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ALBANY, NEW YORK

May 31, 1995

10:05 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

## 1 P R O C E E D I N G S

2 ACTING PRESIDENT KUHL: The  
3 Senate will come to order. Ask the members to  
4 find their places, the staff to find their  
5 places. Ask everybody in the chamber to rise  
6 and join with me in saying the Pledge of  
7 Allegiance.

8 (The assemblage repeated the  
9 Pledge of Allegiance to the Flag.)

10 In the absence of clergy, may we  
11 bow our heads in a moment of silence.

12 (A moment of silence was  
13 observed.)

14 Reading of the Journal.

15 THE SECRETARY: In Senate,  
16 Tuesday, May 30th. The Senate met pursuant to  
17 adjournment, Senator Kuhl in the Chair upon  
18 designation of the Temporary President. The  
19 Journal of Monday, May 29, was read and  
20 approved. On motion, the Senate adjourned.

21 ACTING PRESIDENT KUHL: Hearing  
22 no objection, the Journal stands approved as  
23 read.

1 Presentation of petitions.  
2 Messages from the Assembly.  
3 Messages from the Governor.  
4 Reports of standing committees.  
5 Reports of select committees.  
6 Communications and reports from  
7 state officers.

8 Motions and resolutions.

9 The Chair recognizes Senator  
10 Wright.

11 SENATOR WRIGHT: Mr. President,  
12 on behalf of Senator Goodman, on page 23, I  
13 offer the following amendments to Calendar  
14 Number 733, Senate Print Number 4017, and ask  
15 that said bill retain its place on the Third  
16 Reading Calendar.

17 ACTING PRESIDENT KUHL: The  
18 amendments to Calendar Number 733 are received  
19 and adopted. The bill will retain its place on  
20 the Third Reading Calendar.

21 SENATOR WRIGHT: Mr. President,  
22 on behalf of Senator Libous, please remove the  
23 sponsor's star from Calendar Number 939.

1                   ACTING PRESIDENT KUHL: The star  
2 is removed on Calendar Number 939 at the request  
3 of the sponsor.

4                   SENATOR LACK: Mr. President.

5                   ACTING PRESIDENT KUHL: Senator  
6 Lack.

7                   SENATOR LACK: Thank you, Mr.  
8 President.

9                   I would like to announce a 10:15  
10 meeting of the Judiciary Committee in its normal  
11 place, Room 124 of the Capitol.

12                   ACTING PRESIDENT KUHL: There  
13 will be a meeting of the Senate Judiciary  
14 Committee at 10:15 in Room 124 of the Capitol.

15                   The Chair recognizes Senator  
16 Bruno.

17                   SENATOR BRUNO: Mr. President,  
18 can we at this time go to the non-controversial  
19 calendar.

20                   ACTING PRESIDENT KUHL: The  
21 Secretary will read the non-controversial  
22 calendar.

23                   THE SECRETARY: On page 8,

1 Calendar Number 245, by Senator LaValle, Senate  
2 Print 1126-A, an act to amend the Education Law,  
3 in relation to votes on school taxes,  
4 propositions to expend money and providing  
5 absentee ballots.

6 SENATOR BRUNO: Lay it aside.

7 ACTING PRESIDENT KUHL: Lay the  
8 bill aside.

9 THE SECRETARY: Calendar Number  
10 440, by Senator Velella, Senate Print 3614-A, an  
11 act to amend Chapter 630 of the Laws of 1988  
12 amending the Insurance Law, relating to estab  
13 lishing an excess line advisory organization.

14 ACTING PRESIDENT KUHL: The  
15 Secretary will read the last section.

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

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 37.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

1 THE SECRETARY: Calendar Number  
2 729, by Senator Wright, Senate Print 2256, an  
3 act to amend Chapter 533 of the Laws of 1993  
4 amending the Vehicle and Traffic Law and the  
5 Correction Law, in relation to the suspension  
6 and revocation of driver's license.

7 SENATOR PATERSON: Lay it aside,  
8 please.

9 ACTING PRESIDENT KUHL: Lay the  
10 bill aside at the request of the Acting Minority  
11 Leader.

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

14 ACTING PRESIDENT KUHL: Lay the  
15 bill aside for the day at the request of the  
16 sponsor.

17 THE SECRETARY: Calendar Number  
18 760, by Senator Marchi, Senate Print 742-A, an  
19 act to amend the Real Property Law, in relation  
20 to modifying the real estate continuing  
21 education requirement.

