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ALBANY, NEW YORK

May 31, 1994

12:31 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT FARLEY: The
Senate will come to order.

If you will please rise with me
for the Pledge of Allegiance to the Flag.

(Whereupon, the Senate joined in
the Pledge of Allegiance to the Flag.)

Today, in the absence of visiting
clergy, we will bow our heads for a moment of
silent prayer.

Secretary will begin by reading
the Journal.

THE SECRETARY: In Senate,
Monday, May 30. The Senate met pursuant to
adjournment. Senator Bruno in the chair upon
designation of the Temporary President. The
Journal of Sunday, May 29, was read and
approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing
no objection, the Journal will stand approved as
read.

The order of business:

Senator Present.

1 SENATOR PRESENT: Mr. President.
2 On behalf of Senator Stafford, I would like to
3 announce an immediate meeting of the Finance
4 Committee in Room 332.

5 ACTING PRESIDENT FARLEY: There
6 will be an immediate meeting of the Finance
7 Committee in Room 332.

8 SENATOR PRESENT: Mr. President.
9 I ask that the Senate stand at ease.

10 ACTING PRESIDENT FARLEY: The
11 Senate will stand at ease pending the report of
12 the Finance Committee.

13 (Whereupon, at 12:15 p.m., the
14 Senate was at ease.)

15 (Whereupon, at 12:30 p.m., the
16 Senate reconvened.)

17 SENATOR PRESENT: I would like to
18 request all members of the Senate to report to
19 the Senate chamber. We have some urgent
20 business we would like to take care of as soon
21 as possible. Please, all members of the Senate
22 report to the Senate chamber.

23 (Whereupon, the Senate continued

1 at ease.)

2 (Whereupon, at 1:07 p.m., the
3 Senate reconvened.)

4 ACTING PRESIDENT FARLEY: Senate
5 will come to order.

6 The order of business:

7 Presentation of petitions.

8 Messages from the Assembly.

9 Messages from the Governor.

10 Reports of standing committees.

11 We have a report of a standing
12 committee. Secretary will read it.

13 THE SECRETARY: Senator Stafford
14 from the Committee on Finance reports the
15 following two bills directly for third reading:

16 Senate Bill Number 8532, by the
17 Committee on Rules, an act on provide for
18 payments to municipalities.

19 Senate Bill Number 8533, by the
20 Committee on Rules, an act making appropriations
21 for the support of government.

22 Both bills reported directly for
23 third reading.

1 ACTING PRESIDENT FARLEY: Both
2 bills reported directly to third reading.

3 Reports of select committees.

4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Present.

8 SENATOR PRESENT: Mr. President.

9 I move to recommit Senate 8502, Calendar 1080.

10 ACTING PRESIDENT FARLEY: The
11 bill is recommitted.

12 SENATOR PRESENT: And, Mr.

13 President, I move to recommit Senate 8504,
14 Calendar 1081.

15 ACTING PRESIDENT FARLEY: The
16 bill is recommitted.

17 SENATOR PRESENT: And strike the
18 enacting clauses on both.

19 ACTING PRESIDENT FARLEY: The
20 enacting clauses will be struck on both bills.

21 Senator Cook.

22 SENATOR COOK: Mr. President.

23 Will you please star Calendar Number 922, Senate

1 Bill 3034A.

2 ACTING PRESIDENT FARLEY: The
3 bill is starred at the request of the sponsor.

4 Senator DiCarlo.

5 SENATOR DiCARLO: Mr. President.
6 On behalf of Senator Sears, on page 20, I offer
7 the following amendments to Calendar Number 797,
8 Print Number 7495, and ask that said bill retain
9 its place on Third Reading Calendar.

10 ACTING PRESIDENT FARLEY: Without
11 objection.

12 SENATOR DiCARLO: Mr. President.
13 On behalf of Senator Volker, on page 28, I offer
14 the following amendments to Calendar 929, Print
15 Number 6672, and ask that said bill retain its
16 place on Third Reading Calendar.

17 ACTING PRESIDENT FARLEY:
18 Amendments received. The bill will retain its
19 place.

20 SENATOR DiCARLO: On page 27, on
21 behalf of Senator Cook, I offer the following
22 amendments to Calendar 922, Print 3034A, ask
23 that said bill retain its place on Third Reading

1 Calendar.

2 ACTING PRESIDENT FARLEY: Without
3 objection, the bill will retain its place.

4 SENATOR DiCARLO: On page 38, I
5 offer the following amendments to Calendar
6 Number 199, Print 6552, for Senator Skelos, and
7 ask that the bill retain its place on third
8 reading on the calendar.

9 ACTING PRESIDENT FARLEY: Without
10 objection, the bill will retain its place.

11 Senator Cook, then Senator
12 Wright. Senator Cook, do you have a motion?

13 SENATOR COOK: No.

14 ACTING PRESIDENT FARLEY: Senator
15 Wright.

16 SENATOR WRIGHT: Mr. President.
17 On behalf of Senator Trunzo, I wish to call up
18 bill Print Number 7057A, recalled from the
19 Assembly, which is now at the desk.

20 ACTING PRESIDENT FARLEY:
21 Secretary will read the bill.

22 THE SECRETARY: By Senator
23 Trunzo, Senate Bill 7057A, an act to amend the

1 Administrative Code of the City of New York.

2 ACTING PRESIDENT FARLEY: Senator
3 Wright.

4 SENATOR WRIGHT: Mr. President.
5 I now move to reconsider the vote by which this
6 bill was passed.

7 ACTING PRESIDENT FARLEY: The
8 Secretary will call the roll on reconsideration.
9 (The Secretary called the roll on
10 reconsideration.)

11 THE SECRETARY: Ayes 31.

12 ACTING PRESIDENT FARLEY: The
13 bill is before the house.
14 Senator Wright.

15 SENATOR WRIGHT: Mr. President.
16 I now offer the following amendments.

17 ACTING PRESIDENT FARLEY:
18 Amendments received, and the bill will retain
19 its place.

20 SENATOR WRIGHT: Mr. President.
21 On behalf of Senator Hannon, I wish to call up
22 bill Print Number 281A, recalled from the
23 Assembly, which is now at the desk.

1 ACTING PRESIDENT FARLEY:

2 Secretary will read it.

3 THE SECRETARY: By Senator
4 Hannon, Senate Bill Number 281A, an act
5 authorizing the County of Nassau to accept an
6 application for real property tax exemption.

7 SENATOR WRIGHT: I now move to
8 reconsider the vote by which this bill was
9 passed.

10 ACTING PRESIDENT FARLEY: The
11 Secretary will call the roll on reconsideration.

12 (The Secretary called the roll on
13 reconsideration.)

14 THE SECRETARY: Ayes 31.

15 ACTING PRESIDENT FARLEY: The
16 bill is before the house.

17 Senator Wright.

18 SENATOR WRIGHT: Mr. President.
19 I now offer the following amendments.

20 ACTING PRESIDENT FARLEY:
21 Amendments received. The bill will retain its
22 place.

23 Are there any other motions on

1 the floor.

2 (There was no response.)

3 Seeing none, Senator Present.

4 SENATOR PRESENT: Call up

5 Calendar 1089 at this time.

6 ACTING PRESIDENT FARLEY:

7 Secretary will call up 1089.

8 Senator Present, they are going
9 to check with the Assembly. We don't want it to
10 cross. It's all set.

11 THE SECRETARY: Calendar Number
12 1089, by the Senate Committee on Rules, Senate
13 Bill Number 8532, an act to provide for payment
14 to municipalities and to providers of medical
15 services.

