voters to obtain information regarding their voter registration.

The system developed to compile the statewide voter registration list shall be

used by the New York State Board of Elections to provide election results information. And the State Board of Elections will provide security measures to prevent unauthorized access to the list.

And of course anyone who knowingly tries to defraud, based on baseless voter registration information to either the State Board or the county board of elections, would be guilty of a Class E felony.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President, if the sponsor would yield for a few questions.

ACTING PRESIDENT MARCELLINO: Senator Morahan, do you yield for a few questions?

SENATOR MORAHAN: Yes, I do, Mr. President.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: I take it that this package of legislation that we're addressing this afternoon is the proposal by

the Majority to comply with the Help America Vote Act of 2002; is that correct?

SENATOR MORAHAN: That is correct.

SENATOR SCHNEIDERMAN: And through you, Mr. President --

ACTING PRESIDENT MARCELLINO: Senator Morahan, do you continue to yield?

SENATOR MORAHAN: Yes.

SENATOR SCHNEIDERMAN: Thank you.

I'm advised that our colleagues in the Assembly have introduced a package of bills in an effort to comply with the Help America Vote Act, or HAVA, as well and are on the floor today passing them.

Do any of the bills in our package here in the Senate match up with their counterparts in the Assembly?

SENATOR MORAHAN: I did not see with the bills in the Assembly. I know they're coming out with a package. If it's similar to last year, there's a lot of differences that we'll have to negotiate.

SENATOR SCHNEIDERMAN: Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Morahan, do you yield?

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: So as of the presentation of these bills to us today, there has not been any discussion or negotiation to see that they're the same as the bills that will pass the Assembly today?

SENATOR MORAHAN: Well, there have been discussions with Assemblyman Wright. I've had hearings with Assemblyman Wright, and we've talked about it. But we didn't talk that specifically about his bills or these bills.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, the hearing that the sponsor referred to, is that not the hearing that was the subject of a minority report in response to the state implementation plan issued in September 2003 by Keith Wright and other Assembly members?

SENATOR MORAHAN: No, it was not. It was in Westchester, at the behest of the

League of Women Voters in Westchester County.

SENATOR SCHNEIDERMAN: Thank you.

And through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Do you continue to yield, Senator?

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: Is the sponsor familiar with the New York State HAVA Implementation Task Force Minority Report issued in September 2003 by Keith Wright and other Assembly members?

SENATOR MORAHAN: Some points of it, yes. Not in its entirety.

SENATOR SCHNEIDERMAN: And through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: Has there been any negotiation with the Assembly in connection with an effort to implement the

criticisms that are identified in the September 2003 minority report?

SENATOR MORAHAN: Not knowing all of the criticism, I can't really answer that fully.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Morahan --

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: Thank you.

We're going to speak about individual bills, and we will be offering some amendments. But I just want to ask a couple of questions in connection with the package of bills that is the Senate's response to the HAVA requirements.

Is there anywhere in this package of bills wherein we provide for greater access for people with disabilities to polling places or voting machines?

SENATOR MORAHAN: Well, the bills, as we unveil them here today, would

allow the State Board of Elections to set up criteria along those lines when they start to do the specifications for machines.

But one of the bills does provide for an 11-member advisory committee, two of which would be people with disabilities or advocates of disability.

SENATOR SCHNEIDERMAN: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR MORAHAN: Yes. Yes, I do, Mr. President.

SENATOR SCHNEIDERMAN: Thank you.

But in my review of the legislation, I don't actually see any provision anywhere in any of these bills that directs the state, directs the State Board of Elections or in any way provides a requirement of greater access for people with disabilities to polling places or voting machines.

Am I missing something? If so, I would appreciate it if the sponsor could point to me where --

SENATOR MORAHAN: Well, it's not spelled out in specifics, because the issues

of the disabled may go far afield. And I think they should be considered when they draw the specifications of the machines. For example, for those who are sightless, that may be different than those who are ambulatory-affected or in that regard have a different sort of need.

But I believe that the State Board of Elections is very aware of the needs of the disabled. And that's why in one of our bills we establish an 11-person committee, two of whom would be either an advocate for the disabled or disabled.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, who makes the appointments to that 11-member board?

SENATOR MORAHAN: Two would be by the Majority Leader of this house; two would be by the Speaker of the Assembly. I believe the Governor would appoint, through the Board of Elections, the remaining members.

SENATOR SCHNEIDERMAN: Through you, Mr. President.

ACTING PRESIDENT MARCELLINO:

Senator, do you continue to yield?

SENATOR MORAHAN: Yes, I do.

SENATOR SCHNEIDERMAN: I understand the sponsor's answer regarding voting machines. Is there any direction for the Board of Elections or any task force to address the issue of access to polling places?

SENATOR MORAHAN: No.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR MORAHAN: Yes, I do.

SENATOR SCHNEIDERMAN: In this package of bills is there anywhere any direction that the state provide greater assistance than it's currently providing to people who have limited ability when it comes to speaking English?

SENATOR MORAHAN: I believe the difficulty there would be to define to what level that inability or that difficulty with language proposes itself.

SENATOR SCHNEIDERMAN: Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR MORAHAN: Just one minute.

ACTING PRESIDENT MARCELLINO: I believe the Senator yields.

SENATOR SCHNEIDERMAN: I was wondering when they were going to give you some help.

SENATOR MORAHAN: Do I seem like I need it?

SENATOR SCHNEIDERMAN: No, no. I do.

Then, just to try and save time, if there's anywhere in any of these bills that the Senate Majority attempts to address or direct in any way any additional translation services, training of translators or other assistance or requirements to upgrade the services to voters who have limited English proficiency, I don't see anything. So I'd appreciate it if the sponsor could point it out to us now.

SENATOR MORAHAN: There's nothing in there to point out, Senator.