22 ACTING PRESIDENT KUHL: The  
23 Secretary will read the last section.

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

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 37.

7 ACTING PRESIDENT KUHL: The bill  
8 is passed.

9 ACTING PRESIDENT KUHL: Announce  
10 the results when tabulated.

11 THE SECRETARY: On Calendar  
12 Number 760, ayes 36, nays 1, Senator Wright  
13 recorded in the negative.

14 ACTING PRESIDENT KUHL: The  
15 Secretary will continue to call the  
16 non-controversial calendar.

17 THE SECRETARY: Calendar 798, by  
18 Senator DiCarlo, Senate Print 2940, an act to  
19 amend the Real Property Tax Law, in relation to  
20 partial exemption from taxation of real property  
21 owned by persons 65 years of age or older.

22 ACTING PRESIDENT KUHL: The  
23 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 37.

8 ACTING PRESIDENT KUHL: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 800, by Senator Leibell, Senate Print 3871, an  
12 act to amend the Real Property Tax Law, in  
13 relation to partial real property tax exemptions  
14 for senior citizen auxiliary dwelling units.

15 ACTING PRESIDENT KUHL: The  
16 Secretary will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 40.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 856, by Senator Levy, Senate Print 2670, an act  
4 to amend the Vehicle and Traffic Law, in  
5 relation to leaving the scene of injury to  
6 certain animals without reporting.

7 ACTING PRESIDENT KUHL: The  
8 Secretary will read the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the 120th day.

11 ACTING PRESIDENT KUHL: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 40.

15 ACTING PRESIDENT KUHL: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 859, by Senator Goodman, Senate Print 3498, an  
19 act to amend the Transportation Law, in relation  
20 to estimates of transportation charges for  
21 household goods.

22 ACTING PRESIDENT KUHL: The  
23 Secretary will read the last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect on the 120th day.

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT KUHL: Announce  
7 the results when tabulated.

8 THE SECRETARY: Ayes 39, nays 1,  
9 Senator Kuhl recorded in the negative.

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 863, by Senator Maltese, Senate Print 4344, an  
14 act to amend the Vehicle and Traffic Law, the  
15 Criminal Procedure Law and the Tax Law, in  
16 relation to penalties for failure to answer a  
17 traffic summons.

18 ACTING PRESIDENT KUHL: The  
19 Secretary will read the last section.

20 THE SECRETARY: Section 11. This  
21 act shall take effect on the first day of  
22 November.

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 40.

4 ACTING PRESIDENT KUHL: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 894, by Senator Sears, Senate Print 1355-B, an  
8 act to amend the Environmental Conservation Law,  
9 in relation to prohibiting the feeding of deer  
10 within 300 feet of a public highway.

11 ACTING PRESIDENT KUHL: The  
12 Secretary will read the last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect on the 60th day.

15 ACTING PRESIDENT KUHL: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 40.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 940, by Member of the Assembly Matusow, Assembly  
23 Print 6345-A, an act to amend the Alcoholic

1 Beverage Control Law, in relation to authorizing  
2 farm winery licensees.

3 ACTING PRESIDENT KUHL: Lay the  
4 bill aside for the day at the request of the  
5 sponsor.

6 THE SECRETARY: Calendar Number  
7 972, by Senator Kuhl, Senate Print 3932-A, an  
8 act to amend the Agriculture and Markets Law, in  
9 relation to milk control and to repeal certain  
10 provisions of such law relating thereto.

11 ACTING PRESIDENT KUHL: The  
12 Secretary will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 40.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1042, by Senator Johnson, Senate Print 3233 -

23 SENATOR JOHNSON: Star the bill.

1                   ACTING PRESIDENT KUHL: Star the  
2 bill at the request of the sponsor.

3                   The Chair recognizes Senator  
4 Bruno.

5                   SENATOR BRUNO: Mr. President,  
6 can we at this time take up the Resolution  
7 Calendar and move for its adoption.

