NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 4, 2006

3:04 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 3, the Senate met pursuant to adjournment. The Journal of Sunday, April 2, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Maltese, Madam President, on page 31 I offer the following amendments to Calendar Number 613, Senate Print Number 5684, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Madam President, on behalf of Senator Seward, I wish to call up his bill, Print Number 6420A, which was recalled from the Assembly and it's now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 390, by Senator Seward, Senate Print 6420A, an act to amend the Highway Law.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

THE PRESIDENT: The amendments are received.

SENATOR FARLEY: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar, with the exception of Resolution 4122.

THE PRESIDENT: All in favor of so adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is so adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Resolution 4122, by Senator Little, and have it read in its entirety.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Little, Legislative Resolution Number 4122, congratulating the Salmon River High School Girls Hockey Team and Coach Brian LaVack upon the occasion of capturing its third straight New York State Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy

living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, For the third straight year, the Salmon River Shamrocks High School Girls Hockey Team are the New York State champions, after defeating Potsdam High School, 5-1, at Cheel Arena; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Brian LaVack and his dedicated assistant coach, Lindsey Charlebois, skilled and inspirational tutors respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall team record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Salmon River High School Girls Hockey Team, from the opening game of the season to participation in the championship, were a sisterhood of athletic ability, of good

sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

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

"WHEREAS, Coaches Brian LaVack and Lindsey Charlebois have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Brian LaVack and the outstanding athletes on the Salmon River High School Girls Hockey Team have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Salmon River High School Girls Hockey Team, its members -- Chantel Johnston, Tameka Thompson, Waheshon Lazore,

Janelle Charland, Brittany Avery, Samantha Phillips, Wathahanni Mitchell, Okiokwinon Francis, Allison Smiddy, Kwenni Nanticoke, Alley Bero, Katie Bero, Olivia Cook, Haley Cree, Amanda Cross, Rori Francis-Herne, Mary Herne, Jennifer Tremblay, Kenkiowine Barnes, Ashton Francis, and Krista Oakes -- Assistant Coach Lindsey Charlebois, and Coach Brian LaVack on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Salmon River High School Girls Hockey Team and to Coach Brian LaVack."

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

I am really honored to stand here today and to recognize a team of athletes from my district. And I'd like to note that it's the first time that I've had a championship team come to Albany and be recognized here in the Senate from my district. And I also believe it's the first time that this body has recognized a girl's ice hockey team as state

champions.

I present to you today the Lady Shamrocks from the Salmon River High School, which is located in Franklin County, probably about as far north from here as you can get without being in Canada.

The girls won the state championship this year and were state champions for the past two years as well. This hockey team was only begun five years ago, and they have been state champions for three years in a row, certainly no easy feat. Their championship game was against Potsdam, which they won 5-1.

I'm also pleased to say that of the 20 female hockey members of this team, 14 of them are from the Akwesasne Reservation and are Native Americans. And on that reservation, part of the reservation -- just for a little geography lesson -- is in Canada, and part in the United States. Several of the girls are actually Canadian residents on the reservation attending Salmon River High School.

The bad news for all the other ice

hockey teams in New York State is only three of the girls are seniors. So of the other 17, we're going to hear more from them as we go along.

With them today are their two coaches, Brian LaVack and Lindsey Charlebois, and their high school principal, John Simons. Also with them is Sean Miller, the athletic director for Salmon River High School, who, I would like to note, received a legislative resolution from this body in 1992 when he was on the Salmon River men's hockey state championship ice hockey team.

They are joined today by many parents. And I've always said that ice hockey is a parent participation sport, since it requires a lot of effort on the part of parents lugging equipment and bringing children to ice hockey from the time they can skate until they graduate.

But a lot of effort has gone into this team. We have scholar-athletes, we have girls with national recognition here. We also have several girls who have won All-Star recognition for the North Country.

So it's with a great deal of pleasure that I introduce to you the Lady Shamrocks from Salmon River High School in Franklin County. And I'm very proud to have them here with us today.

(Applause.)

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

On behalf of the Senate, congratulations and best wishes for continued success. Have a great celebration.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe I have a resolution at the desk. I would ask that be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 4395,

celebrating the life and career of Oscar-winning Hollywood veteran Maureen Stapleton.