16 SENATOR PRESENT: Mr. President.
17 Is there a message of necessity and a message of
18 appropriation at the desk?

19 ACTING PRESIDENT FARLEY: The
20 messages are here at the desk.

21 SENATOR PRESENT: Mr. President.
22 I move we accept the messages.

23 ACTING PRESIDENT FARLEY: All in

1 favor of accepting the messages, please say aye.

2 (Response of "Aye.")

3 Those opposed, nay.

4 (There was no response.)

5 The messages are accepted. You
6 can read the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 35.

13 ACTING PRESIDENT FARLEY: The
14 bill is passed.

15 SENATOR PRESENT: Mr. President.
16 Can we take up Calendar 1090.

17 ACTING PRESIDENT FARLEY: 1090.
18 The Secretary will call it up.

19 THE SECRETARY: Calendar Number
20 1090, by the Senate Committee on Rules, Senate
21 Bill Number 8533, an act making an appropriation
22 for the support of government.

23 ACTING PRESIDENT FARLEY: Senator

1 Present.

2 SENATOR PRESENT: Mr. President.
3 Is there a message of necessity and a message of
4 appropriation at the desk for this bill.

5 ACTING PRESIDENT FARLEY: Both
6 messages are here, Senator Present.

7 SENATOR PRESENT: I move we
8 accept the messages.

9 ACTING PRESIDENT FARLEY: All in
10 favor of accepting the messages, say aye.

11 (Response of "Aye.")

12 Those opposed, nay.

13 (There was no response.)

14 The messages are accepted.

15 You can read the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 33. Nays
22 2. Senators Dollinger and Jones recorded in the
23 negative.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 SENATOR PRESENT: Mr. President.
4 Let's take up the noncontroversial calendar,
5 please.

6 ACTING PRESIDENT FARLEY:
7 Secretary will read noncontroversial.

8 THE SECRETARY: On page 5,
9 Calendar Number 301, by Senator Holland, Senate
10 Bill Number 6309C.

11 SENATOR PRESENT: Lay it aside
12 for the day please.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside for today.

15 THE SECRETARY: Calendar Number
16 302, by Senator Saland, Senate Bill Number
17 6338A, an act to amend the Penal Law.

18 SENATOR GOLD: Lay it aside.

19 ACTING PRESIDENT FARLEY: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 307, by Senator Saland, Senate Bill Number 2244,
23 an act to amend the Social Services Law, in

1 relation to severely and repeatedly abused
2 children.

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 35.

11 ACTING PRESIDENT FARLEY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 333, by Senator Libous, Senate Bill Number 6666,
15 an act to amend the Tax Law.

16 ACTING PRESIDENT FARLEY: Read
17 the last section.

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

20 ACTING PRESIDENT FARLEY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 35.

1 ACTING PRESIDENT FARLEY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 334, by Senator Libous, Senate Bill Number 6667,
5 an act to amend the Tax Law.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 35.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 474, by the Assembly Committee on Rules,
18 Assembly Bill Number 8570A, with a Senate
19 reprint number of 21007A, an act to amend the
20 Public Authorities Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 35.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 478, by Senator Saland, Senate Bill Number
10 5881B.

11 SENATOR PRESENT: Lay it aside
12 for the day.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside for today.

15 THE SECRETARY: Calendar Number
16 485, by Senator Levy, Senate Bill Number 193C,
17 an act to amend the Public Authorities Law.

18 ACTING PRESIDENT FARLEY: Read
19 the last section.

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

22 ACTING PRESIDENT FARLEY: Call
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 35.

3 ACTING PRESIDENT FARLEY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 502, by Senator Volker.

7 SENATOR GOLD: Lay it aside.

8 ACTING PRESIDENT FARLEY: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 587, by Senator Trunzo, Senate Bill Number 7429,
12 an act to amend the Retirement and Social
13 Security Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 35.

22 ACTING PRESIDENT FARLEY: The
23 bill is passed.

1 THE SECRETARY: Calendar Number
2 597, by Senator Larkin, Senate Bill Number
3 7042A, an act to amend the Insurance Law.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 35.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 602, by Senator Sears, Senate Bill Number 3836A,
16 an act to amend the General Business Law.

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 32. Nays
2 3. Senators DeFrancisco, DiCarlo and Rath
3 recorded in the negative, also Senator Farley
4 recorded in the negative.

5 SENATOR PRESENT: Lay it aside.

6 ACTING PRESIDENT FARLEY: The
7 Secretary will call the roll on reconsideration.

8 (The Secretary called the roll on
9 reconsideration.)

10 THE SECRETARY: Ayes 35.

11 ACTING PRESIDENT FARLEY: The
12 bill is before the house. 602 is laid aside.

13 THE SECRETARY: Calendar Number
14 719, by Senator Johnson, Senate Bill Number
15 7248A, to establish the mercury task force.

16 SENATOR GOLD: Lay it aside.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 730, by Member of the Assembly Pordum, Assembly
21 Bill Number 10684, an act to amend the Banking
22 Law, in relation to receipts of deposits.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 35.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 734, by Senator Spano, Senate Bill Number 5622C.

12 SENATOR PRESENT: Lay it aside
13 for the day.

14 ACTING PRESIDENT FARLEY: Lay it
15 aside for the day.

16 THE SECRETARY: Calendar Number
17 747, by Senator Pataki, Senate Bill Number 6611,
18 an act to amend Chapter 672 of the Laws of 1993,
19 amending the Public Authorities Law.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 35.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 749, by Member of the Assembly Rivera, Assembly
9 Bill Number 10631A, an act to amend Chapter 383
10 of the Laws of 1991.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 35.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 751, by Senator Volker.

23 SENATOR PRESENT: Lay it aside

1 for the day.

2 ACTING PRESIDENT FARLEY: Lay it
3 aside for today.

4 THE SECRETARY: Calendar Number
5 768, by Senator Goodman, Senate Bill Number
6 2403, an act to amend the General Business Law,
7 in relation to the civil penalty for certain
8 unlawful acts.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 34. Nays
17 1. Senator DeFrancisco recorded in the
18 negative.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 770, by Senator Skelos, Senate Bill Number
23 7204A, an act to amend the Executive Law, in

1 relation to volunteer programs for the aging.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 35.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 798, by Senator Holland, Senate Bill Number
14 461A, an act to amend the Social Services Law.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 35.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar number
3 800, by Senator Holland.

4 SENATOR PRESENT: Lay it aside
5 for the day.

6 ACTING PRESIDENT FARLEY: Lay it
7 aside for the day.

8 THE SECRETARY: Calendar Number
9 811, by Member of the Assembly Keane, Assembly
10 Bill Number 6710, General Municipal Law, in
11 relation to the operation of games of bingo.

12 SENATOR PRESENT: Lay it aside.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 812, by Senator Larkin.

17 SENATOR GOLD: Lay it aside.

18 ACTING PRESIDENT FARLEY: Lay it
19 aside.

20 SENATOR PRESENT: Lay it aside
21 for the day.

22 ACTING PRESIDENT FARLEY: Lay
23 that bill aside for today.

1 THE SECRETARY: Calendar Number
2 814, by the Assembly Committee on Rules,
3 Assembly Bill Number 7984A, an act to amend the
4 General Municipal Law.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 31. Nays 4.
13 Senators DiCarlo, Hannon, Pataki and Tully,
14 recorded in the negative.

15 SENATOR PADAVAN: Lay it aside.

16 ACTING PRESIDENT FARLEY:
17 Withdraw the roll call. Lay it aside.

18 THE SECRETARY: Calendar Number
19 817, by the Assembly Committee on Rules,
20 Assembly Bill Number 8460A, an act to amend the
21 Public Health Law, in relation to requiring the
22 presence of certified lifeguards on ocean
23 beaches.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 SENATOR HANNON: Lay it aside.