8                   ACTING PRESIDENT KUHL: We'll  
9 return to motions and resolutions. The question  
10 is on the Resolution Calendar which is on all  
11 the members' desks. All those in favor of  
12 adopting it signify by saying aye.

13                   (Response of "Aye".)

14                   Opposed, nay.

15                   (There was no response.)

16                   The Resolution Calendar is  
17 adopted.

18                   The Chair recognizes Senator  
19 Bruno.

20                   SENATOR BRUNO: Mr. President,  
21 can we call an immediate meeting of the Crime  
22 Victims, Crime and Corrections Committee in Room  
23 332.

1                   ACTING PRESIDENT KUHL:  There  
2                   will be an immediate meeting of the Crime  
3                   Victims, Crime and Corrections Committee in the  
4                   Majority Conference Room, Room 332.  Immediate  
5                   meeting of the Crime Victims, Crime and  
6                   Corrections Committee, Majority Conference Room,  
7                   Room 332.

8                                   May I have your attention,  
9                   please?

10                                  The Chair recognizes Senator  
11                   Bruno.

12                                  SENATOR BRUNO:  Mr. President,  
13                   can we call an immediate meeting of the  
14                   Corporations Committee in Room 332.

15                                  ACTING PRESIDENT KUHL:  There  
16                   will be an immediate meeting of the Corporations  
17                   Committee in the Majority Conference Room, Room  
18                   332, immediate meeting of the Corporations  
19                   Committee in the Majority Conference Room, Room  
20                   332.

21                                  Senator Bruno.

22                                  SENATOR BRUNO:  That meeting, Mr.  
23                   President, would be followed by a Rules

1 Committee meeting in the same room, Room 332.

2 ACTING PRESIDENT KUHL:

3 Immediately thereafter there will be a Rules  
4 Committee meeting in Room 332, the Majority  
5 Conference Room, immediately following the  
6 Corporations Committee.

7 For the benefit of those people  
8 who can hear my voice and who are awaiting the  
9 termination of the Corporations Committee  
10 meeting, you should be informed that the  
11 Corporations Committee meeting is over and that  
12 Rules is commencing immediately. Immediate  
13 meeting of the Rules Committee in the Majority  
14 Conference Room, Room 332, immediate meeting of  
15 the Rules Committee in Room 332.

16 Thank you.

17 SENATOR GOODMAN: Mr. President.

18 ACTING PRESIDENT KUHL: The Chair  
19 recognizes Senator Goodman.

20 SENATOR GOODMAN: Mr. President,  
21 there will be an immediate meeting of the Senate  
22 Investigations, Taxation and Government  
23 Operations Committee in Room 332 immediately

1 following the Rules Committee.

2 ACTING PRESIDENT KUHL: There  
3 will be an immediate meeting of the Committee on  
4 Investigations in Room 332 immediately following  
5 the Rules Committee meeting.

6 Thank you, Senator Goodman.

7 The Senate will come to order.

8 SENATOR SKELOS: With the  
9 consent -

10 ACTING PRESIDENT KUHL: The Chair  
11 recognizes Senator Skelos.

12 SENATOR SKELOS: Mr. President,  
13 with the consent of the Minority, would call up  
14 Calendar Number 739 by Senator Wright.

15 ACTING PRESIDENT KUHL: The  
16 Secretary will read the title of Calendar Number  
17 729.

18 THE SECRETARY: On page 22,  
19 Calendar 729, by Senator Wright, Senate Print  
20 2256, an act to amend Chapter 533 of the Laws of  
21 1993 amending the Vehicle and Traffic Law and  
22 the Correction Law.

23 ACTING PRESIDENT KUHL: Senator

1 Paterson.

2 SENATOR PATERSON: Mr. President,  
3 last year this bill was debated by Senator  
4 Galiber. As you know, Senator Galiber is ill  
5 and has not been with us for a couple of weeks,  
6 but he did ask me to get up and make a statement  
7 that would reflect his and many of our points of  
8 view on this particular bill.

9 We feel this bill is unnecessary  
10 because the federal program that allows for the  
11 state to receive funding because of the legisla  
12 tion can be received and is being received by 31  
13 states right now, and so, in other words, the  
14 Governor and the Legislature can opt out of this  
15 program simply by passing a resolution that  
16 would state that we are in disagreement with the  
17 federal legislation.