"WHEREAS, It is the sense of this Legislative Body to honor and pay tribute to the memory of those gifted individuals whose creative talents have contributed to the entertainment and artistic enrichment of the citizens of the State of New York; and

"WHEREAS, It is with feelings of great sorrow and deepest regret that this Legislative Body records the passing of Maureen Stapleton, Oscar-winning character actress, noting the significance of the loss of a woman with exceptional talent and an indomitable spirit; and

"WHEREAS, Legendary actress Maureen Stapleton died on Monday, March 13, 2006, in Lenox, Massachusetts, at the age of 80; and

"WHEREAS, Lois Maureen Stapleton was born on June 21, 1925, in Troy, New York. She became a star of stage, screen and television in a career that spanned more than 40 years; and

"WHEREAS, Brought up in a strict

Irish Catholic family, Maureen Stapleton left home right after high school. With $100 to her name, she went to New York and began studying at the Herbert Berghof Acting School and later at the Actors Studio, which turned out the likes of Marlon Brando, Paul Newman and Julia Roberts; and

"WHEREAS, Maureen Stapleton made her broadway debut in the 1946 production of 'The Playboy of the Western World'; and

"WHEREAS, She became a success as Serafina Delle Rose in Tennesee Williams' Broadway hit 'The Rose Tattoo,' and won a Tony Award; and

"WHEREAS, She appeared in numerous other stage productions, including Lillian Hellman's 'Toys in the Attic' and Neil Simon's 'The Gingerbread Lady,' for which she won her second Tony in 1971. Maureen also starred opposite Laurence Olivier in Tennessee Williams' 'Cat on a Hot Tin Roof'; and

"WHEREAS, Her matronly appearance was instrumental in receiving an Academy Award in 1981 for her supporting role as anarchist-writer Emma Goldman in Warren

Beatty's 'Reds,' about a left-wing American journalist who journeys to Russia to cover the Bolshevik Revolution; and

"WHEREAS, Maureen Stapleton was nominated several times for a Supporting Actress Oscar, including for her first film role in 1958's 'Lonelyhearts,' 'Airport' in 1970, and Woody Allen's 'Interiors' in 1978; and

"WHEREAS, Her other film credits include the 1963 musical 'Bye Bye Birdie' opposite Ann-Margret and Dick Van Dyke; 'Johnny Dangerously'; 'Cocoon'; 'The Money Pit'; and 'Addicted to Love'; and

"WHEREAS, In television, Maureen Stapleton earned an Emmy for 'Among the Paths to Eden' in 1967. She was nominated for 'Queen of the Stardust Ballroom' in 1975, 'The Gathering' in 1977, and 'Miss Rose White' in 1992; and

"WHEREAS, Maureen Stapleton was formerly married to theatrical producer Max Allentuck and screenwriter David Rayfiel; and

"WHEREAS, in 1995, Maureen coauthored her memoirs, A Hell of a Life,

which richly detailed her life and career; and

"WHEREAS, Maureen Stapleton is survived by a daughter, Katharine Bambery; a son, Daniel Allentuck; a brother, Jack Stapleton; and two grandchildren; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to celebrate and pay tribute to the life of Maureen Stapleton, whose legendary talent entertained audiences for several decades. She will be greatly missed by her family, friends, colleagues, and fans across New York State and the nation; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Maureen Stapleton."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President and colleagues.

We're here recognizing and honoring a great, great lady, a great lady who was a native of Troy, New York, 15 minutes from where we are today. She was a graduate of Catholic High. She went on to really be one

of the elite in accomplishment in the arts, a triple crown winner: Oscar, Emmy and a Tony. Forty years, her life was dedicated to acting in every mode on stage, screen, TV.

So I'm proud that I represent that area. Her brother, Jack, is here; her cousin, Bill Stanton. And Jack ran the Albia Tavern for a lot of years, which was a landmark.

And Maureen -- and I had the pleasure of meeting her on one of her visits to Troy. She visited Troy regularly, went to Catholic High reunions. But here's a lady really that mixed with the greatest and the most recognized in the world, the Laurence Olivier types, and yet never forgot where she came from. Always returned home. Common, everyday lady.

I had the pleasure of having dinner with her at the then Troy's Club with Kitty Carlisle when she came back to do something at the Troy Music Hall, in recognition of that place, Troy, and where she really came from.

So just an honor to be here to recognize a life as full, as committed, as dedicated. And all of us can be proud because

people always said about her she was pretty courageous, gutsy, outspoken, and when she was dealing with people they knew exactly where she was at all times.

Jack, I can only imagine growing up with a lady like that. Sounds pretty feisty, pretty committed. And you look pretty well, though, for the wear. So there must have been a lot of good days.

So congratulations to you, to the family, and to the great memory that she leaves all of us and the legacy that she leaves here in Troy as one of the most notable people who have left and kept Troy in their heart.

Thank you, Madam President.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Yes, thank you, Madam President.

I rise to pay tribute to Maureen Stapleton. I met her on several occasions, and I was always impressed by her down-to-earth demeanor. And I'll tell you, she was a true Trojan. She loved Troy and she epitomized everything that came from that

incredible city.

I know, Madam President, that you knew her and her family. She had a rough time, many times, in a good, tough life. But she was a very strong woman that came through it all. And she was an actress par excellence that won every kind of accolade that you could get.

And she never forgot, as Senator Bruno said, where she came from. She was very proud of her hometown and, as you say, came back many times to visit us in Saratoga at the track and was always a real credit to her community.

And I think it's so appropriate that we pay tribute to her today.