A lot of this legislation empowers the Board of Elections without the specifics of what it is they are to do and how they're to do it.

For example, the disability question you asked a few minutes ago, you know, HAVA insists, the federal legislation insists that the disabled and the needs of people with disabilities are included in the regulations promulgated by the Board of Elections.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I'd like to thank the sponsor for his answers and speak briefly on the bill.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: What we have here today I think is objectionable on several counts. I appreciate the sponsor's candor, which is usual for him, although unusual in this Legislature.

The fact of the matter is what we have here is something that's been -- a set of bills that are being rushed to the floor with the knowledge that they don't correspond to

any of the bills the Assembly is passing, with the knowledge that we really have not had any serious negotiations in an effort to come up with a law instead of a bill.

These bills provide an absolute minimum, if that, to meet the requirements of the HAVA legislation. And I think that the process, which has been under discussion before in this house and which others of my colleagues will address, has been flawed from the beginning. And this just continues the flawed process.

We have to do something because we're required to do so by the federal government. This set of bills does the bare minimum. And it's clearly not going to be the final set of bills that are presented to us before the end of the year, because we're forced to actually negotiate by the federal government in this case.

I would suggest that this legislation doesn't come close to the Assembly bills, which I frankly think don't go very far in and of themselves. But there's really no excuse for us putting these on the floor at

this point, rushing them through Rules to get them to the floor just so we have something the same day as the Assembly, when they really don't address numerous critical needs and they contain a variety of flaws that I think we can address as we go through individual bills.

Today we're going to offer amendments to address several of these points. But the overall problem here is again the illusion that we attempt to give in Albany sometimes that we're taking action when in fact we're not taking action. We have to deal with the fact that the voting system in this state is severely flawed. There are thousands of people -- and we all know this -- who are disenfranchised by the current system. We have an opportunity to address it. The federal government is offering some funds to address it. And this package of legislation I respectfully submit does not even begin to address it.

So I'm going to vote no on this and on the other bills -- with the exception of the bill that just creates the bank account so we can get the money deposited if we should

ever comply with the federal law and the federal government should provide us with that money -- because these don't begin to come up to the plate. We should expect more, and our constituents expect more. And I would urge that it's time to start talking with the Assembly and it's time to take a more expansive view of this.

Are we truly interested in enfranchising people? Are we truly interested in making sure that it's as easy as possible for people to vote? If we are, I respectfully submit that we would not be passing this package of legislation, we'd be passing legislation that in the spirit of the Voting Rights Act seeks to extend the franchise and cut down the barriers.

There are many people who are afraid even to go to polling places at this point in time. And the requirements of the HAVA Act for identification and for electronic voting have the potential, if this is not handled extremely carefully, to discourage votes, to cut down on the number of voters, and really to set back the progress that's

been made since the Voting Rights Act was passed in the early 1960s.

Given this framework, I don't think we're meeting our responsibility when we just say, well, we're going to throw everything to the Board of Elections without requiring them specifically to address these issues.

So I am going to vote no on this bill and the other bills. We have some specific suggestions. We're happy to participate in negotiations, should we be invited. We are -- I note that the Minority Leader of this house does not have an appointment to the proposed 11-member board, so apparently we're not being invited. But should anyone seek our input, we have a lot of people in our conference with a lot of experience with the Voting Rights Act and with this area of law, and we would be happy to provide it.

In the absence of a more serious effort, though, I vote no and I urge everyone to vote no.

ACTING PRESIDENT MARCELLINO: Any other Senators wishing to be heard?

Senator Krueger.

SENATOR LIZ KRUEGER: I think Senator Sabini had his hand up.

ACTING PRESIDENT MARCELLINO: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. I rise on the bill.

ACTING PRESIDENT MARCELLINO: Senator Sabini, on the bill.

SENATOR SABINI: I want to address my remarks really to the package of bills regarding the Help America Vote Act and say that while I think the sponsor and committee chair has been trying to move the agenda forward a little bit, these bills don't do the job. They are, as Senator Schneiderman mentioned, I believe a response to actions of the other house. And unfortunately, that's the way this town and this State Capitol works.

We've known the requirements of HAVA for some time. We passed some bare-bones legislation in this house last year. But as usual, like we are with the Campaign for Fiscal Equity decision, we're in a state of

denial. We wait until the last minute, play legislative brinksmanship, and the package that comes out is ultimately flawed because of lack of participation and a rushed product. And that's just not the way to go.

I find it ironic that really the sponsor's reference to discussions with the Assembly Majority occurred at a meeting of the Westchester County League of Women Voters -- not in a joint committee, not in a conference committee, not even in this building.

Some time ago I wrote to the Senate Majority Leader asking that these bills be -- or that HAVA implementation be considered by conference committee and maybe even joint committee. The State Constitution provides our State Board of Elections with being bipartisan. And all the county board of elections have to have equal numbers of the top two parties in our state; equal numbers, right now, of Democrats and Republicans.

And yet the committee that's going to study accessibility doesn't have members of each house of each party. The Speaker of the Assembly, the Majority Leader of the Senate

happen to be from different parties this year, but structurally those are not bipartisan appointments.

So yes, this package is a stepping-off point, and there are some good things in this package. I applaud the fact that we recognize in one of the bills that there should be a paper trail, a verifiable paper trail. And I applaud the fact that there is at least an attempt to address this. But again, it's the structure of how we do business here that really makes the legislative product ultimately a flawed one.

In establishing more commissions, like the Governor did, outside of the State Board of Elections -- one of the provisions of one of these bills establishes another commission -- it's a punt. There's no specificity in our legislation here about voting machine requirements. We give that over to other people. That's again an attempt by us to sort of be in denial and just say, you know, it's not our issue to deal with, the federal government is giving us money, let's have an unelected group of people decide these

issues for us.