18 Moving to the substance of the  
19 actual legislation itself, we would just like to  
20 point out, as Senator Galiber informed me, that  
21 this legislation really is ancillary to the  
22 actual nature of the crime of possession or  
23 dealing of drugs. In other words, the automo

1       bile license and the actual crime are two  
2       separate things which is generally not  
3       considered in the purview of criminal justice  
4       law to be something that is consistent and goes  
5       on at other points.

6                    If we want to punish someone for  
7       the crime of dealing drugs, which is as violent  
8       and vicious an act that probably exists in  
9       society today, then we need to punish the  
10      individual for that act. The ancillary issues  
11      of the car and the driver's license might  
12      actually apply if the car was being used to  
13      assist the actual drug sale. In these types of  
14      cases, it's just the proximity or the use of the  
15      car which we don't think is actually germane to  
16      the charge for which the defendant is arrested  
17      and eventually convicted.

18                   And so, therefore, Senator  
19      Galiber recommends a no vote on this particular  
20      legislation.

21                   ACTING PRESIDENT KUHL: The Chair  
22      recognizes Senator Wright.

23                   SENATOR WRIGHT: Mr. President,

1 on the bill.

2 As my colleague relates, the  
3 budget does, in fact, reflect an additional 42.6  
4 million in federal highway aid as a result of  
5 compliance with the federal requirements, but on  
6 the point I would also point out that back in  
7 1990 prior to this first being enacted in 1993,  
8 Statewide Anti-drug Abuse Council recommended  
9 several proposals to deter the use of controlled  
10 substances.

11 One method identified to reduce  
12 substance abuse was to establish civil deter  
13 rence in addition to the traditional criminal  
14 sanctions available for conviction of  
15 drug-related offenses. That's the nature of the  
16 legislation.

17 Thank you.

18 ACTING PRESIDENT KUHL: The  
19 Secretary will read the last section.

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

22 ACTING PRESIDENT KUHL: Call the  
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 50...

3 ACTING PRESIDENT KUHL: Announce  
4 the results when tabulated.

5 THE SECRETARY: Those recorded in  
6 the negative on Calendar Number 729 are Senators  
7 Connor and Paterson. Ayes 52, nays 2.

8 ACTING PRESIDENT KUHL: The bill  
9 is passed.

10 Senator Skelos.

11 SENATOR SKELOS: Mr. President,  
12 there will be a meeting of the Transportation  
13 Committee in Room 123 in the Capitol at 11:00  
14 a.m. That's in three minutes.

15 ACTING PRESIDENT KUHL:  
16 Transportation Committee in -- what room is that  
17 again, Senator Skelos?

18 SENATOR SKELOS: Room 123 of the  
19 Capitol.

20 ACTING PRESIDENT KUHL: Room  
21 123. Transportation Committee in Room 123 of  
22 the Capitol at 11:00 a.m., two minutes from now.

23 SENATOR SKELOS: Mr. President,

1 can we stand at ease?

2 ACTING PRESIDENT KUHL: The  
3 Senate will stand at ease.

4 (Whereupon, the Senate stood at  
5 ease from 10:58 a.m. until 11:00 a.m.)

6 ACTING PRESIDENT KUHL: The  
7 Senate will come to order.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,  
10 there will be an immediate meeting of the Labor  
11 Committee in Room 124 of the Capitol.

12 ACTING PRESIDENT KUHL: Immediate  
13 meeting of the Labor Committee in Room 124 of  
14 the Capitol, Labor Committee immediate meeting  
15 in Room 124 of the Capitol.

16 (Whereupon the Senate stood at  
17 ease.)

18 ACTING PRESIDENT KUHL: The  
19 Senate will come to order. Members please find  
20 their places.

21 The Chair recognizes Senator  
22 Skelos.

23 SENATOR SKELOS: There will be an

1 immediate meeting of the Social Services  
2 Committee in Room 332 of the Capitol, and just  
3 for members' scheduling purposes, there will be  
4 a meeting of the Children and Family Committee  
5 at 11:30 in Room 332 of the Capitol, and there  
6 will be a meeting of the Veterans Committee at  
7 11:45 a.m. in Room 433-A of the Capitol.