THE PRESIDENT: Thank you to Jack and the family. As another Irish lady from Troy, I'd be remiss not to mention how loved your sister will always be in our hometown. She was a woman who was a survivor, dedicated. She loved Troy. She also loved people. And everyone loved her.

We know how much you must miss her. She'll never be forgotten and will always be

remembered with respect and love in her hometown and across the state and the country.

All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

Can we at this time have the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 336, by Senator Spano, Senate Print 3378, an act to amend the Tax Law, in relation to creating a direct payment permit.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 345, by Senator Nozzolio, Senate Print 1324 --

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

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 385, by Senator Spano, Senate Print 4155A, an act to amend the Vehicle and Traffic Law, in relation to enacting.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Bruno, Senate Print 3226, an

act to amend the Penal Law and the Highway Law, in relation to violence committed.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Bruno, to explain your vote.

SENATOR BRUNO: Madam President, to explain my vote.

Many of you will recall that eight years ago Suzanne Lyall disappeared, headed for the Albany campus, going to college. Her mom and dad, her mom Mary and her father Doug, have never missed a day when they haven't reminded people about the tragedy of a loved one who just disappears.

This bill is intended to improve the security around college campuses and around school facilities. That's the intent of this bill. We have passed this bill for eight years. For some reason or other, it

doesn't pass the Assembly. Pretty hard to understand why something that is as well-intentioned as this just doesn't pass the other house.

Doug and Mary have been advocating for missing people. Because we can't appreciate the heartache of not knowing what has happened to a loved one, to a child. Just imagine not knowing that any day that child may appear. And that was eight years ago.

Through their efforts primarily, this Thursday we'll have a monument dedicated and committed right here across the street, the Missing Persons Monument. And thanks to the efforts of Doug and Mary, just suffering through the consequences of their daughter Suzanne's disappearance, that's going to be there.

And also, through their great efforts, a lot has been done to create comfort for people who are missing a loved one.

So hopefully this year the Assembly will see fit to recognize how important this law is and pass it.

Thank you, Madam President.

THE PRESIDENT: The Secretary will announce the results.

Senator Montgomery, to explain your vote first.

SENATOR MONTGOMERY: Yes, Madam President, I need to explain my vote as well.

It is always difficult to vote in opposition to the Majority Leader, but on this I certainly must do that.

One of the reasons, number one, this says "school grounds," but it does not specifically say college campuses. So it's really wide open, it covers every school in the state.

And the other thing is we already have the School Safety Act, which under certain circumstances would make it possible for a high school student or a middle school student to be charged with a felony.

And the legislation that is here before us would mean that that E felony would be -- could be raised to a higher felony charge on a high school student simply because an incident would take place on school grounds.

So for those reasons, Madam President, I think that we need to tighten up the language, at least. And certainly this bill -- we should make it very clear that this bill does not relate to the School Safety Act that is already in law.

Madam President, I'm going to continue to oppose this legislation. I vote no.

THE PRESIDENT: You will be so recorded as voting in the negative.

And Senator Bruno will be recorded as voting in the affirmative.

The Secretary will now announce the results.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Montgomery and Parker recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 488, by Senator Trunzo, Senate Print 5808, an act to amend the Public Authorities Law, in relation to issuance.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 488 are Senators LaValle, Leibell, Padavan and Spano.

Ayes, 54. Nays, 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 514, by Senator Alesi --

SENATOR SERRANO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 515, by Senator Larkin, Senate Print 5391A --

SENATOR SERRANO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 547, by Senator DeFrancisco, Senate Print 6905A, an act to authorize and direct.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 552, by Senator Spano, Senate Print 6326, an act to amend the Education Law, in relation to prohibiting.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 561, by Senator Volker, Senate Print 1539 --

SENATOR SERRANO: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 574, by Senator Golden, Senate Print 6985, an act to amend the Penal Law, the Criminal Procedure Law and the Vehicle and Traffic Law, in relation to making.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 582, by Senator Farley, Senate Print --

SENATOR SERRANO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR SKELOS: Thank you, Madam President. If we could go to the controversial reading of the calendar.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 514, by Senator Alesi, Senate Print 3585, an act to amend the Tax Law.

SENATOR SERRANO: Explanation.

THE PRESIDENT: Senator Alesi, an explanation has been requested.

SENATOR ALESI: Thank you, Madam President.

This bill removes the requirement that any establishment that's licensed to sell Quick Draw must have at least 25 percent of its revenue coming from the sale of food.

Thank you very much, Madam President.

THE PRESIDENT: Does any member wish to be heard on this bill?

Then the debate is closed.

Ring the bell.

I want to remind the members that when the bill is ringing, we need every member to return to the chamber and take their seat, so that we can continue with the calendar.

Thank you.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Padavan, to explain your vote.

SENATOR PADAVAN: Thank you, Madam President.