That's not the best way to go. People give us responsibility to be here. And we should address that responsibility and take it in the spirit it's offered to us by the voters.

So I will be offering some amendment later on, as I know others in our conference will. But while I think it's a first step and I think we had to take a first step, I really think it's an incomplete one, a late one, and the way it is being done, having been apparently introduced Friday evening, is not the best way to have a rational and complete discussion about this.

So I will consider the bills on their merits on each one, but I thought it was important to get up and address the package as a whole.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would yield, please.

ACTING PRESIDENT MARCELLINO: Senator Morahan, do you yield for a question?

SENATOR MORAHAN: Yes, I do, Mr. President.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

You have a lot of bills, and I have a lot of questions. But I will try to target them by bill.

On this bill, 6201 that we're addressing, although I share my colleagues' concern about the overall package, this bill allows for the purging of voter registration through failure to respond to a mailing. And I am very concerned, based on the patterns in several other states of having followed this lead, that we will end up wrongly purging voters from our voter registration system, they will go to vote on Election Day and have no mechanism to clarify and solve the problem of having been purged.

So I'm wondering how you plan to avoid some of the mistakes that have been made

in other states when they moved into a "we mail you, if you don't respond, we purge your name from our voter records" in this bill.

SENATOR MORAHAN: Well, currently -- I yield, okay. Through you, Mr. President, currently we do purge. This is not really a new innovation, as I understand it.

We do purging at the local level. They do send out cards from the Board of Elections every once in a while, to purge the list. Otherwise the list would grow to something, you know, beyond us, like the cabbage that ate Chicago.

SENATOR LIZ KRUEGER: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MARCELLINO: Senator, do you yield?

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR LIZ KRUEGER: Thank you.

I'm not sure that is the case in all parts of the state, Senator. Granted, we have counties, we have cities, we have towns

that each run their own board of election. And we know we don't have a consistent policy. And I probably do share your view we ought to have a consistent statewide policy.

But speaking for the City of New York, we haven't been purging. And I'm very concerned that if we were to follow the procedure here, we would result, in the election immediately following that first purge, large numbers of people coming to vote being told they weren't on our voter rolls. And we already have those problems, at least in the City of New York, and an inability to get through the phone system.

But that's an answer. And with the president's permission to ask you a question, this also provides for a Class E felony for the submission of false or aid in the submission of false voter registration information.

I'm not familiar with our having felony charges up until now about assisting people with applying to vote or registering to vote. How do you perceive of this translating into -- I mean, how will this work? We're

going to actually charge people with felonies if they assist you in registering to vote and then discover something was wrong?

SENATOR MORAHAN: Well, of course every case would be on its merits. There would be, you know, somebody to look over the facts and the circumstances to decide whether they would pursue any criminal charges. It doesn't say without fail that it would be. District attorneys have much latitude under the law.

But, you know, people can cast provisional ballots. That will continue. People will, as they do today, do affidavits. I recognize that in some cases that may be a more difficult process. And it is a difficult process; we're not changing that.

But, you know, as far as purging goes, I think we have to continue to purge.

SENATOR LIZ KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

There are some good things in this

bill. Again, it's not a same-as bill with the Assembly, but it does address some of the requirements of HAVA to go to a statewide voter registration system, to have one electronic system accessible to all of the Board of Elections, to be able to cross-match between different locales.

But I will be voting against this bill, and I urge my colleagues to, specifically because particularly when you're going to one statewide system, having been in a state where we've had counties, towns, villages, cities having their own board of elections, I think the last thing we want to do in implementing a statewide system is to do some kind of massive purge that will result in potentially thousands or tens of thousands of voters, at the first election after this took place, going to vote only to learn that somehow they weren't in the system.

I would much rather err on the side of keeping people on who don't show up rather than mass purging, through a mail-in computer system, resulting in potentially huge numbers of New Yorkers not being able to vote.

I'm also very concerned about our jumping to a felony E conviction. While of course none of us would support knowingly or intentionally assisting people to register to vote illegally, I fear that this will send the message to large numbers of not-for-profit and community groups and good government groups who spend their lives and their work trying to encourage people to register to vote and to vote, and that this will discourage people and discourage new voters from wanting to participate in our system for fear that they might open themselves up for some kind of criminal charges, or, if they're an organization such as a not-for-profit who might run voter registration drives, that they will be in fear for their status and their workers if they participate in voter registration drives.

So again, while there are good parts of this bill, because of those two points I cannot support this bill. And I hope my other colleagues will join me in voting no.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO:

Senator Connor.

SENATOR CONNOR: Still?

Thank you, Mr. President. I said "still" because I learned the first week of session my microphone didn't work, and I guess it still doesn't work.

I certainly appreciate Senator Morahan's efforts in trying to bring forth HAVA legislation. But I certainly think it's just the wrong way to go about it. I think this should be worked out. Interested parties should be heard from in some sort of joint process with the Assembly.

I have to believe we all have or should have the same goals here. The last big effort to overhaul the method of voting was a commission, a temporary state commission set up in 1985 and '86, which was a bipartisan effort. Indeed, some of the things that are being amended here were legislation prompted by that commission.

At the time I was on the commission, then Assemblyman Silver -- he was a number of years away from being Speaker -- was a cochair, along with the late, great

Senator Gene Levy. And there were members appointed by the Executive on it.

One of the things that I'm glad we're articulating -- I think I've mentioned this before -- at the time the whole idea was to come up with a new technology. And most of the witnesses we heard from were trying to sell New York punch-card systems. And as a result of a lot of questioning at a public hearing, we recommended that punch cards not be used, but grandfathered in those three or four counties that were using them for absentee ballots.

So I know -- getting ahead of myself, it's a later bill -- I think we're going to end that. I actually was involved representing someone in a recount in Westchester County just this past November where the deck of cards was put through three times and got three different results. And it's just not the way to go.