8 ACTING PRESIDENT FARLEY: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 829, by Senator Johnson.

12 SENATOR GOLD: Lay it aside.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 839, by Senator Maltese, Senate Bill Number
17 5149, Correction Law, in relation to appointment
18 of correction officers.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 35.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 841, by Senator Maltese, Senate Bill Number
8 7566, an act to amend the Correction Law.

9 ACTING PRESIDENT FARLEY: Read
10 the last section.

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

13 ACTING PRESIDENT FARLEY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 35.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 846, by Senator Kuhl.

21 SENATOR MARKOWITZ: Explanation.

22 ACTING PRESIDENT FARLEY: Lay it
23 aside.

1 THE SECRETARY: Calendar Number
2 849, by Senator Libous, Senate Bill Number
3 6930B, an act to amend the Mental Hygiene Law.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 35.

12 ACTING PRESIDENT FARLEY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 873, by Senator Trunzo, Senate Bill Number 7528,
16 an act to amend the Education Law, in relation
17 to payments by the New York State Teachers
18 Retirement System.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 35.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 875, by Senator Trunzo, Senate Bill Number
8 7726A, an act to amend the Administrative Code
9 of the City of New York.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 35.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 883, by Senator DeFrancisco, Senate Bill Number
22 7865, Insurance Law, in relation to life
23 insurance contracts.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 35.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 917, by Senator Wright, Senate Bill Number 7960,
13 an act to amend the Alcoholic Beverage Control
14 Law.

15 SENATOR PRESENT: Lay it aside
16 for the day.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside for the day.

19 THE SECRETARY: Calendar Number
20 925, by Senator Cook, Senate Bill Number 5169B,
21 create a temporary state coordinating council on
22 geographic information.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 35.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 945, by Senator Daly.

12 SENATOR DALY: Lay it aside for
13 the day, please.

14 ACTING PRESIDENT FARLEY: Lay it
15 aside. For the day?

16 SENATOR DALY: Yes.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside for the day.

19 THE SECRETARY: Calendar Number
20 956, by Senator Skelos, Senate Bill 1240A, an
21 act to amend the General Obligations Law.

22 SENATOR GOLD: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 963, by the Assembly Committee on Rules,
4 Assembly Bill Number 11673, an act to amend
5 Chapter 342 of the Laws of 1992, amending the
6 Uniform Justice Court Act.

7 ACTING PRESIDENT FARLEY: Read
8 the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 35.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 969, by Senator Tully, Senate Bill Number 7794,
19 an act to amend the Alcoholic Beverage Control
20 Law.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 35.

6 ACTING PRESIDENT FARLEY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 971, by Senator Maltese, Senate Bill Number
10 3284A, an act to amend the Executive Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 35.

19 ACTING PRESIDENT FARLEY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 972, by Senator Maltese.

23 SENATOR GOLD: Lay it aside.

1 ACTING PRESIDENT FARLEY: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 977, by Senator Maltese, Senate Bill Number
5 7447, an act to amend the Correction Law.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 35.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 978, by Senator Maltese, Senate Bill Number
18 7567, Correction Law, in relation to inmates'
19 possession of unauthorized money.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 36.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 982, by member of the Assembly Tocci, Assembly
9 Bill Number 9826, an act to amend the Highway
10 Law.

11 ACTING PRESIDENT FARLEY: Read
12 the last section.

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

15 ACTING PRESIDENT FARLEY: Call
16 the roll.

17 (The Secretary called the roll.)

18 SENATOR SPANO: Mr. President.
19 What calendar are we on?

20 ACTING PRESIDENT FARLEY: 982.

21 SENATOR SPANO: Lay it aside.

22 ACTING PRESIDENT FARLEY: Lay
23 that bill aside. Withdraw the roll call.

1 THE SECRETARY: Calendar Number
2 983, by Senator Libous, Senate Bill Number
3 7182A, an act to amend the Highway Law, in
4 relation to designating a portion of the state
5 highway system as the 27th Division Memorial
6 Highway.

7 ACTING PRESIDENT FARLEY: Read
8 the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 36.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 984, by Senator Wright, Senate Bill Number 7418,
19 an act to amend the Highway Law.

20 ACTING PRESIDENT FARLEY: Read
21 the last section.

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

1 ACTING PRESIDENT FARLEY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 36.

5 ACTING PRESIDENT FARLEY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 989, by Senator Libous, Senate Bill Number 7723,
9 amends Chapter 113 of the Laws of 1992.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 36.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1004, by Senator Maltese.

22 SENATOR GOLD: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 1014, by Senator Skelos, Senate Bill Number
4 6401C, an act to amend the Public Authorities
5 Law.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 37.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1034, by Senator Farley, Senate Bill 8209, an
18 act to amend the Banking Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 39.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1044, by Senator Cook.

8 SENATOR GOLD: Can we get one day
9 on this?

10 ACTING PRESIDENT FARLEY: Senator
11 Cook, do you want to lay it aside for the day.

12 SENATOR COOK: For the day.

13 SENATOR PRESENT: Lay it aside.

14 ACTING PRESIDENT FARLEY: For the
15 day.

16 THE SECRETARY: Calendar Number
17 1052, by Senator Saland, Senate Bill Number
18 2885A, an act to amend the Education Law.

19 ACTING PRESIDENT FARLEY: Read
20 the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 39.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1053.

8 SENATOR GOLD: Lay it aside.

9 ACTING PRESIDENT FARLEY: Lay it
10 aside.

11 Senator Present, that's the first
12 time through.

13 SENATOR PRESENT: Mr. President.
14 I would ask that the Senate stand at ease for a
15 few moments.

16 ACTING PRESIDENT FARLEY: The
17 Senate will stand at ease for a few moments.

18 (Whereupon, at 1:34 p.m., the
19 Senate was at ease.)

20 (Whereupon, at 2:10 p.m., the
21 Senate reconvened.)

22 ACTING PRESIDENT FARLEY: Senator
23 Present.

1 SENATOR PRESENT: Mr. President.

2 Let's take up the controversial calendar.

3 ACTING PRESIDENT FARLEY:

4 Secretary will read the controversial calendar.

5 THE SECRETARY: On page 5,
6 Calendar Number 302, by Senator Saland, Senate
7 Bill Number 6338A, an act to amend the Penal
8 Law, in relation to authorized sentences and to
9 repeal certain provisions thereof.

10 SENATOR GOLD: Explanation.

11 ACTING PRESIDENT FARLEY:

12 Explanation has been asked for.

13 Senator Saland.

14 SENATOR SALAND: Mr. President.

15 This is the bill which would be known to most
16 people as the so-called "Three strikes you're
17 out" bill or if the Governor -- as he would
18 prefer, "Three strikes and you're in" bill.

19 This bill basically says if
20 you've committed two prior violent felonies and
21 are unwise enough to commit a third, you're
22 going to be sentenced to life without parole.

23 It creates a life without parole mechanism in

1 the State of New York for people who, in effect,
2 are if not habitual violent felons then people
3 who are given to committing violent felonies.
4 Basically, data will show you that probably
5 somewhere in the area of 70 percent of violent
6 crimes, according to national statistics, are
7 committed by as few as 6 percent of people. And
8 I have seen figures -- I don't know if they are
9 reflective of New York or not but attributed to
10 the Governor saying that some 80 percent of
11 crimes of violent crimes are committed by 20
12 percent of the felons, and this bill basically
13 is an endeavor to take those people out of the
14 mainstream, to take those people and place them
15 behind bars, where their violent ways can no
16 longer harm people in the streets, people in
17 their homes.