Over a decade ago, when Quick Draw was foisted upon the people of this state, part of the way it was accomplished was to say we're going to put all kinds of restrictions as to where these Quick Draw parlors would be -- a certain size, have to provide food at least 25 percent, every five minutes.

Little by little, video crack -- which is what I labeled it then, a phrase that I think has stuck -- has continued to expand, and all of these inhibitions that were put in place are slowly but surely being removed. Now it's every four minutes. Size makes no difference, of the premise.

And now they want to take away the

food requirement in terms of what goes on in that premise, which means that they want to place these terminals in every corner and every bodega and every bar in every community in the state, so that more people will get hooked on this form of gambling.

I vote no.

THE PRESIDENT: You will be recorded as voting in the negative, Senator Padavan.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 514 are Senators Andrews, DeFrancisco, Duane, L. Krueger, LaValle, Leibell, Libous, Maltese, Marcellino, Meier, Montgomery, Padavan, Saland, Spano, Volker and Wright. Also Senator Oppenheimer. Also Senator Stavisky.

Absent from voting on Calendar 514: Senator Nozzolio.

Ayes, 41. Nays, 18.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

515, by Senator Larkin, Senate Print 5391A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR SERRANO: Explanation.

THE PRESIDENT: Senator Larkin, an explanation has been requested.

SENATOR LARKIN: Who asked? Madam President, who requested the explanation?

THE PRESIDENT: Senator Serrano.

SENATOR LARKIN: Thank you.

Senator Serrano, this is a bill we passed last year 58 to 3. It's an A print. The A print was because the main bill last year had a set date. We had to correct it to make the new date on it.

This bill is very simple. Back in 1990, when we passed the Internet -- when I didn't chair this committee -- we didn't have the phone cards, we didn't have the cellphones, and we didn't have the Internet. And what we wanted to do is to make sure that this didn't crossed into it, because we don't have that.

Everything that says how you could

bet is carried over into this one. The two areas that we are says that no bets are going to be accepted on the credit cards and only New Yorkers that bet on in-state races or New York-sanctioned OTB races could participate in this program. So it's confined within the state.

That is the main thrust of it. We didn't have that before; we now have all of these others, the Internet, and we have the cellphones, so we had to clear it up to do it.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: If the sponsor would please yield for a question.

THE PRESIDENT: Senator Larkin, will you yield for a question?

SENATOR LARKIN: Yes.

THE PRESIDENT: You may proceed, Senator Krueger, with a question.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Senator, I don't quite understand how you would bet through the Internet without it being prepaid in some way. You're saying no credit cards, but you could bet through the

Internet. But you might be -- you'd only be in New York, I couldn't be in Florida and bet through the Internet under this bill? How does that work?

SENATOR LARKIN: When you look at the prescribed procedures that we set forth -- and I would like to thank you very much for voting yes on this bill in 2005 -- what we've done here is just tightened the rules and made sure that we stuck with it.

Now, if you don't have an account, you can't bet. You have to register, get an account, then you can bet. But you can now use your cellphone with it. But you're still restricted to New York State operations.

SENATOR LIZ KRUEGER: Madam President, if through you the sponsor would continue to yield.

THE PRESIDENT: Senator Larkin, will you yield?

SENATOR LARKIN: Yes, ma'am.

THE PRESIDENT: You may proceed, Senator, with a question.

SENATOR LIZ KRUEGER: Thank you.

And you're right, Senator, I did

voter for this in 2005. And when I was reviewing it today --

SENATOR LARKIN: Madam President, I can't hear her.

THE PRESIDENT: Can we have order, please.

Senator, you have a question?

SENATOR LIZ KRUEGER: Thank you, Madam President.

Yes, Senator, you're right, I did vote for it last year. And when I reviewed my notes this year, I was a little confused about the argument, which is why I had the question today.

So again, could you clarify it for me? If I was to bet through the Internet on this bill -- excuse me. If this bill becomes a law and I could now place bets through the Internet, which I think you and I agree could not be done, how would I do that?

SENATOR LARKIN: What you're saying, Senator -- you would only bet through the OTBs. Period.

SENATOR LIZ KRUEGER: I'm sorry, Madam President, if through you I could

continue to ask the Senator a question.

THE PRESIDENT: You may finish your question, please, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

How do I set up an Internet account so that I'm paying for my bets through the Internet not using a credit card?

SENATOR LARKIN: Go to the OTB --

SENATOR LIZ KRUEGER: Physically?

SENATOR LARKIN: They will sign you up, and you can bet that way. You can use your cellphone or anything else that you would use with a hard-line, landline phone to do it that you would have done before we had cellphones. And the Internet comes under the same application.

But then again, you go back to the -- this is strictly within the state of New York. You're not going to do Connecticut races, you're not going to do California races. You're going to do New York State, just as it says in the bill.

SENATOR LIZ KRUEGER: Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator Larkin, do you yield?

SENATOR LARKIN: Yes.