In terms of a statewide voter registration list, I think that's a good idea. But I think we have to think a little bit more and be a little more detailed in how it would

work. I am concerned that one of the results -- and I know the boards have attempted to adjust for this -- that came out of the NVRA, the Motor Voter law, was the fact that people were being removed from the rolls because a mail address change was being filed.

And under that federal legislation, it said, gee, whenever anybody goes to the post office and files a change of address, the local board of elections shall be notified and shall automatically transfer that person -- Florida, wherever it is.

It sounded great, except what it meant is when your kid went to college in Florida and forwarded his mail, the whole family got transferred to Florida, even though you still had three members living in Queens. Or when mom and pop retired to Florida, the kids' voter registrations got transferred as well.

So if we're going to do this -- and I have to tell you, in some parts of -- in my familiarity with New York City, it's really gummed up the works. You get people coming and insisting no, they never lived in North

Carolina, they've been here all along, why can't I vote.

So unless we very thoughtfully address, when we set up a statewide list -- because a statewide list, being the official list, is more and more remote from where those people live and where they are voters. We have to give some thought to how this meshes with automatic revisions like that.

And by the way, this is not a criticism of Senator Morahan or the Majority. Anybody need be criticized. And the same applies with respect to HAVA. And I'm not saying that Florida didn't say we had to do something as a nation.

But the fact of the matter is, of all of our governing legislative bodies, in my experience the Congress is the most removed, believe it or not, from the mechanics of voting, from the nitty-gritty of how elections work. Thankfully, they do raise enough money that they usually can afford to hire good election lawyers. But they don't do it themselves, the way a lot of local officials -- those of us who have been either

state legislators or local elected officials have had to kind of roll up our sleeves over the years and do it ourself.

So I am concerned that we haven't fleshed this out enough, how this state voter file is going to work and how it's going to interact with some of the other provisions the county boards still have to enforce. Including making those transfers according to that national mail, whatever it is, address list, to how they are required to make adjustments from -- to the voter rolls based on anyone contacting the board. They have to make after-the-fact adjustments under Motor Voter for provisional ballots that indicate a new address.

And I don't know -- and secondly, you know, let's get real here. I've counted votes in some county boards of elections that were very, very small, they had but two part-time employees as their entire staff. And to just say, well, they're going to have this electronic system and they're going to handle this, just might not be very realistic.

So I just don't think enough

thought and preparation has gone into this. I think discussions to come up with the same bill between the two houses might facilitate fleshing out some of those details.

With all due respect to my colleague Senator Krueger, I'm not too worried about the felony provisions, since it says "knowingly." Although, frankly, if you look at the Election Law, with respect to some provisions we've used even a more stringent standard. That's "willfully." And I think that's even a tougher legal standard. And I would suggest that we may want to consider about people, you know, willingly or willfully filing false things maybe should be a felony.

I'm not sure -- you know, people do all sorts of things in elections that aren't legal, aren't proper, but they don't mean to be criminals. How many times I've heard people say, "Oh, yeah, I forgot to change my registration, so I went back to my old address and voted." He only voted once, though. Yes, it's not a legal vote. But I assure you, there are people all over this state who do that quite innocently. They don't appreciate

the legal legalities of voting.

And occasionally -- why are they wrong? They may just be voting for the wrong Assembly candidate. But they don't look at -- I've got news for my colleagues. Probably not news. State Senator, Assembly, that's not what gets most people to vote. They look at, like, I voted once, for President. I voted once, for U.S. Senator. That's why they're voting. So they don't think they're doing anything wrong when they do that.

Yes, they are technically not complying with the law. I don't think -- and believe me, you know, if you can eliminate their ballot -- and I've certainly done it -- from that election, you do it, depending on where in the process you are. But I don't think those people ought to go to jail. Maybe they ought to get a letter explaining to them that you can't do that. Particularly no need to do that now. Under NVRA, they can do a provisional ballot and it counts at their new address. But they don't know that yet.

And that says something else. We probably don't do enough to educate voters.

Now, boards of elections give out a lot of information to people who are there, who come to the board of elections, who know where it is. You can get any information you want there. I'm talking about the people who don't even know there is a board of elections. Certainly don't know where it is. They mailed in a form sometime.

As long as I've got into it, going into the rest of the package here, it's great that the bill that deals with voting machines requires a paper audit trail verifiable by the voter. And I want everybody to understand what that means. Because I've read editorials about it -- the New York Times just had a couple -- demanding that we do this. And I agree. I am one who has stood up time and time again and said, We can't just let some computer tell us who won the election. And when it's really close, it's really important to count every vote.

And a number of our colleagues here today and in the past have won by razor-thin margins after weeks long of counting votes. And the press never likes that. They write

stories, oh, why is it taking them six weeks or whatever. They certainly didn't like the Florida situation.

The fact of the matter is that elections, when they are close, always take a long time to count accurately. And when everybody gets all upset in one of these recounts about faults in the system, why it wasn't a perfect election, people will say, Why, suddenly, when it's only a 10-vote margin did this, that, or the other thing happen? Did these votes get in there that shouldn't have?

Well, the reality is there is no such thing as a flawless election. It's just that when someone wins by 6 or 7 percentage points, nobody goes back and checks. Except the folks at the Board of Elections, and nobody pays attention to the fact that they actually do recount everything and correct some mistakes.

But I want to point out something else, because I've seen it in the press, I've seen it in letters to the editor, and I've seen it in some editorials: confusion between

what it means to have a verifiable paper audit trail and giving voters an ATM receipt. Because I have seen newspaper stories and editorials that interpret that to mean the voter leaves the voting booth with a paper receipt that they can verify.