8 ACTING PRESIDENT KUHL: Immediate  
9 meeting of the Social Services Committee in Room  
10 332. Immediate meeting of the Rules -- excuse  
11 me -- Social Services Committee in Room 332.  
12 There will be a meeting of the Children and  
13 Family Committee at 11:30 in Room 332. A  
14 meeting of the Veterans Committee meeting in  
15 Room 433-A at 11:45.

16 The Chair recognizes Senator  
17 Paterson.

18 SENATOR PATERSON: Mr. President,  
19 would you please recognize Senator Smith and  
20 Abate for purposes of vote casting.

21 ACTING PRESIDENT KUHL: Senator  
22 Smith.

23 SENATOR SMITH: Mr. Chairman, I

1 would like unanimous consent to be recorded in  
2 the negative on Calendar 729.

3 ACTING PRESIDENT KUHL: Without  
4 objection. Hearing no objection, Senator Smith  
5 will be recorded in the negative on Calendar  
6 Number 729.

7 Senator Abate.

8 SENATOR ABATE: Yes. I also ask  
9 for unanimous consent to be recorded in the  
10 negative on Calendar Number 729.

11 ACTING PRESIDENT KUHL: Without  
12 objection. Hearing no objection, Senator Abate  
13 will be recorded in the negative on Calendar  
14 729.

15 Senator Espada.

16 SENATOR ESPADA: Thank you, Mr.  
17 President.

18 I also ask request unanimous  
19 consent to be recorded in the negative on  
20 Calendar Number 729.

21 ACTING PRESIDENT KUHL: Without  
22 objection. Hearing no objection, Senator Espada  
23 will be recorded in the negative on Calendar

1 Number 729.

2 Senator Skelos.

3 SENATOR SKELOS: Mr. President,  
4 at 11:15 a.m., there will be a meeting of the  
5 Aging Committee in Room 332. So to recap for  
6 the members, Labor Committee is meeting right  
7 now in Room 124 of the Capitol. Children and  
8 Families will be meeting at 11:30 a.m. in 332,  
9 Aging at 11:15 in Room 332, Veterans at 11:45  
10 a.m. in Room 433-A of the Capitol.

11 ACTING PRESIDENT KUHL: Thank  
12 you, Senator Skelos.

13 ACTING PRESIDENT TULLY: Senator  
14 Volker.

15 SENATOR VOLKER: The  
16 Environmental Conservation Committee will meet  
17 immediately in Room 124. Environmental  
18 Conservation Committee will meet immediately in  
19 Room 124.

20 ACTING PRESIDENT TULLY: There  
21 will be an immediate meeting of the  
22 Environmental Conservation Committee in Room  
23 124.

1 (Whereupon the Senate stood at  
2 ease.)

3 ACTING PRESIDENT KUHL: The  
4 Senate will come to order. Members please find  
5 their places.

6 The Chair recognizes Senator  
7 Skelos.

8 SENATOR SKELOS: Mr. President, I  
9 believe there's a report of the Rules Committee  
10 at the desk. Could we have it read at this  
11 time.

12 ACTING PRESIDENT KUHL: There is  
13 a report of the Rules Committee. We'll return  
14 to reports of standing committees. I'll ask the  
15 Secretary to read the Rules report.

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

19 Senate Print 181, by Senator  
20 Tully, an act to amend the General Municipal  
21 Law, in relation to providing coverage for  
22 injuries sustained by Nassau County advanced  
23 ambulance medical technicians;

1                   Senate Print 522-A, by Senator  
2                   Skelos, an act to amend the Penal Law, in  
3                   relation to increasing the penalties for  
4                   custodial interference;

5                   654-A, by Senator Skelos, an act  
6                   to amend the Executive Law, in relation to the  
7                   search of criminal history records for persons  
8                   seeking employment in or to adopt a child;

9                   917, by Senator Goodman, an act  
10                  to amend the Civil Rights Law, in relation to  
11                  prohibiting the non-consensual use of a person's  
12                  voice;

13                  1636, by Senator Holland, an act  
14                  authorizing the county of Rockland to place  
15                  county funds into the custody of a private firm;