18 ACTING PRESIDENT FARLEY: Read
19 the last section. Hold on.

20 SENATOR GALIBER: If Senator
21 would yield for a question?

22 SENATOR SALAND: Certainly,
23 Senator Galiber.

1 SENATOR GALIBER: Senator, do you
2 have any guesstimate as to how many persons are
3 involved in this. There are some -- let me
4 preface the question by saying there are some
5 who believe that this is the kind of a bill that
6 we, you know, hang out on election day, you
7 know, when things are pretty bad in some
8 instances; that the present law as we have it
9 between the predicate and the persistent, which
10 came into effect in 1967, I believe, when we
11 reorganized the whole sentencing structure, is
12 adequate; that by the time someone in this
13 category reaches three strikes and you're "in"
14 or "out," depending on which jurisdiction you're
15 in, Washington or Albany, but amounts to the
16 same thing, that we're talking about 200 people
17 maybe, a few hundred people that are involved,
18 if that many.

19 SENATOR SALAND: The numbers
20 available, the ones that I have seen for the
21 most recent year, which would be 1992, would say
22 that there were some 286 persistent violent
23 felons who were incarcerated in that year. The

1 Governor has used a number, and to be perfectly
2 honest with you, I don't know where he gets it
3 from, of some 30 to 50. I'm not quite sure how
4 we get down from 286 to 30 to 50.

5 SENATOR GALIBER: You had
6 indicated in your explanation how this would
7 work. Now, we have a person who, one, has a
8 first felony violent offense. He is sent to
9 jail. And the second one, same category; third
10 one, he now goes 25 to life.

11 As I said before, by the time
12 that person reaches that category, isn't he off
13 the streets in the first instance or the last
14 instance?

15 SENATOR SALAND: I would beg to
16 differ with you to the extent that you would
17 categorize it as 25 to life, because, as you are
18 aware, we're talking an indeterminant sentencing
19 scheme, which basically says the Court shall fix
20 the minimum which will be anywhere from 15 to 25
21 to life.

22 What this bill basically says is
23 that amount of discretion is being taken out of

1 your hands because these people have engaged in
2 a course of conduct or, perhaps more
3 appropriately, such grossly heinous conduct or
4 persistent conduct as to single them out for
5 special treatment, particularly onerous
6 treatment by reason of the nature of their past
7 deeds and their then current deed. And they're
8 saying, "No 15 to 25. Straight out life, and
9 life without parole."

10 SENATOR GALIBER: Senator, will
11 you yield for another question?

12 SENATOR SALAND: Certainly,
13 Senator Galiber.

14 SENATOR GALIBER: There are some
15 of us who have taken a position just relatively
16 recently. You may or may not have heard it. We
17 had a press conference on the POP's, which means
18 Project Older Persons.

19 SENATOR SALAND: I'm sorry, would
20 you -

21 SENATOR GALIBER: Project Older
22 Persons. It's a concept from another
23 jurisdiction which we're trying to engulf here

1 in Albany. And what it really amounted to, the
2 foundation for it was, one, we have some older
3 folks there in jail, some 64, 65, 66, some who
4 can't even jump over -- walk over barbed wire
5 fence, as I use the expression.

6 This piece of legislation by the
7 time the person has gone through the
8 prerequisite of "1, 2, 3, and you're out,"
9 wouldn't we in fact be in a category of age and
10 we -- when I say that, just one other point -
11 age, and at the same time when you consider the
12 fact of age, the basis for this POP program as
13 we have mentioned, is that the cost of keeping
14 the older prisoners is a lot more than the
15 \$24,000. Some have suggested it's \$68,000
16 because after you reach a certain age, and I'm
17 almost at that age, a number of things happen to
18 you which calls for serious medical care.

19 In fact in that category, we have
20 suggested that there be some alternatives to
21 incarceration. So if we're moving in that
22 direction, I guess I go back to my basic premise
23 that this is a piece of legislation that comes

1 about as a result of an election year.
2 Regardless of where we come from, we both use
3 those tactics from time to time. But it just
4 sounds good; but, in reality, we're going to
5 overburden our prison system again. We're going
6 to be dealing with persons who are in an age
7 category who create no harm to society, and
8 we're punishing them for past conduct. And,
9 statistically, we have found out with some at
10 the age of 35 or 40 a recidivism. People who
11 then participate -- goes back to another
12 question I asked -- won't commit that last
13 felony.

14 So aren't we really building up,
15 if we pass this piece of legislation, a group of
16 prisoners who are going to be just old folks who
17 are sitting there, and we're caring for them,
18 creating no problem to society except that we
19 have a piece of legislation because we can't
20 solve some other problems, saying this is the
21 way we should go? Long question, but it's a -

22 SENATOR SALAND: Yes. Let me
23 again take issue with you. If, in fact, it has

1 the effect of saying that people in their 30s or
2 40s will not commit another felony, then I think
3 you have helped me make my argument because this
4 is supposed to serve not only as a deterrent by
5 removing people from the mainstream, people who
6 are into hard core crime, but also sending a
7 message to people that we're not going to
8 tolerate it any more.

9 And I also would take issue -
10 also would take issue with you on your
11 characterization that this is somehow or other
12 being electioneering.

13 I'm sure you are familiar with
14 the history. This movement came out of -- out
15 of the State of Washington where it was
16 accomplished by way of a referendum, if I
17 remember correctly. There will probably be
18 similar referendums in other states, including
19 the State of California.

20 Right now, were this bill to be
21 enacted tomorrow, there would be no appreciable
22 affect for a number of years on the cost of
23 operating prisons in the State of New York.

1 People serving life sentences in the State of
2 New York average out, for some strange reason,
3 to nine years. That's the numbers that the
4 Governor's office has used. I don't know how
5 they get to the number. That number supposedly
6 has been given to them by DCJS, and I would
7 think that it would be, at the least, fifteen
8 years.

9 SENATOR GALIBER: All right.
10 Thank you, Senator.

11 SENATOR GOLD: Mr. President.

12 ACTING PRESIDENT FARLEY: Senator
13 Gold.

14 SENATOR GOLD: Will Senator
15 Saland yield to a question?

16 SENATOR SALAND: Certainly,
17 Senator Gold.

18 SENATOR GOLD: Senator, I know
19 how seriously you take legislation, and I admire
20 your intellect. Something very strange, and
21 maybe you can give me some reasoning for it.

22 We had a bill earlier this
23 session which dealt with this so-called three

1 strikes you're in you're out or whatever; and at
2 that point, I had asked the sponsor whether or
3 not there had been any hearings, public hearings
4 on this issue, and I was told no.

5 And at that time, I voted against
6 the bill, and I said I thought it was premature
7 and if nobody else would hold hearings, I would
8 hold hearings. Pursuant to that, I did in fact
9 schedule a hearing down in the City of New York,
10 and I sent notices around, invited people from
11 district attorneys, et cetera, et cetera.

12 And a strange, strange thing
13 happened. Not one district attorney, not one
14 person for an organization involved with the
15 criminal justice system from a prosecutorial
16 point of view, wanted to come to the hearing.
17 Not only that, I pressured one particular
18 district attorney, and I won't mention my own by
19 name, to at least submit something; and I was
20 promised I would have written testimony, and
21 that never came.

22 Now, at the hearing, the
23 testimony that was actually given, and I would

1 be glad to make it available to you, I thought
2 was really pretty scholarly, and it come from
3 some defender organizations and those types, but
4 their basic argument was to shrug their
5 shoulders and say, "What are we doing?" We
6 basically have that kind of a law today. And
7 aside from the politics -- and I'm not accusing
8 you, believe me, Senator, of politics -- but
9 aside from the politics of this session, passing
10 something that people say, "Three strikes,
11 you're in" "Three strikes, you're out," you got
12 people shrugging their shoulders.