Well, there's two things wrong with that. One, what are they going to do, come back eight weeks later, do a recount and say this was my vote? That's not reliable. So that doesn't help the authenticity of the process.

But, two, we have laws that forbid materials and ballots from being taken from a polling place, for the simple reason that it avoids vote buying. And believe me, giving an ATM-like receipt to every voter showing how they voted is an old-fashioned ward heeler with twenty dollar bills in his pocket gift. Bring me your receipt, show me you voted for my guy, and you get the twenty bucks.

So we can't allow that. So this bill correctly defines what is meant by a verifiable paper audit trail.

With respect to the bill that most

concerns me and I am going to vote no on, Senator Morahan, Mr. President, is the provision for identification numbers and so on. You know, a Social Security number is a nine-digit number. You are asking voters to supply, along with their name and address, four of those digits.

Now, I haven't done this kind of math in years. I'm sure my 16-year-old could do it. But you've probably made it only 25 percent of the task for someone to run combinations of numbers and figure out your Social Security number when you eliminate those four numbers.

But I'll go you one further, Mr. President -- Madam President, I'm sorry. Madam President. It's verifiable.

I have a couple of credit cards, and right on the credit card it says dial 1-800 whatever, and you can get all the account information. And when I dial it, they ask me to do one thing. They say punch in the account number. Well, if I lost the credit card, that's easy. They got my name and the credit card there.

And with respect to two of them that come to mind, what form of identification, what further form do they ask over the phone before they give out all the account information, or allow transfers, or allow computer transfers? Because you can do that. They say mother's maiden name. Well, you know, that's wonderful. Once upon a time most people couldn't guess at what that is. Read the Red Book. I think my mother's maiden name is in my bio. Read "Who's Who in American Politics," I know it's in there.

I'll bet I can find out -- give me all day tomorrow, I can come up with the mother's maiden name for virtually every member here. We're all in Internet bios, and they have mother's name, father's name. And for younger folks where women haven't adopted, necessarily, their husband's last name, it's real easy to find out your mother's maiden name. You can find out my kids' mother's maiden name because my wife professionally and every other way uses the name she was given at birth. So that's not big secret information.

Ah, but they have a check on that.

The other thing they always ask for is the last four digits of my Social Security number. So with my mother's maiden name and the last four digits of my Social Security number, you can now access bank, credit cards, all sorts of stuff, make transactions, transfer money, charge things.

So I don't know where we came up with this. But I'm telling you, those -- has anybody else experienced it? They always say punch in your last four digits of your Social Security number.

So we're now going to create a statewide voter file -- that's of course a public information, where you can look up people, get their name, address, last four digits of their Social Security number -- hey, all you need is their mother's maiden name. Look it up. Certainly for public officials, easy to look up. For most people it's easy to look up. For people you know. If you know their cousin, you know what their mother's name was. I mean, there's a million ways -- that's not such high-security information.

So I'm going to vote against that

provision just for that and that alone. I think we just go too far here in taking personal information from people. We want them to have a voter number? Give them a voter number. But for us to come up with a piece of information, even part of someone's Social Security number -- and it's always those last four digits they ask for. And I just think that's just ill-advised.

Nobody's thought that out. But it certainly occurred to me. And those of you who may have a credit card number with a 1-800 number on it and you've never tried it, try it, and that's what they'll ask you for, your mother's maiden name -- or sometimes, when you're on a dial phone, they just want the last four digits of your Social Security number. They don't even want your mother's maiden name.

So we're now proposing to have people who register to vote to provide that information to the county board, that gives it to the State Board, that anybody can go in and look at it. I think that's just very, very foolish. And I'm not sure if that's an item

that HAVA called for or that we just thought up. Either way, it's just, in my mind -- we have all these bills that come out about identity theft and how are we going to prevent it and what are we going to do about it. And here we are making it like easy as pie for anybody to steal identities.

The other thing is this whole idea of providing identification. It just baffles me. And I know Congress passed it. I remember during that debate Senator Schumer opposed the requirement of people showing ID. Then the New York Times opined that it was a good idea to require people to show ID. And then it wound up in the bill.

We fought in the early '70s to stop the practice of demanding people show ID when they vote because it was being used selectively to harass voters. The kinds of information -- okay, somebody doesn't have a driver's license, they don't have the quintessential -- they don't have the driver's license. So the bill dealing with this provides, well, they can come up with these following other items.

One of them -- you know, I'm reminded -- I think I've told this story before -- in the 1998 statewide recount and contest for attorney general, where I was privileged to be counsel for the then candidate, now the great attorney general of the State of New York, one of the things his opponent said is he walked in the court with a printout from some nationwide organization and said, "We have here 120,000 people who voted in the election who don't exist."

Why didn't they exist? Well, they said they can't exist. TRW has no record of them. That means they don't have a credit card, they don't have a utility bill in their name, they don't have a car loan in their name, they don't have a mortgage in their name, they don't have a bank account in their name. They're all in New York City. And this is how the election supposedly was stolen.

One of the newspapers, I believe it was the New York Times, you know, how are you going to answer that? Well, they randomly picked 600 of those names and checked and found all of those people where they said they

lived. But life in a large urban area is such that, first of all, people often don't have the utility in their name. It's in their husband's name, their partner's name, their other relative's name who has a last name. So to say bring in a utility bill -- I can assure you, my wife, being the good spouse that she is, doesn't have any utility bills in her name. They're all in my name. She couldn't show a utility bill showing that she lives there. That's very common.

And not to get into another topic, but folks who make the minimum wage in New York City don't rush with that paltry, puny paycheck to a bank to put it in a checking account so they can be charged a service charge because they don't maintain a $1,000 minimum balance or a $500 minimum balance. And they don't pay 10 or 15 cents a check.