16                  Senate Print 2328, by Senator  
17                  Volker, an act to amend the Criminal Procedure  
18                  Law, in relation to peace officer status for  
19                  cell block attendants;

20                  2404, by Senator Kuhl, an act to  
21                  amend the Public Officers Law, in relation to  
22                  defense and indemnification of employees of soil  
23                  and water conservation districts;

1                   2584, by Senator Padavan, an act  
2                   to amend the Penal Law, in relation to disposal  
3                   of allegedly stolen motor vehicles;

4                   2907, by Senator Holland, an act  
5                   to amend the General Municipal Law, in relation  
6                   to the establishment of a contingency and tax  
7                   stabilization reserve fund by the county of  
8                   Rockland;

9                   2979, by Senator Libous, an act  
10                  to amend the General Municipal Law, in relation  
11                  to establishing the town of Norwich Industrial  
12                  Development Agency;

13                  3250, by Senator Paterson, an act  
14                  authorizing the city of New York to reconvey its  
15                  interest in certain real property acquired by in  
16                  rem foreclosure in the borough of Manhattan;

17                  3327, by Senator Johnson, an act  
18                  to amend the Criminal Procedure Law, in relation  
19                  to requiring certain persons committed to the  
20                  custody of the sheriff pending a hearing on  
21                  revocation of bail;

22                  3748, by Senator Leibell, an act  
23                  to amend the Criminal Procedure Law, in relation

1 to designating security officers for the town  
2 court of the town of Putnam Valley;

3 3799, by Senator Wright, an act  
4 to amend the State Administrative Procedure Act,  
5 in relation to issuance of declaratory rulings  
6 by agencies;

7 4018-A, by Senator Maziarz, an  
8 act to amend the Tax Law, in relation to the  
9 imposition of sales and use taxes in the county  
10 of Orleans;

11 4289, by Senator Volker, an act  
12 to amend the Erie County Tax Act, in relation to  
13 payment of school taxes in installments;

14 4411, by Senator Marchi, an act  
15 to amend the General Business Law, in relation  
16 to the registration of securities agents;

17 4842, by Senator Skelos, an act  
18 to amend the Civil Practice Law and Rules, in  
19 relation to objections to service of process;

20 5188, by the Committee on Rules,  
21 an act to amend Chapter 12 of the Laws of 1995,  
22 relating to providing a retirement incentive for  
23 certain public employees;

1                   5199, by Senator Kuhl, an act to  
2 amend the Alcoholic Beverage Control Law, in  
3 relation to certain types of wine packaging;

4                   5246, by the Committee on Rules,  
5 an act to amend the Racing, Pari-mutuel Wagering  
6 and Breeding Law and Chapter 281 of the Laws of  
7 1994 amending the Racing, Pari-mutuel Wagering  
8 and Breeding Law and other laws relating to  
9 racing and simulcasting;

10                   All bills ordered directly for  
11 third reading.

12                   ACTING PRESIDENT KUHL: Senator  
13 Skelos.

14                   SENATOR SKELOS: Mr. President,  
15 at this time, if we could take up supplemental  
16 Calendar Number 1, non-controversial.

17                   ACTING PRESIDENT KUHL: Without  
18 objection, the Rules report is accepted. All  
19 bills are ordered directly to third reading.

20                   The Secretary will read the  
21 Supplemental Calendar.

22                   THE SECRETARY: Senate Bill 1048,  
23 by Senator Tully, Senate Print 181, General

1 Municipal Law, in relation to providing coverage  
2 for injuries sustained by Nassau County advanced  
3 ambulance medical technicians.

4 ACTING PRESIDENT KUHL: There's  
5 no home rule message at the desk. The bill will  
6 be laid aside.

7 THE SECRETARY: Calendar Number  
8 1049, by Senator Skelos, Penal Law, in relation  
9 to increasing the penalties for custodial inter  
10 ference.

11 ACTING PRESIDENT KUHL: Secretary  
12 will read the last section.

13 THE SECRETARY: Section 4. This  
14 act shall take effect on the 15th day of  
15 November.

16 ACTING PRESIDENT KUHL: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 56.

20 ACTING PRESIDENT KUHL: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1050, by Senator Skelos, Senate Print 654A,

1 Executive Law, in relation to the search of  
2 criminal history records for persons seeking  
3 employment.

4 ACTING PRESIDENT KUHL: Secretary  
5 will read the last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect on the 1st day of  
8 November.