THE PRESIDENT: You may proceed, Senator Krueger, with a question.

SENATOR LIZ KRUEGER: Thank you.

In the Internet arrangement that you're proposing, I certainly understand a phone versus a cellphone. But moving to the Internet, particularly, I think, in a time where we have a lot of children who are using the Internet for all kinds of Internet accounts without their parents' knowledge, what would be the mechanism to ensure that this was a carefully protected model and that people who perhaps might not appropriately have access --

SENATOR LARKIN: May I read something to you?

SENATOR LIZ KRUEGER: You may read to me, yes, Senator.

SENATOR LARKIN: This bill simply allows New Yorkers to call in their bets via a cellphone and the Internet just as they currently do over the phone if, underlined,

they have registered with a local racetrack or OTB and have an account there.

Therefore, minors cannot bet under this bill because they would not be issued a card.

SENATOR LIZ KRUEGER: I'll speak on the bill. Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the Senator's attempts to explain the bill to me.

And I have to say although I do freely admit, as the record shows, that I voted for the bill last year, I'm not comfortable, now that I've analyzed the bill further, in continuing to vote yes. Because I am concerned about opening up the door of Internet gambling in the context of New York State law.

And I'm also very concerned that, unlike a phone or a phone line or a cellphone where there's conversations taking place, that Internet accounts are too easily accessible by others without your knowledge, even if you're

the one who went to OTB and set up the account.

And there's more and more research out there showing that children in particular are using the Internet to experiment with gambling in ways that not only do I think is a dangerous precedent but I also think is a bad model for young people to become more and more involved in gambling models.

And the truth is, as we know with the Internet, it's harder and harder to control as a parent what your children might get into or not, whether they get access to your email account or not, whether they go on the computer when you're not there and you've automatically already programmed in information.

And so while I do not officially vote against gambling per se in the state of New York, I have to say that I am concerned that we continue to go down a road where it's easier and easier to just press a button and be having money taken away from your bank accounts without thinking about it, or perhaps without even noticing that others may be

accessing your accounts, particularly young people, through the Internet.

So I will be reversing my position and I'll be voting no this year.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Duane, to explain your vote.

SENATOR DUANE: Thank you, Madam President. I do wish to explain my vote.

I'm going to be voting no on this bill, because it makes gambling easier. And I firmly believe that gambling is an addiction. And of course addictions are often a way to compensate or cover up for depression or manifest obsessive-compulsive disorder.

And if we passed Timothy's Law, we

would have full coverage for mental health treatment. So how many people have to suffer because we don't have comprehensive mental health treatment available to all New Yorkers?

You know, not taking care of people's mental health is a bad bet. We should pass Timothy's Law.

Thank you, Madam President.

THE PRESIDENT: You will be recorded as voting in the negative on this bill, Senator Duane.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 515 are Senators Diaz, Duane, L. Krueger, LaValle, Leibell, Maltese, Padavan, Saland and Volker.

Absent from voting: Senator Nozzolio.

Ayes, 50. Nays, 9.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 561, by Senator Volker, Senate Print 1539, an act to amend the Civil Practice Law and Rules.

SENATOR SERRANO: Explanation.

SENATOR VOLKER: In anticipation, Madam President.

THE PRESIDENT: Senator Volker, an explanation has been requested, I assume.

SENATOR VOLKER: Yes.

This is a bill that's been around for a number of years. The history of it is that there were a number of problems, primarily in New York City, many years ago involving the police union and the City of New York. It actually involved two administrations ago, I believe.

What happened is that the administration -- and remember that one of the differences with police, which is -- should be, we believe should be a semimilitary organization, is that police union officials in many ways act as attorneys in giving advice to police officers. And there were a number of incidents involving the city trying to, in effect, deal with bargaining by putting pressure on union officials to testify. This frankly happened in New York, and I think it happened in Buffalo also.

The bill originally -- and I can't remember anymore who was the original sponsor in the Assembly. The bill originally was actually even a stronger bill. What had happened is we finally amended it to just strictly confidential communications with a union official, so that that person could speak to the official without the possibility of that official having to testify or whatever.

The bill -- actually, what happened was the bill was agreed upon with the administration. And as -- the person in charge said to me after it was vetoed, "How did that get vetoed?" I said, "Because the counsel's office didn't realize that we had come to an agreement." And that's a true story. This has always aggravated me, because this bill wouldn't be here if it wasn't for that.

I pointed that out the next time we passed it, and it went to the Governor and they vetoed it anyways.

So it just -- almost in fairness, I've continued to push this bill, because I

really do think it's a fairness bill. And I realize that there's some feeling toward police officers and police unions. But I think one of the things that we should realize is that it wasn't the Legislature that made decisions, for instance, in binding arbitration on rules, it was a court that ruled. The initial binding arbitration did not involve rules. And it was a court that made a decision and said that rules are also included in addition to the normal bargaining thing, which is wages and benefits and so forth.