You know, when you bring home such a paltry sum that you can barely feed your children with, you know what you do? You go to a check cashier, you cash it, you pay the 50-cent charge, and you get cash. And you pay

your utility bill in cash, and you try, you try and live on it till you get the next puny little check for your minimum wage work.

But you exist, and you have a right to vote. Indeed, I would encourage anybody in that situation, make sure you vote. Don't exist? So you don't have any of this information. You don't have a utility bill in your name, you don't have a lease in your name. It's in your partner's name. That's just very, very common.

I know folks who live in other parts of the state where the population isn't as mobile, people don't move every couple of years, people own homes instead of rent, instead of crash. I mean, look, so you crash at a friend's apartment. That's where you live; you live nowhere else. You have a right to vote there.

And I don't know how we reconcile this bill with federal case law in New York State that says homeless people have a constitutional right to vote. What kind of ID that fits into this bill would an unemployed homeless person have?

We have federal law that says they have a right to vote and they have a right to give that park bench as the place they live. The only thing they have to do is provide the Board of Elections with a mailing address, the mailing address not being the same as the place where they live. Homeless people never have the kinds of -- the limited, the limited types of identification that are contained in this bill in order to facilitate the registration of people who don't have a driver's license.

So, Madam President, I suggest that there's some good things in these bills, but that particular bill is woefully inadequate because it does not address the real situation that -- I was going to say tens of thousands, but that Mr. Vacco's lawyers in that case told us there were 120,000 of them in New York City. And it turned out they all were legitimate voters. They simply didn't have a bank account, they didn't have a utility bill, they didn't have a driver's license, they didn't have a credit card. Because that's the way people live. And that's the way people

live in large parts of the city. That's why the State of New York has, what is it, 38 licensed check-cashers or 48 licensed check-cashers.

I brought that up before that judge, who was a great, great judge -- he happens to be from Albany County -- and he said, "What's a check-casher?"

You know, that's why they exist. People don't use the all-American standard financial institutions when they live at the bottom or minimum wage in a place like New York City.

So this bill leaves out too many New Yorkers. Too many New Yorkers just won't make it, won't be able to register to vote because they just don't have this kind of documentation and they don't have any way to get it. They have other forms of documentation, which I think you'll hear about when my colleagues present their amendments.

But I'm voting against this bill for the reasons I've said.

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: Those recorded in the negative on Calendar Number 322 are Senators Andrews, Breslin, Connor, Dilán, Duane, Hassell-Thompson, L. Krueger, Onorato, Parker, Paterson, Sabini, Schneiderman, A. Smith, Stachowski, and Stavisky. Ayes, 45. Nays, 15.

ACTING PRESIDENT McGEE: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 323, by Senator Morahan, Senate Print 6202, an act to amend the State Finance Law, in relation to establishing the Help America Vote Act implementation fund.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 324, by Senator Morahan, Senate Print 6204, an act to amend the Election Law, in relation to providing.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR MORAHAN: Yes, Madam President.

Required by HAVA, the administrative complaint procedure would be used by any person for reporting to the New York State Board of Elections voting violations that have occurred or are occurring.

ACTING PRESIDENT McGEE: Senator

Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Thank you. One quick question, Madam President, if the sponsor would yield.

ACTING PRESIDENT McGEE: Senator Morahan, will you yield for one quick question?

SENATOR MORAHAN: Yes, I do.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SCHNEIDERMAN: Through you, Madam President, if the sponsor could let us know what could possibly constitute a filing or a false complaint that would constitute a Class E felony. How would that be distinguished from a mistake?

SENATOR MORAHAN: What do you mean, from the state? Can you repeat that question?

SENATOR SCHNEIDERMAN: The question is, this makes filing a false or baseless complaint a Class E felony. And I would like to understand what the difference is between a mistake and a false or baseless complaint.

SENATOR MORAHAN: I think the difference would be in the eyes of the district attorney who would receive the complaint from the Board of Elections. If they feel that there is some knowing and some willful activity, that then they would measure that complaint, like any other complaint that's -- if you bring it to the police station and they feel, you know, after they do the investigation, the DA doesn't prosecute, that's the way it goes.

But I think I would leave that to the folks who are charged under the criminal administration of the Penal Law.

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 think this is objectionable for some of the reasons that have been discussed earlier. I also do think that the only standard that's in here now for the Class E felony is a knowing

standard. And I would respectfully suggest that that's not enough of a definition for making a felony out of something that could very, very easily have been a mistake and does not provide the guidance that the criminal justice system requires.

I'm going to vote no, and I encourage everyone else to vote no.

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: Those recorded in the negative on Calendar Number 324 are Senators Andrews, Breslin, Connor, Duane, Hassell-Thompson, L. Krueger, Parker, Paterson, Schneiderman, and A. Smith. Ayes, 50. Nays, 10.

ACTING PRESIDENT McGEE: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number

325, by Senator Morahan, Senate Print 6205, an act to amend the Election Law, in relation to verification of voter registration information.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, in lieu of an explanation, since I think many of the issues in this particular bill have been sufficiently ventilated earlier, I believe there's an amendment at the desk and I would like to have it read and be heard on the amendment. Or I can waive its reading and be heard on the amendment.

ACTING PRESIDENT McGEE: The reading is waived, and you may be heard, Senator Schneiderman.

SENATOR SCHNEIDERMAN: On the amendment?

ACTING PRESIDENT McGEE: On the amendment.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

This bill provides for the verification of voter information and requires

voter identification before people can vote. In addition to the other issues that were raised, including the Social Security number issue, which Senator Connor raised -- and I actually had to talk to one of my credit card companies this week, and they asked precisely those two questions -- this bill provides what I think is an extraordinarily vague and very, very limited set of forms of identification that a voter could provide.

It states that the voter has to provide a current and valid photo identification with no explanation of what that is, or present a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address.