13 Now, my question -- having said
14 all this, my question is am I missing
15 something? Are there prosecutorial groups that
16 have affirmatively come out and filed anything
17 on either your bill or any of these bills, or is
18 it a situation where apparently none of them
19 want to be out in public because for some reason
20 they don't see the merit of this whole concept?

21 SENATOR SALAND: I have received
22 no memos either in favor or in opposition.

23 SENATOR GOLD: Senator, I have a

1 memo in opposition. Is this on your bill or
2 another one? I want to make sure.

3 Is this on this bill?

4 I have one from the New York
5 State Defenders Association which recommends
6 disapproval, and it does in fact -- it is on
7 your bill. And let me say this to you,
8 Senator. The gist, I think, of what they are
9 saying -- I will read the you last sentence,
10 "New York already has a workable 'three strikes
11 and you're out' law. In time the current rush
12 to appeal established predicate felony offender
13 sentencing laws will be recognized as the
14 disaster it surely is."

15 They basically are saying we've
16 got these laws in place.

17 SENATOR SALAND: I'm sorry, did
18 they say that the persistent violent felony law
19 was disaster?

20 SENATOR GALIBER: No. They said
21 that this one could become a disaster if given
22 an opportunity.

23 In other words, what I'm

1 concerned about is the same thing you are, and I
2 think that, you know, the vote on these issues,
3 certainly from a political point of view, is to
4 vote yes. It sounds terrific. Put away the
5 bums.

6 But I don't understand why with
7 the Governor coming forward with this idea, with
8 the New York State Senate having your bill and
9 other bills, we find nobody in the prosecutorial
10 community who jumps on this wagon and says,

11 "That's exactly right. We're prosecuting these
12 people, and they get before these darn judges
13 and the next thing you know they are let loose
14 on the street, and nothing's happened."

15 None of that rhetoric is has come
16 out, Senator.

17 SENATOR SALAND: Let me suggest
18 to you that nobody likes to have their ability
19 to control the way in which they dispose of
20 cases, whether it's a district attorney or a
21 judge, imposed upon; and I would suggest to you
22 that the position, in effect, reflects one of
23 territoriality.

1 The people on the streets, the
2 people who have been victimized, those people
3 have basically had their fill. They are tired
4 of plea bargains. They are tired of judges
5 providing sentences which they consider to be
6 inadequate.

7 And I can speak first-hand from
8 personal experience where I had to listen to a
9 prosecutor suggest that due to the fact that the
10 victim of a rather heinous crime who happened to
11 be a child of mine was going to be subjected to
12 a withering cross-examination and in effect be
13 put on trial recommended that we, in effect, not
14 go to trial, something which stuck in my craw,
15 something which stuck in the craw of my family,
16 and which we rejected.

17 Now, that's why prosecutors like
18 to have that kind of prosecutorial discretion.
19 I think when you've done it three times, when
20 you've terrorized, when you've brutalized, when
21 you've maimed, when you've victimized with carte
22 blanche total abandon, that society has the
23 right to say, "Enough is enough."

1 We're not going to inundate our
2 prisons. We're not going to overwhelm them. In
3 in response to Senator Galiber's comments,
4 280-some-odd persistent violent felons. And are
5 we to assume that each and every one of them is
6 somehow or other a geriatric case? You and I
7 know that that's far from the truth.

8 Take a trip up to Coxsackie some
9 time. Lots of young people who are violent
10 felons. Go to some of our other facilities.
11 Lots of young people who are violent young
12 felons.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

15 SENATOR GOLD: Mr. President.

16 ACTING PRESIDENT FARLEY: I'm
17 sorry. Senator Gold.

18 SENATOR GOLD: Will the Senator
19 yield to just one more question?

20 SENATOR SALAND: Always, Senator
21 Gold.

22 SENATOR GOLD: Senator, at the
23 hearing I held, somebody came up with the copy

1 of the Morganthau Commission Report. I think it
2 was '79. I forget the exact date, but I served
3 on that commission. And our report, as was
4 another commission report that I served on for
5 sentencing, recommended that New York in fact go
6 to some kind of a grid system.

7 Don't you think, Senator, that if
8 there is a problem with the sentencing structure
9 that we should deal with it starting with the
10 first arrest?

11 In other words, we had a
12 situation -- it was a couple weeks ago, and it
13 was not an exact analogy, but it was a situation
14 where somebody drunk driving had their license
15 revoked 80 times or whatever, this kind of
16 business. We've seen the drunk driving
17 situation a number of times recently in the
18 papers.

19 But that's the same argument,
20 Senator, that you've heard and I've heard over
21 and over again. And I do some court work from
22 time to time, and you sit in the courtroom and
23 you hear a judge give out a sentence and you

1 scratch your head and say, "That's not what we
2 authorized."

3 I mean maybe, Senator, it's time
4 now. Maybe the Morgenthau Commission was ahead
5 of its time. Maybe some of the other
6 commissions were ahead of the times. Maybe what
7 we ought to be doing now is take another look.
8 The federal government has now gone to a grid
9 system, and I don't think the federal courts
10 have fallen apart. Maybe it's time to look at
11 that first structure.

12 Because if we're saying, Senator,
13 that's something is wrong, you got a 20- or 21
14 year-old, and you are waiting now for three
15 violent felonies, by the time the third, if they
16 to go jail properly the first time -- now,
17 Senator you do the addition. If they're doing a
18 violent felony and he goes away for a year and
19 he does another one and he goes away for a year,
20 and we're talking now about putting 22-year-olds
21 for a third violent felony, I think something is
22 wrong with that. I want to know why the first
23 time there wasn't a real sentence.

1 Maybe the answer, Senator, is to
2 take a look at the structure from the beginning
3 so that maybe when they do the first one, we
4 don't get to the second one and the third one.

5 SENATOR SALAND: Let me suggest
6 to you, Senator Gold, a couple of things.
7 Number 1, this is a rather targeted measure.
8 We're not talking about being particularly
9 arbitrary or indiscriminate here we're talking a
10 very narrow range of folks, and I use the term
11 loosely, some very, very bad, bad people who
12 have not committed one violent felony, not two,
13 but have now committed a third violent felony.

14 And I, too, can recall -- I'm
15 assuming it was the product of the Morgenthau
16 Commission -- the sentencing commission proposal
17 that came up in both houses of this
18 Legislature. I was in the Assembly at the time,
19 and I can recall a bill which -- as originally
20 drafted, which to me, in part, reflected perhaps
21 some of the criminal justice ethos of our
22 state. Because that bill, as you may recall, in
23 its initial form basically said that the charge

1 of the sentencing commission was to set up a
2 grid that provided for the least restrictive
3 sentence something which was galling to a goodly
4 number of us, something which was being debated
5 on the floor of the Assembly I recall rather
6 well, because I was the ranking member of the
7 Codes Committee at the time, when Assemblyman
8 Miller, then chairman of the Codes Committee,
9 pulled the bill. It was subsequently amended to
10 remove that least restrictive language and just
11 to talk about imposing an appropriate sentence.

12 Now, if you want to get back into
13 the sentencing commission, that's fine. That's
14 an entirely separate issue. We're dealing with
15 people here who have very little redeeming
16 value. We're dealing with people here who have
17 committed the most outrageous and heinous of
18 crimes and done it on multiple occasions. We're
19 dealing with people here who, in all likelihood,
20 have committed for each crime for which they
21 have been tried and convicted probably numerous
22 other felonies, as well.

23 I can find little or no reason

1 other than some sense of knee-jerk reaction to
2 this type of bill for opposing it. I think it
3 makes sense. I think it will continue to make
4 sense and I think it's an appropriate vehicle to
5 do away with a small number of people committing
6 the most violent and heinous of crimes,
7 disproportionate in numbers in the victimization
8 that they're causing. It's a relatively simple
9 piece. We ought to do it, and we ought to do it
10 unanimously.