And the reason I say that is I think there's a bit of confusion as to how this happened. The Conference of Mayors, frankly, has been angry at some of the police unions because of what's happened in binding arbitration. Which frankly is what this is really all about. It really doesn't have any real impact on the cities at all. And it has no impact on negotiations.

But I realize that the City of New York is opposed to it. And I think the Conference of Mayors is. And when you ask

them, they say, Well, we just don't think it's a good idea.

But that's what this bill is. Harvey Weisenberg sponsors it in the Assembly. And it hasn't been vetoed recently, but it may well be vetoed this year. We'll see. But I intend to see that Harvey passes this bill in the Assembly this year, because I think it's a good bill and I think we should try to do it.

THE PRESIDENT: Senator Schneiderman.

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

THE PRESIDENT: You may proceed.

SENATOR SCHNEIDERMAN: As much as I enjoy the nuances of my repetitive debates with Senator Volker over criminal justice bills, I think that the key statement he made earlier is this bill was initiated many years ago because there were some problems. And I think we're -- this is a bill that continues to live on after those problems have essentially abated.

What this bill would do, I think, is undermine some public confidence in efforts

to enforce proper conduct by our law enforcement officers. In my district, obviously, virtually every police officer is -- you know, is an outstanding representative of the police force. They do good work, they put their lives at risk. However, there is a credibility issue related to misconduct by the police.

And this bill essentially would extend a confidentiality privilege to communications arising in what are defined as official duties in conversations between union representatives and police officers. It's not like anything else. These aren't doctors, these aren't lawyers. It's a new confidentiality privilege. And what many of us have objected to -- and quite a few of us have voted no on this bill in recent years -- is the fact that the union representatives will not be able to disclose communications related to official duties. And official duties essentially excludes everything as to which union representatives have expertise.

So official duties doesn't include wages, hours, working conditions, collective

bargaining agreements, retirement benefits. So all the things that a union representative might have an argument that that's something that should be held in confidence if they discussed it with a police officer, that can be disclosed. But things related to possible acts of misconduct cannot be disclosed.

So it's simply an effort to solve a problem that I don't believe exists any longer in any substantial way.

The City is opposed to it. It's difficult enough to -- and it's a very rare occasion and a sad occasion when we have to pursue a police officer for misconduct. Don't misunderstand, this is not something that's a run of the mill occurrence. It should be as rare as we can make it.

But it is a sense of many of us, and a sense of many people in our districts, that this would create an additional impediment to the efforts to obtain fair and full investigations of police officers accused of misconduct by allowing them to have communication with someone not their lawyer, another official who -- immediately upon the

commission of the act for which they are being investigated. And there's really no need for it.

Let them talk to lawyers like everyone else. Let them deal with it as best they can. But there's no reason to confer this special confidentiality privilege on union officials for every issue except the issues as to which union officials generally are consulted by officers who are not being accused of misconduct.

So that's really why we've voted against it. Maybe this is another bill in the category of things that, in a new year with a new governor, we can revisit and refine and come up with a different way to approach it. But in the absence of a change, once again I will be voting in the negative.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 561 are Senators Andrews, DeFrancisco, Dilan, Duane, L. Krueger, Montgomery, Parker, Paterson, Schneiderman, Serrano and A. Smith. Also Senator Sampson.

Absent from voting: Senator Nozzolio.

Ayes, 47. Nays, 12.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 582, by Senator Farley, Senate Print 1848, an act to amend the Public Authorities Law.

SENATOR SERRANO: Explanation.

SENATOR SABINI: Explanation.

THE PRESIDENT: Senator Farley, an explanation has been requested.

SENATOR FARLEY: Thank you very much, Madam President.

This bill would authorize four upstate regional transportation authorities to

utilize lines of credit. Currently this authority is explicitly available only to the Metropolitan Transportation Authority.

This bill passed the Senate in 2003 unanimously, 2004 unanimously. And in 2005, Senator Sabini ably debated it, and it did pass, but with some objections.

This bill is rather voluminous because it amends four different sections of the Public Authorities Law governing each of these four upstate authorities: The Niagara Frontier Authority, the Rochester-Genesee Regional Authority, the Capital District Transportation Authority, which I represent, and the Central New York Regional Transportation Authority.

This language conforms these four sections to the language currently in Section 1269, which governs the MTA. It will enable these upstate transportation authorities to operate more efficiently and also at a lower cost, and it will create parity with the MTA.

Lines of credit are short-term revolving obligations which are primarily used

for cash-flow situations. They can be particularly significant in the transit industry, which must deal with daily and seasonal variations in ridership as well as cyclical payment of government subsidies.

Although these authorities are able to issue short-term obligations such as revenue anticipation notes, these are relatively complex and inflexible. They can also be more costly, and they are typically issued and interest must be paid for periods of months. Where with a line of credit, if they need this money only for a few days, they can go out and get it and only pay the interest for a couple of days.