The Assembly bill that is being passed today includes a far broader range of possible forms of identification, including EBT cards, public housing, lease and rent statements, tuition bills and statements from colleges and universities, copies of correspondence, insurance cards issued pursuant to government-administered or

subsidized health insurance programs.

And I respectfully suggest that this vague and limited list really could easily be amended to include a far broader range of forms of identification and to define what a valid photo identification is. That's what this amendment does. I would urge everyone to vote for the amendment.

ACTING PRESIDENT McGEE: Those Senators in agreement with the amendment please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Connor, Duane, Hassell-Thompson, L. Krueger, Lachman, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Schneiderman, A. Smith, Stachowski, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

On the bill, read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2005.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 325 are Senators Andrews, Breslin, Connor, Duane, Hassell-Thompson, L. Krueger, Onorato, Parker, Paterson, Sabini, Sampson, Schneiderman, A. Smith, Stachowski, and Stavisky. Ayes, 45. Nays, 15.

ACTING PRESIDENT McGEE: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 327, by Senator Morahan, Senate Print 6207, an act to amend the Election Law, in relation to enacting the Voting Machines Modernization Act of 2004.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. I believe I have an amendment at the desk, which I'd like to waive reading on.

ACTING PRESIDENT McGEE: Reading is waived.

SENATOR LIZ KRUEGER: And I'd like to speak on the amendment. Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Krueger, on the amendment.

SENATOR LIZ KRUEGER: Senator Morahan, this is one of your larger bills today, and it goes into the issues of voting machines and the requirements for voting machines. And my amendment specifically deals with some of the issues that I think are absent in this bill for voting machines that I think are critical, particularly for addressing concerns for people with disabilities.

This bill does not direct our local boards of elections to require that voting machines meet certain standards for people with disabilities that I think clearly ought to be in this legislation and are in fact in the Assembly legislation.

Specifically, what is absent in this bill, and I would hope that would be in final legislation passed between the two houses when these bills are conferenced, is not just a requirement within the ADA that all polling places shall be accessible people with disabilities, but that also the machines that

we choose -- because in fact this bill primarily addresses requirements for new voting machines -- that the State Board of Elections should approve and provide at each polling site machines that meet different standards for people with disabilities, including being equipped with handheld voting devices; with tactile discernible controls designed to meet the needs of voters with limited reach and limited hand dexterity; be equipped with audio stimulus voting features that communicate the complete content of the ballot in a human voice and multiple languages, which permits a voter who is blind or visually impaired to cast a secret ballot; used at the option of a voter, voice-only or tactile discernible controls; includes sip and switch voting options; provides standards for the voting machines to be accessible by wheelchair; and a series of other proposals that would help us meet the standards of the Americans With Disabilities Act and the standards of election law as defined in the human rights law for our country.

We can lay this out in this bill.

The Assembly has done so on their own. So I am urging that we follow the guidelines of the Assembly, put the same requirements in this bill here today so that we are closer to same-as legislation in the two houses that will make sure that tens of thousands of disabled New Yorkers who for decades really have not had access to equal rights to vote in privacy and confidentiality will have those same rights as the rest of us when we go forward with new machines.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Those Senators in agreement with the amendment please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Connor, Duane, Hassell-Thompson, L. Krueger, Lachman, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Schneiderman, A. Smith, Stachowski, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

On the bill, read the last section.

Senator Sabini.

SENATOR SABINI: Madam President, I believe I have another amendment at the desk.

ACTING PRESIDENT McGEE: You wish to speak on the amendment?

SENATOR SABINI: I'll waive reading of the amendment and briefly speak on the amendment.

ACTING PRESIDENT McGEE: Senator Sabini, on the amendment.

SENATOR SABINI: Madam President, this amendment would direct the State Board of Elections to work with local boards of elections, the people that know their communities the best, to identify additional language groups beyond those identified in the Voting Rights Act and to require those boards to provide language assistance and written materials in the identified languages to all such voters and assistance at the polling place.

While implementing HAVA is not a race, it is kind of sad that we are, as of now, 40th across the finish line and maybe pushing for 50. And some of those state

legislatures that are trying to comply with HAVA don't meet annually but biennially. We're here a lot more than a lot of other legislatures are, yet we've been very slow to the dance here.

New York should provide some leadership on this issue. We're a very unique state in terms of how many ethnicities come to our shores. Many, many, many, many of us are children of immigrants, or our parents are children of immigrants, and that continues. It's part of the American dream. And yet our voters come to our shores, become citizens, and when they're asked to participate, now we have a rather limited number of languages in which they can participate in.

And while English is a requirement, limited requirement for citizenship, many of the people who vote in places like Queens County, where I represent, English is not their first language, and the complexities of conducting an election may be beyond their English proficiency.

So this amendment would require the State Board to come up with languages in

counties where they're prevalent by a certain number of people and ask that those local boards file with the state to make those language-assistance translators and written materials available to those voters who need them.

Thank you.

ACTING PRESIDENT McGEE: Those Senators in agreement with the amendment please signify by -- I'm sorry.

SENATOR STAVISKY: Madam President.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR STAVISKY: I just want to commend Senator Sabini for his amendment. As somebody who represents 100,000 Asians, I think this is very necessary.

Thank you.

ACTING PRESIDENT McGEE: Those Senators in agreement with the amendment please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Connor, Duane, Hassell-Thompson, L. Krueger,

Lachman, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Schneiderman, A. Smith, Stachowski, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

On the bill, read the last section.

Oh, Senator Krueger. I'm so sorry.

SENATOR LIZ KRUEGER: Madam President, briefly on the bill, please.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

We had a series of amendments, and so clearly we had some recommendations for your bill, Senator. But I will tell you that I will be voting against your bill today, because while it addresses some of the issues we need to address, it's not enough.