9 ACTING PRESIDENT KUHL: Call the  
10 roll.

11 (The Secretary called the roll. )

12 THE SECRETARY: Ayes 56.

13 ACTING PRESIDENT KUHL: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1051, by Senator Goodman, Senate Print 917, an  
17 act to amend the Civil Rights Law, in relation  
18 to prohibiting the non-consensual use of a  
19 person's voice.

20 ACTING PRESIDENT KUHL: Secretary  
21 will read the last section.

22 THE SECRETARY: Section 3. This  
23 act shall take effect on the 1st day of

1 November.

2 ACTING PRESIDENT KUHL: Call the  
3 roll.

4 (The Secretary called the roll. )

5 THE SECRETARY: Ayes 56.

6 ACTING PRESIDENT KUHL: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1052, by Senator Holland, Senate Print 1636, an  
10 act authorizing the county of Rockland to place  
11 county funds into the custody of a private  
12 firm.

13 ACTING PRESIDENT KUHL: There is  
14 no home rule message at the desk. The bill will  
15 be laid aside.

16 THE SECRETARY: Calendar Number  
17 1053, by Senator Volker, Senate Print 2328, an  
18 act to amend the Criminal Procedure Law, in  
19 relation to peace officer status for cell block  
20 attendants.

21 ACTING PRESIDENT KUHL: Secretary  
22 will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect on the 60th day.

2 ACTING PRESIDENT KUHL: Call the  
3 roll.

4 (The Secretary called the roll. )

5 THE SECRETARY: Ayes 56.

6 ACTING PRESIDENT KUHL: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1054, by Senator Kuhl, Senate Print 2404, an act  
10 to amend the Public Officers Law, in relation to  
11 defense and indemnification of employees of soil  
12 and water conservation districts.

13 ACTING PRESIDENT KUHL: Secretary  
14 will read the last section.

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

17 ACTING PRESIDENT KUHL: Call the  
18 roll.

19 (The Secretary called the roll. )

20 THE SECRETARY: Ayes 56.

21 ACTING PRESIDENT KUHL: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number

1 1055, by Senator Padavan, Senate Print 2584, an  
2 act to amend the Penal Law, in relation to  
3 disposal of allegedly stolen motor vehicles.

4 ACTING PRESIDENT KUHL: Secretary  
5 will read the last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect on the 1st day of  
8 November.

9 ACTING PRESIDENT KUHL: Call the  
10 roll.

11 (The Secretary called the roll. )

12 THE SECRETARY: Ayes 56.

13 ACTING PRESIDENT KUHL: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1057, by Senator Holland, Senate Print 2907, an  
17 act to amend the General Municipal Law, in  
18 relation to the establishment of a contingency  
19 and tax stabilization reserve fund.

20 ACTING PRESIDENT KUHL: There is  
21 no home rule message at the desk. The bill will  
22 be laid aside.

23 THE SECRETARY: Calendar Number

1 1058, by Senator Libous, Senate Print 2979, an  
2 act to amend the General Municipal Law, in  
3 relation to establishing the town of Norwich  
4 Industrial Development Agency.

5 ACTING PRESIDENT KUHL: There is  
6 no home rule message at the desk. The bill will  
7 be laid aside.

8 THE SECRETARY: Calendar Number  
9 1059, by Senator Paterson, Senate Print 3250, an  
10 act authorizing the city of New York to reconvey  
11 its interest in certain real property acquired  
12 by in rem tax foreclosure.

13 ACTING PRESIDENT KUHL: There's a  
14 home rule message at the desk. Secretary will  
15 read the last section.

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

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll. )

21 THE SECRETARY: Ayes 56.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

1 THE SECRETARY: Calendar Number  
2 1060, by Senator Johnson, Senate Print 3327, an  
3 act to amend the Criminal Procedure Law, in  
4 relation to requiring certain persons committed  
5 to the custody of the sheriff pending a hearing  
6 on revocation of bail.