And incidentally, this is heavily multisponsored in the Assembly, by Canestrari, McEneny, Hoyt, Schimminger, Tonko, Aubertine, Ortiz, Cook, Magnarelli, Towns, Weisenberg. And supposedly it's a reasonable piece of legislation.

One of the concerns that some members had was with the authorities generally and the need for reform there. And if you can recall, last year Senator Leibell passed some

very significant -- for the first time in my career here -- authority reform. And it really made quite an impact and I think might answer some of your concerns.

I know that you're concerned about all of the "others" in there, because you asked that last year. The "others" refer only to lines of credit for these -- for each of these authorities, to conform it with the MTA language.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Thank you, Madam President. Through you, if the sponsor would yield.

THE PRESIDENT: Senator Farley, will you yield?

SENATOR FARLEY: Certainly.

THE PRESIDENT: He will yield, Senator Sabini.

SENATOR SABINI: I want to thank the sponsor for his explanation and his concern over the issues that were raised last year on the floor.

But I still wonder what -- in the text of the bill, I believe there's 50

references to "other obligations." And you said that that was merely lines of credit. But lines of credit could come from derivatives, could come from hedge funds, could come from almost everywhere. Because under the definition the way I read it, it says "other obligations." It doesn't really say what's going to back up those obligations.

So I'm wondering why the bill can't be made more specific to have some surety so we don't have a situation like we had in Orange County, California, or a situation like we had in the Long Island Power Authority.

I understand the sponsor's argument that the MTA has this authority. Maybe they shouldn't. So I'm just wondering why the bill couldn't be made more specific to give some assurance that these obligations wouldn't be riskier investments.

SENATOR FARLEY: Your question speaks to investments. This is where Orange County got into trouble, by investing in risky things.

These are not investments. This is borrowing. They're borrowing under a line of

credit from a bank. They get a line of credit from the bank, and they can go out and get money for a very short length of time to cover some cash-flow problem that they may have.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator Farley, do you yield?

SENATOR FARLEY: Certainly.

THE PRESIDENT: You may proceed, Senator Sabini.

SENATOR SABINI: My concern continues to be "obligations." It doesn't really say "lines of credit," it just says "obligations." And that, to me, is rather murky and again goes more toward giving authorities way more authority than they should have in the management of the people's money.

And so again, if it's lines of credit, why can't you say that in the bill? That's my question.

SENATOR FARLEY: It does say it in the bill.

What we're talking about, almost every business, significant business, has lines of credit where they can go out and get cash to help them through a cash-flow situation.

These upstate transit authorities -- and there really is no objection to this that I know of anywhere -- these upstate authorities have to go out, if they need some cash, and issue a rather complex and inflexible short-term obligation in a revenue anticipation note. And which usually involves months of interest, because they have a term. Whereas, this time, they might only need the line of credit or to borrow the money for a few days.

It's basically -- I can understand, because of the complexity of the four regional authorities, that we have to conform it for each one of these authorities with the MTA language.

SENATOR SABINI: Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill, Senator Sabini.

SENATOR SABINI: I appreciate the sponsor's attempts to make this clear and more palatable. But again, in reading the bill, it keeps adding words like "other obligations" to the coupling of notes and bonds to where this money can come from.

I'm concerned about it. I'm concerned that the state continues to allow all its authorities to borrow way out of the level at which we can repay and are saddling our next generations with that kind of debt. I'd like to see it more specific.

I'm glad that Senator Leibell's bill passed last year. I think, in the spirit of it, this bill should be tightened up. And while I don't cast any nefarious aspersions on the sponsor or his intentions, I do worry about what happens down the road when we open doors like this. So I'll be voting in the negative.

Thank you.

THE PRESIDENT: Does any other member wish to be heard on this bill?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Schneiderman, to explain your vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I would urge my colleagues and the sponsor -- who I agree with Senator Sabini about the sincerity of his efforts to provide reform -- all that's really required is to provide a definition for the words "other obligations," which are all through this bill but never defined.

If we're talking about a line of credit as opposed to an investment in a musical or in some sort of derivative, that has to be made clear. As currently drafted, it is not clear.

I hope that we can modify this so that we can move forward. This really is a drafting matter more than anything else. And it is with that that I'm going to be voting

no, but in the hopes that we can vote yes on a similar bill sometime soon.

Thank you, Madam President.

THE PRESIDENT: You will be recorded as voting in the negative, Senator Schneiderman.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 582 are Senators Duane, Gonzalez, Klein, L. Krueger, Montgomery, Parker, Sabini, Savino, Schneiderman, Serrano, A. Smith and Stavisky.

Absent from voting: Senator Nozzolio.

Ayes, 47. Nays, 12.

THE PRESIDENT: The bill is passed.

Senator Robach, that completes the reading of the calendar.

SENATOR ROBACH: Amen.

(Laughter.)

THE PRESIDENT: So be it.