11 SENATOR GALIBER: Senator, just a
12 bit longer.

13 ACTING PRESIDENT FARLEY: Senator
14 Galiber.

15 SENATOR GALIBER: Senator, will
16 you yield to another question or two.

17 SENATOR SALAND: Yes.

18 SENATOR GALIBER: Senator, you
19 know, as you related your personal tragedy, I
20 just found out for the first time this year. I
21 can understand that. I've had some personal
22 things happen in my life, and kind of stick with
23 those things. They never really leave us.

1 But those of us who are concerned
2 about it, we were not talking about the rape
3 categories and the real serious categories which
4 you talk about. They should. Somewhere along
5 the line, I think they are done away with with
6 the persistent category where the judge has no
7 flexibility.

8 But what some of us are talking
9 about is -- I don't practice too often. I'm not
10 sure about you.

11 SENATOR SALAND: I've forgotten
12 more than I remember, Senator Galiber.

13 SENATOR GALIBER: Okay. But in
14 the City of New York, it's a lot different, I
15 guess, than in your jurisdiction. You know, if
16 someone bumps into someone, a pick pocket, which
17 has happened in the City of New York on three
18 occasions, pick pocketing, this person is going
19 to be eligible for this piece of legislation.

20 If someone breaks in, in the
21 category if I remember my law school days in a
22 certain burglary category, where you're in that
23 category, you are also eligible, small minor

1 things. Police officers who, unfortunately, in
2 the City of New York who are in uniform, if you
3 bump them the wrong way, it's a felony instead
4 of a misdemeanor. And all of those three
5 categories come into this situation.

6 So there is a flip side to it,
7 and those of us who are concerned about the flip
8 side voice our opinion here with a vote but not
9 enough votes.

10 Very frankly, Senator, if that
11 bill under a different system had come on this
12 side of the aisle, as it used to from time to
13 time -- we used to swap program bills -- it
14 would be over here. And there are quite a few
15 folks here on this side of the aisle who would
16 have carried that bill with some amendments, and
17 I might have carried it myself, as harsh as I
18 feel about it.

19 But there is a category of
20 persons, those of us who are trying to get rid
21 of a persistent felony category for the reasons
22 I set forth that any felony that you commit, and
23 the second one could be policy -- you know,

1 number games in the City of New York, which was
2 illegal in our state. We made it legal you
3 could find yourself in the persistent category
4 for collecting numbers, or being a banker as far
5 as the number are concerned.

6 So it's not the emotional part
7 that we hear about the rapes and the crimes that
8 I think we could come together on and agree that
9 some of us should be incarcerated never, never
10 to return to society.

11 And there is a bill coming up
12 today on a jury, wanting to give the jury some
13 additional information. I think Senator Maltese
14 has a bill, and I have an amendment which is
15 called jury nullification. That's what it
16 really amounts to.

17 Juries are not going to convict
18 -- I'm only mentioning this for the record.
19 They are not going to convict in those
20 categories where someone has bumped up against
21 someone in the city on a subway, picked a pocket
22 on two or three occasions, stole a bicycle as
23 one of the memos indicates at night and being a

1 burglary two category which would make them
2 eligible under this violent felony category.

3 So, Senator, I want the record to
4 reflect that there are those of us who are not
5 in disagreement on the violent ones. We're
6 saying there should be another way of doing it,
7 and there is another way of doing it.

8 And when you measure out the cost
9 of this, I think there is a projected cost in
10 one of our local newspapers. I believe it was
11 the New York Times. California has this, and
12 they have estimated \$21 million in costs -- or
13 billion, was it? \$21 million or \$21 billion, a
14 humongous amount of money.

15 So if we take the age factor,
16 which you play down a bit but you recognize that
17 it's a category and, secondly, if we take into
18 consideration that there are minor felonies that
19 would fit into this category, if in addition we
20 take into consideration the cost factor, then
21 those of us who are opposed in the spirit of the
22 bill -- not in the spirit, but opposed because
23 of these other possibilities mentioned, and

1 those are the reasons why we object. Not for
2 the rape cases, not for the serious felon.
3 Those persons should be taken out of society
4 never to return.

5 SENATOR SALAND: Thank you,
6 Senator. I certainly have nothing but high
7 regard for you. I appreciate your comments and
8 the only thing I would not want to leave as a
9 final impression with regard to my comments is
10 that this bill deals with anything but violent
11 felonies. Each of the predicates would have to
12 be a violent felony and not merely a felony.

13 Thank you.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 PRESIDENT FARLEY: Senator
22 Galiber to explain his vote.

23 SENATOR GALIBER: No, no. I've

1 explained it.

2 ACTING PRESIDENT FARLEY: And
3 he's voting in the negative.

4 SENATOR LEICHTER: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Leichter to explain his vote.

7 SENATOR LEICHTER: If I may
8 explain my vote. Mr. President. I'm sorry I
9 was delayed and couldn't hear all of the
10 debate. There were some points I wanted to
11 make, so I will just limit myself to explaining
12 my vote.

13 It seems to me that the large
14 increase of the inmates that we've seen in the
15 prison system, tripling in the last fifteen
16 years, reflecting more severe and even harsher
17 penalties that we have imposed have not only not
18 made a dent in the high rate of crime, but we've
19 actually seen crime increase, and I think there
20 comes a point where you've got to ask yourself,
21 "Well, is punishment as we now apply it and
22 more lengthier sentences the way to go?" It
23 would seem to me that somebody would say, "Well,

1 wait a second. This isn't working. Maybe we
2 ought to try something else."

3 Instead, we not only keep
4 repeating the same thing, but we go even
5 further. We make it harsher and harsher. And
6 you also have to ask yourself how much of that
7 is really just pandoring to the public. We've
8 seen the charts. We show how few people under
9 this law would actually be sentenced to life
10 imprisonment without parole.

11 We also know that, right now,
12 somebody who commits a third violent felony can
13 be put away whether it's 20 years or sometimes
14 even longer. So what are we really trying to
15 achieve? Are we satisfying the public's desire
16 for punishment. I don't think that's what the
17 public wants. I think the public wants us to
18 deal effectively with the lack of security that
19 exists in our society, the high rate of
20 violence.

21 I submit that this doesn't do
22 anything to make any citizen of the state
23 safer. Maybe we'll fool the public for a little

1 while into thinking we have done something, but
2 I submit that we haven't. I don't think this is
3 the way to go.

4 I vote in the negative.

5 ACTING PRESIDENT FARLEY:

6 Results.

7 THE SECRETARY: Ayes 41. Nays 2.

8 Senators Galiber and Leichter recorded in the
9 negative.

10 ACTING PRESIDENT FARLEY: Bill is
11 passed.

12 SENATOR PRESENT: Mr. President.

13 ACTING PRESIDENT FARLEY: Senator
14 Present.

15 SENATOR PRESENT: Can we return
16 to report of standing committees.

17 ACTING PRESIDENT FARLEY:
18 Secretary will read a report of a standing
19 committee.

20 THE SECRETARY: Senator Stafford
21 from the Committee on Finance reports the
22 following bill directly for third reading:

23 Senate Bill Number 8534, by the

1 Senate Committee on Rules, an act to provide for
2 payments to school districts and Boards of
3 Cooperative Educational Services.

4 ACTING PRESIDENT FARLEY: Without
5 objection, right to third reading.

6 Senator Present.

7 SENATOR PRESENT: Mr. President.

8 I offer the following amendments to Calendar
9 1091, Senate Print 8534, and ask that the bill
10 retain its place on the Third Reading Calendar.