It's not enough because this state, as Senator Sabini just pointed out, is late in moving forward as we need to on a full package of legislation on HAVA. And what this bill does in not putting enough specifications in about what these machines that we're going to be purchasing are, it leaves us open to too

many dangers, in my opinion.

While I am very pleased to see that since last year your bill's moved forward with voter-verified paper audit trails, since that time the research has also been enormous on how many errors are being made by machines throughout the country, how easy it seems to be able to hack into the various systems for anyone who's got a year or two at one of the top technology universities in this country, and how serious the risks and the dangers are.

So I am very concerned that in this bill we are leaving it to counties and to cities to make decisions on different machines throughout perhaps the entire state. While in your bill the state would recommend machines and specs for machines, it leaves us open to having a mismatch of -- or a mix and match of different machines with different standards and different abilities to accurately count the vote throughout the state.

I do believe that HAVA calls for us to have a standardized system for machines statewide, for voter education statewide, as well as the voter registration that we talked

about earlier. And I don't believe that this bill goes far enough and has enough meat in it, so to speak, enough requirements on the types of things we ought to be having in every single county for every election.

We talked about, in our amendments, access for the disabled. We talked about access for people who read other than English. We didn't get into enough details about the specs around what the protections for those machines are.

Several newspapers here in our own state have highlighted stories about how people can easily break into these machines physically and through electronic machines. I went to a demonstration myself in New York City last week of the different machines being marketed to the State of New York. I am not a computer nerd or technically expert person. I could find mistakes or risks or problems in each of them. Even the concept that many of these machines were physically light enough that you could walk out with them, and walk out the door with the voting results from that ED.

We need to do better before we go forward. And I'm also concerned, although I don't hold us here in the Legislature responsible, we're supposed to be moving forward with HAVA on a speedy timeline, when the Bush administration has cut funding this year for HAVA from $800 million to $40 million. So even the question of what funds we'll have available for all these new mandates on ourselves is an unknown question for us right now.

I fear that like the "No Child Left Behind" Act of the federal government, without the funds to ensure the education our children need, that HAVA may end up being our "Every Voter Left Behind Act," absent the federal funds.

And yet we have to go forward. This little bill is inadequate for us to do so. So I'm urging my colleagues to vote no on this legislation.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, Madam

President. I'm going to take the liberty to speak to the bill and the other bills in this afternoon's package.

In October of '02, the HAVA bill came out of Congress and became law, with timelines that would mandate that we would be in a reasonable position to enact HAVA by November of '04. Obviously, we are not anywhere near that and we have been fortunate enough to file and receive a waiver to '06.

And the purpose of these bills today is really to start the engine going for what we will do as a state. These are bills that cover many of the concerns of HAVA in the broad sense. We understand that. We understand, too, that we did not take a position on some of the specifications of the machines themselves, for the very good reason that you're bringing out on the floor. We don't know a whole lot about all these machines, we don't know all that's available, we don't know about the hackability of these machines.

But we do know there are certain things we want. We want them to have a paper

trail, an audit trail. We want to have all boards of elections to do audits on the machines. We have left, by design, a lot of the regulation and specifications to those who are going to work with this on a very day-to-day basis, the Board of Elections who are in charge constitutionally, or by law, to execute and to fulfill the requirements of our elections.

Now, some of the advice that came out today is good advice. Some of the advice, if we get into designing the machine on the floor here, I would wonder what that machine really would look like at the end of the day. Okay?

(Laughter.)

SENATOR MORAHAN: So some of this is left to the experts. There's plenty of time for review.

Yes, the Assembly has come out with a package of bills. Yes, we've come out with a package of bills. No, they're not the same; we recognize that. But now hopefully we will get into the business, the serious business of negotiating bills.

These are the Senate Majority bills. This is how we feel about it at this time. And I thank everyone for their courtesy and for listening to the bills. I think the debate was enlightening, and we'll move forward from here.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 9. 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 327 are Senators Andrews, Breslin, Connor, Duane, Hassell-Thompson, L. Krueger, Onorato, Parker, Paterson, Sabini, Sampson, Schneiderman, A. Smith, Stachowski, Stavisky, and Wright.

Ayes, 44. Nays, 16.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Please recognize

Senator Smith.

ACTING PRESIDENT McGEE: Senator A. Smith.

SENATOR ADA SMITH: Thank you, Madam President. I request unanimous consent to be recorded in the negative on Calendar Number 140, Senate Bill Number 554.

ACTING PRESIDENT McGEE: Without objection.

SENATOR ADA SMITH: Thank you.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: If we can return to reports of standing committees, I believe there's a report of the Civil Service and Pensions Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Robach, from the Committee on Civil Service and Pensions, reports:

Senate Print 1844A, by Senator Velella, an act to amend the Retirement and Social Security Law;

2070A, by Senator Maltese, an act to amend the Administrative Code of the City of New York;

2124B, by Senator Skelos, an act to amend the Retirement and Social Security Law;

2268A, by Senator Bonacic, an act to amend the Retirement and Social Security Law;

3251A, by Senator Maziarz, an act to amend the Retirement and Social Security Law;

3299A, by Senator Marchi, an act to amend the General Municipal Law;

3300A, by Senator Marchi, an act to amend the General Municipal Law;

3376A, by Senator Marchi, an act to amend the Retirement and Social Security Law;

4101A, by Senator Robach, an act to amend the Civil Service Law;

And Senate Print 4258A, by Senator Padavan, an act to amend the Retirement and Social Security Law.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Without

objection, all bills reported direct to third reading.

Senator Skelos.

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

ACTING PRESIDENT McGEE: No, there is not.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Tuesday, February 24th, at 12:15 p.m.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Tuesday, February 24th, at 12:15 p.m.

(Whereupon, at 5:52 p.m., the Senate adjourned.)