SENATOR ROBACH: Madam President, is there any other business at the desk?

THE PRESIDENT: No, there is not, Senator Robach.

SENATOR ROBACH: On the recommendation of Senator Paterson, Senator Bruno hands up the following committee assignment changes.

THE PRESIDENT: The committee change is received and will be filed in the Journal.

Senator Robach.

SENATOR ROBACH: Yes, Madam President. Would you recognize Senator Open-heimer, please.

THE PRESIDENT: Senator Oppenheimer. Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

No, the actual original way it was pronounced was Open-heimer, and that was the way it was spoken in Germany. But since my husband came over here as a little boy, we are now calling it Oppenheimer.

I have motion at the desk, and I'd like it called up at this time. But if the clerk will not read it, I will --

THE PRESIDENT: The Secretary

will read it. He needs to read it.

THE SECRETARY: Senate Print 6801, by Senator Oppenheimer, an act to amend the Public Health Law and the State Finance Law.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: Okay. I would like to explain this motion, in place of having it read.

Today I'm putting forth a motion to petition on Senate Bill 6801. It's called the Healthy Teens Education Act.

My bill will establish an age-appropriate sex education grant program within the Department of Health. Grants will be awarded on a competitive basis to school districts, BOCES -- that's Boards of Cooperative Educational Services. You know, we say acronyms so often, we forget -- also school-based health clinics and community-based organizations, who will develop comprehensive education programs aimed at preventing unwanted pregnancies and the occurrence of sexually transmitted diseases

amongst our youth. And it is pretty rampant at this time.

The programs established under my bill will be age-appropriate and medically accurate. They will not teach or promote religion. They will teach that abstinence is the only way to avoid pregnancy or sexually transmitted diseases. It will stress the value of abstinence while not ignoring those adolescents who may be sexually active, and will provide information, this program, about the health benefits and the side effects of all contraceptives as a means to prevent pregnancy.

Why do our children need comprehensive, age-appropriate sex education programs? I think we all know the answer, but I'll be happy to elucidate.

In 2003 there were nearly 40,000 teen pregnancies in New York State. In 2003, 4 percent of female high school students and 11 percent of male high school students in New York reported having had sexual intercourse before the age of 13. Also in 2003, 8 percent of female high school students

and 18 percent of male high school students in New York reported having four or more sexual partners.

In 2002, the pregnancy rate for 15-to-19-year-olds across our state was 47 per thousand. In some counties, it happened to be much higher than generally in the state. Like in Montgomery County, they had a rate of 73 per thousand. And in some counties it was much lower, like in Tompkins, where it was almost 22 per thousand. My own county of Westchester had a pregnancy rate for these same 15-to-19-year-olds of 47 percent. It was lower than the state average but, in my opinion, still much too high.

There is broad support for age-appropriate sex education in public schools. Majorities of every demographic group, and I can say even Republicans and antichoice voters, favor teaching age-appropriate, medically accurate sex education in the schools.

There is overwhelming consensus among voters in New York that age-appropriate, medically accurate sex education -- which we

used to, in the old days, call sex ed -- should be taught in New York's public schools, with nearly 6 in 10 expressing very strong support in a 2006 poll conducted by the Lake Research Partners.

In that same poll, over half of the voting electorate in New York State strongly supports legislation that has been introduced that would provide funding for programs to support sex ed in New York.

Across the political spectrum, a majority of Democrats, Republicans and independents alike prefer sex ed programs that include abstinence as a component to programs that promote abstinence only, according to a poll commissioned by the Othmer Institute in 2002.

I'd like to close with a quote from David Satcher, the former surgeon general of the United States, regarding the challenges posed by inadequate sex education: "We face a serious public health challenge regarding the sexual health of our nation. Doing nothing is unacceptable. More than anyone, it is our children who will suffer the consequences of

our failure to meet these responsibilities."

I might add that this bill, this sex ed bill, passed in the -- pardon me, we're calling it the Healthy Teens Act -- passed in the Assembly day before yesterday by a very interesting vote of 126 aye with 15 nay.

And for myself, I have often said that we would never think of sending our children out to drive cars without teaching them how to drive. I think maybe sex ed is even more important. We don't have to teach them how to have sex, but we have to teach them what it is to be responsible and to be careful and to understand the consequences, because being a parent is a lot more than just having a child, having a baby.

Thank you.

THE PRESIDENT: All those Senators in favor of the petition out of committee please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Breslin, Connor, Coppola, Dilan, Duane, Gonzalez, Klein, L. Krueger, C. Kruger, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini,

Sampson, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stavisky and Valesky.

THE PRESIDENT: The petition out of committee is not agreed to.

Senator Robach.

SENATOR ROBACH: Madam President, there being no further business, I move we adjourn until Wednesday, April 5th, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate now stands adjourned until Wednesday, April 5th, at 11:00 a.m.

(Whereupon, at 4:24 p.m., the Senate adjourned.)