11 ACTING PRESIDENT FARLEY: Without
12 objection, the bill will retain its place.

13 Regular order, Senator.

14 SENATOR PRESENT: Regular order,
15 Mr. President.

16 ACTING PRESIDENT FARLEY: Regular
17 order.

18 THE SECRETARY: Calendar Number
19 502, on page 10, by Senator Volker.

20 SENATOR PRESENT: Lay it aside
21 for the day.

22 ACTING PRESIDENT FARLEY: Lay it
23 aside for the day.

1 THE SECRETARY: Calendar Number
2 602, by Senator Sears, Senate Bill Number 3836A,
3 an act to amend the General Business Law.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 40. Nays
12 3. Senators DiCarlo, Farley and Rath recorded
13 in the negative.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 719, by Senator Johnson, Senate Bill Number
18 7248A, establish the mercury task force.

19 SENATOR GOLD: Can we get one day
20 on this?

21 SENATOR JOHNSON: Lay it aside.

22 SENATOR PRESENT: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay

1 that bill aside for today.

2 THE SECRETARY: Calendar Number
3 811, by Member of the Assembly Keane, Assembly
4 Bill Number 6710, General Municipal Law, in
5 relation to the operation of games of bingo.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 43.

14 ACTING PRESIDENT FARLEY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 814, by the Assembly Committee on Rules,
18 Assembly Bill Number 7984A, an act to amend the
19 General Municipal Law.

20 SENATOR PADAVAN: Explanation.

21 ACTING PRESIDENT FARLEY:
22 Explanation has been asked for.

23 ACTING PRESIDENT FARLEY: Senator

1 Nozzolio -- just a moment.

2 SENATOR PRESENT: Lay it aside
3 temporarily.

4 ACTING PRESIDENT FARLEY: Lay it
5 aside temporarily.

6 THE SECRETARY: Calendar Number
7 817, by the Assembly Committee on Rules,
8 Assembly Bill Number 8460A, an act to amend the
9 Public Health Law.

10 SENATOR DOLLINGER: May I have an
11 explanation on this bill.

12 SENATOR PRESENT: Lay it aside.

13 ACTING PRESIDENT FARLEY: Lay
14 this bill aside, temporarily.

15 THE SECRETARY: Calendar Number
16 829, by Senator Johnson, Senate Bill Number
17 4084A, an act to amend the Environmental
18 Conservation Law, establishing an environmental
19 audit record search program.

20 SENATOR GOLD: Can we have a day
21 on this one?

22 SENATOR JOHNSON: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside for the day.

2 THE SECRETARY: Calendar Number
3 956, by Senator Skelos, Senate Bill Number 1240A
4 an act to amend the General Obligations Law.

5 SENATOR PRESENT: Lay it aside,
6 temporarily.

7 ACTING PRESIDENT FARLEY: Lay it
8 aside, temporarily.

9 THE SECRETARY: Calendar Number
10 972, by Senator Maltese, Senate Bill Number
11 4403, Executive Law, in relation to eligibility
12 for crime victim compensation.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 43.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 982, by Member of the Assembly Tocci, Assembly
2 Bill Number 9826, an act to amend the Highway
3 Law, designating a portion of the state highway
4 system as the Westchester County Veterans
5 Memorial Highway.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 43.

14 ACTING PRESIDENT FARLEY: That
15 bill is passed.

16 Senator Sears.

17 SENATOR SEARS: Yes, Mr.
18 President. I'd like unanimous consent to
19 reconsider the vote on Calendar 602.

20 ACTING PRESIDENT FARLEY: The
21 Secretary will call the roll on reconsideration.

22 (The Secretary called the roll on
23 reconsideration.)

1 THE SECRETARY: Ayes 43.

2 ACTING PRESIDENT FARLEY: The
3 bill is before the house.

4 SENATOR SEARS: Star the bill.

5 ACTING PRESIDENT FARLEY: Star
6 the bill.

7 THE SECRETARY: Calendar Number
8 1004, by Senator Maltese, Senate Bill Number
9 3302A, an act to amend the Vehicle and Traffic
10 Law.

11 SENATOR PRESENT: Lay it aside,
12 temporarily.

13 ACTING PRESIDENT FARLEY: Lay it
14 aside, temporarily.

15 THE SECRETARY: Calendar Number
16 1053, by Senator Daly.

17 SENATOR DALY: Lay it aside for
18 the day.

19 ACTING PRESIDENT FARLEY: Lay
20 that aside for the day.

21 Senator Present, we have a little
22 housekeeping.

23 SENATOR PRESENT: Let's do it.

1 ACTING PRESIDENT FARLEY: Senator
2 Galiber, before the housekeeping, what would you
3 like?

4 SENATOR GALIBER: Mr. President.
5 May I have unanimous consent to be recorded in
6 the negative on 972.

7 ACTING PRESIDENT FARLEY: 972,
8 Senator Galiber will be in the negative, without
9 objection.

10 Senator Rath.

11 SENATOR RATH: Mr. Chairman, I
12 would like to star my bill, 1064.

13 Thank you.

14 ACTING PRESIDENT FARLEY: 1064 is
15 starred at the request of the sponsor.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President.
18 On behalf of Senator Holland, Mr. President, I
19 would like to call up his bill, Print Number
20 6633A, recalled from the Assembly, which is now
21 at the desk.

22 ACTING PRESIDENT FARLEY:
23 Secretary will read it.

1 THE SECRETARY: By Senator
2 Holland, Senate Bill Number 6633A, an act to
3 amend the Public Health Law.

4 SENATOR LIBOUS: Thank you, Mr.
5 President. I now move to reconsider the vote by
6 which this bill was passed.

7 ACTING PRESIDENT FARLEY: The
8 Secretary will call the roll on reconsideration.

9 (The Secretary called the roll on
10 reconsideration.)

11 THE SECRETARY: Ayes 43.

12 ACTING PRESIDENT FARLEY: The
13 bill is before the house.

14 SENATOR LIBOUS: Mr. President.
15 I now offer up the following amendments.

16 ACTING PRESIDENT FARLEY:
17 Amendments received. The bill will retain its
18 place.

19 Secretary will read some
20 substitutions.

21 THE SECRETARY: On page 9 of
22 today's calendar, Senator Volker moves to
23 discharge the Committee on Rules from Assembly

1 Bill Number 9074A and substitute it for the
2 identical Third Reading 475.

3 On page 13, Senator Volker moves
4 to discharge the Committee on Rules from
5 Assembly Bill Number 6438B and substitute it for
6 the identical Third Reading 635.

7 On page 37, Senator Bruno moves
8 to discharge the Committee on Rules from
9 Assembly Bill Number 10201 and substitute it for
10 the identical Third Reading 1069.

11 ACTING PRESIDENT FARLEY: The
12 substitutions are ordered without objection.

13 Senator Kuhl.

14 SENATOR KUHL: Yes, Mr.
15 President. On page 23, Calendar Number 846,
16 Senate 3410A, would you place a sponsor star on
17 that bill, please.

18 ACTING PRESIDENT FARLEY: The
19 bill is starred at the request of the sponsor.

20 SENATOR KUHL: Thank you.

21 ACTING PRESIDENT FARLEY: Senator
22 Present, that concludes the housekeeping.

23 SENATOR PRESENT: At this time, I

1 ask the Senate to stand at ease.

2 ACTING PRESIDENT FARLEY: Senate
3 will stand at ease.

4 (Whereupon, the Senate was at
5 ease.

6 SENATOR PRESENT: Mr. President.
7 Would you recognize Senator Mendez.

8 ACTING PRESIDENT FARLEY: Senator
9 Mendez.

10 SENATOR MENDEZ: Thank you. May
11 I please have unanimous consent to be recorded
12 in the negative on Calendar 972.

13 ACTING PRESIDENT FARLEY: 972,
14 Senator Mendez will be in the negative, without
15 objection.

16 SENATOR MENDEZ: Thank you.

17 (Whereupon, at 2:50 p.m., Senate
18 was at ease.)

19 ACTING PRESIDENT FARLEY: Senator
20 Present.

21 SENATOR PRESENT: Mr. President.
22 I would like to call an immediate meeting of the
23 Rules Committee in Room 332.

1 ACTING PRESIDENT FARLEY: There
2 will be an immediate meeting of the Rules
3 Committee in Room 332.

4 SENATOR PRESENT: The Senate will
5 stand at ease.

6 (Whereupon, at 3:35 p.m., the
7 Senate continued at ease.)

8 ACTING PRESIDENT FARLEY: Senate
9 will come to order.

10 Senator Present.

11 SENATOR PRESENT: Mr. President.
12 Can we return to report of standing committee.

13 ACTING PRESIDENT FARLEY: Yes, we
14 may. The Secretary will read the report of a
15 standing committee.

16 THE SECRETARY: Senator Marino
17 from the Committee on Rules reports the
18 following bills directly for third reading:

19 Senate Bill Number 1651, by
20 Senator Cook and others, creating an interagency
21 council to facilitate services for at-risk
22 children and families.

23 2547, by Senator Cook, Labor Law,

1 in relation to safety and health standards.
2 2845, by Senator Cook, Real
3 Property Tax Law.
4 6699, by Senator Skelos, General
5 Municipal Law, in relation to bingo.
6 6937, by Senator Bruno, Racing,
7 Pari-Mutuel Wagering and Breeding Law.
8 6991, by Senator Libous,
9 Executive Law, Office of Advocate for Persons
10 with Disabilities.
11 7133, by Senator Bruno, Executive
12 Law.
13 7157B, by Senator Rath, an act to
14 amend the Tax Law.
15 7170A, by Senator Seward, an act
16 to amend the Tax Law.
17 7398A, by Senator Cook,
18 Commissioner of General Services to sell and
19 convey to the Greene County Community Action
20 Agency.
21 7407, by Senator Nozzolio, Real
22 Property Tax Law.
23 7638, by Senator Present,

1 authorize the city of Jamestown use of certain
2 lands reported with amendments.

3 7837A, by Senator Johnson,
4 Executive Law.

5 7970, by Senator Stafford,
6 approaching an amendment to the Constitution.

7 8030, by Senator Stafford,
8 proposing an amendment to the Constitution.

9 8031, by Senator Stafford,
10 proposing an amendment to the Constitution.

11 8035, by Senator Bruno,
12 apportionment of state aid for certain capital
13 expenditures.

14 8058, by Senator Lack, Uniform
15 Justice Court Act.

16 8084, by Senator Lack, amends
17 Chapter 502 of the Laws of 1992.

18 8104, by Senator Padavan, amends
19 Chapter 890 of the Laws of 1982.

20 8262, by Senator Daly, Education
21 Law.

22 8471A, by Senator DeFrancisco,
23 Parks, Recreation and Historic Preservation Law.

1 And Senate Bill Number 8497, by
2 Senator Seward, an act to amend the Military
3 Law.

4 All bills reported directly for
5 third reading.

6 ACTING PRESIDENT FARLEY: All
7 bills are reported directly to third reading.

8 Senator Present.

9 SENATOR PRESENT: Senator Rath.

10 SENATOR RATH: Yes, Mr.
11 President. I would like to amend a bill on the
12 Third Reading Calendar, on page number 27, an
13 amendment to Calendar Number 900, Print 8005,
14 and ask that it retain its place on the Third
15 Reading Calendar.

16 ACTING PRESIDENT FARLEY: The
17 bill is amended, and it will retain its place.

18 SENATOR PRESENT: Mr. President.
19 Can we call up Calendar 1091.

20 THE SECRETARY: Calendar Number
21 1091, by the Senate Committee on Rules, Senate
22 Bill Number 8534A, an act to provide for
23 payments to school districts and Board of

1 Cooperative Educational Services.

2 SENATOR PRESENT: Mr. President.

3 Is there a message of necessity, a message of
4 appropriation at the desk?

5 ACTING PRESIDENT FARLEY: Yes,
6 they are.

7 SENATOR PRESENT: Mr. President.

8 I move that we accept the messages.

9 ACTING PRESIDENT FARLEY: In all
10 favor of accepting the messages, please say aye.

11 (Response of "Aye.")

12 Those opposed, nay.

13 (There was no response.)

14 The messages are accepted.

15 Senator Present, the substitution
16 will be here momentarily.

17 SENATOR PRESENT: Right. Let's
18 stand at ease, await the substitution.

19 ACTING PRESIDENT FARLEY: We will
20 read the title of the bill, and then wait for
21 the substitution.

22 THE SECRETARY: Senator Stafford
23 moves to discharge the Committee on Finance from

1 Assembly Bill Number 11755A.

2 ACTING PRESIDENT FARLEY: Senator
3 Mendez.

4 SENATOR MENDEZ: Mr. President.
5 There will be an immediate conference with the
6 Democratic Senators.

7 SENATOR GOLD: As soon as we -

8 SENATOR MENDEZ: As we adjourn.

9 ACTING PRESIDENT FARLEY: There
10 will be a conference right after passing this
11 bill.

12 ACTING PRESIDENT FARLEY:
13 Continue the substitution.

14 THE SECRETARY: Senator Stafford
15 moves to discharge the Committee on Finance from
16 Assembly Bill Number 11755A and substitute it
17 for the identical Senate Bill 8534A.

18 ACTING PRESIDENT FARLEY:
19 Substitution is ordered.

20 Read the last section.

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

23 ACTING PRESIDENT FARLEY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 44.

4 ACTING PRESIDENT FARLEY: The
5 bill is passed.

6 SENATOR PRESENT: May we stand at
7 ease for a few moments.

8 ACTING PRESIDENT FARLEY: The
9 Senate will stand at ease.

10 (Whereupon, at 3:40 p.m., Senate
11 was at ease.)

12 ACTING PRESIDENT FARLEY: Senator
13 Present.

14 SENATOR PRESENT: Mr. President.
15 I move to recommit Senate Bill Print Number
16 8513, Calendar 1088, on the Third Reading
17 Calendar to the Committee on Finance with
18 instructions to the committee to strike the
19 enacting clause.

20 ACTING PRESIDENT FARLEY: The
21 bill is recommitted and the enacting clause is
22 struck.

23 Senator Marchi.

1 SENATOR MARCHI: Mr. President.
2 On behalf of Senator Skelos, on page 43, I offer
3 the following amendments to Calendar Number 794,
4 Senate Print 5588A, and request that the bill
5 retain its place on the Third Reading Calendar.

6 ACTING PRESIDENT FARLEY:
7 Amendments received. The bill will retain its
8 place on the Third Reading Calendar.

9 ACTING PRESIDENT FARLEY: Senator
10 Maltese.

11 SENATOR MALTESE: Mr. President.
12 With reference to Senate Number 1089, I ask
13 unanimous consent to be recorded in the
14 negative.

15 ACTING PRESIDENT FARLEY: Without
16 objection, Senator Maltese will be in the
17 negative on 1089.

18 SENATOR MALTESE: Thank you.

19 ACTING PRESIDENT FARLEY: That
20 looks like it.

21 SENATOR PRESENT: There being no
22 further business, I move that we adjourn until
23 tomorrow at 3:00 p.m.

1

ACTING PRESIDENT FARLEY: The

2

Senate stands adjourned until tomorrow at 3:00

3

p.m.

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(Whereupon, at 3:53 p.m., Senate

5

adjourned.)

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