7 ACTING PRESIDENT KUHL: Secretary  
8 will read the last section.

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

11 ACTING PRESIDENT KUHL: Call the  
12 roll.

13 (The Secretary called the roll. )

14 THE SECRETARY: Ayes 57.

15 ACTING PRESIDENT KUHL: The  
16 bill's passed.

17 THE SECRETARY: Calendar Number  
18 1061, by Senator Leibell, Senate Print 3748, an  
19 act to amend the Criminal Procedure Law, in  
20 relation to designating security officers for  
21 the town court of the town of Putnam Valley.

22 ACTING PRESIDENT KUHL: Secretary  
23 will read the last section.

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

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll. )

6 THE SECRETARY: Ayes 57.

7 ACTING PRESIDENT KUHL: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1062, by Senator Wright, Senate Print 3799, an  
11 act to amend the State Administrative Procedure  
12 Act, in relation to issuance of declaratory  
13 rulings by agencies.

14 ACTING PRESIDENT KUHL: Secretary  
15 will read the last section.

16 THE SECRETARY: Section 3. This  
17 act shall take effect on the 180th day.

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll. )

21 THE SECRETARY: Ayes 57.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

1 THE SECRETARY: Calendar Number  
2 1063, by Senator Maziarz, Senate Print -

3 SENATOR SKELOS: Lay aside for  
4 the day.

5 ACTING PRESIDENT KUHL: Lay the  
6 bill aside for the day.

7 THE SECRETARY: Calendar Number  
8 1064, by Senator Volker, Senate Print 4289, an  
9 act to amend the Erie County Tax Act, in  
10 relation to payment of school taxes in  
11 installments.

12 ACTING PRESIDENT KUHL: Secretary  
13 will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the  
17 roll.

18 (The Secretary called the roll. )

19 THE SECRETARY: Ayes 57.

20 ACTING PRESIDENT KUHL: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1065, by Senator Marchi, Senate Print 4411, an

1 act to amend the General Business Law, in  
2 relation to the registration of securities  
3 agents.

4 ACTING PRESIDENT KUHL: Secretary  
5 will read the last section.

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

8 ACTING PRESIDENT KUHL: Call the  
9 roll.

10 (The Secretary called the roll. )

11 THE SECRETARY: Ayes 57.

12 ACTING PRESIDENT KUHL: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1066, by Senator Skelos, Senate Print 4842, an  
16 act to amend the Civil Practice Law and Rules,  
17 in relation to objections to service of  
18 process.

19 ACTING PRESIDENT KUHL: Secretary  
20 will read the last section.

21 THE SECRETARY: Section 3. This  
22 act shall take effect on the -- January 1st.

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll. )

3 THE SECRETARY: Ayes 57.

4 ACTING PRESIDENT KUHL: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1067, by the Committee on Rules, Senate Print  
8 5188, an act to amend Chapter 12 of the Laws of  
9 1995, relating to providing a retirement  
10 incentive for certain public employees.

11 ACTING PRESIDENT KUHL: Secretary  
12 will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the  
16 roll.

17 (The Secretary called the roll. )

18 THE SECRETARY: Ayes 57.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1068, by Senator Kuhl, Senate Print 5199, an act  
23 to amend the Alcoholic Beverage Control Law, in

1 relation to certain types of wine packaging.

2 ACTING PRESIDENT KUHL: Secretary  
3 will read the last section.

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

6 ACTING PRESIDENT KUHL: Call the  
7 roll.

8 (The Secretary called the roll. )

9 THE SECRETARY: Ayes 57.

10 ACTING PRESIDENT KUHL: The  
11 bill's passed.

12 THE SECRETARY: Calendar Number  
13 1069, by the Committee on Rules, Senate Print  
14 5246, an act to amend the Racing, Pari-mutuel  
15 Wagering and Breeding Law and Chapter 281 of the  
16 Laws of 1994, amending the Racing, Pari-mutuel  
17 Wagering and Breeding Law.

18 ACTING PRESIDENT KUHL: Senator  
19 Skelos.

20 SENATOR SKELOS: Mr. President,  
21 is there a message at the desk?

22 ACTING PRESIDENT KUHL: There is  
23 a message of necessity at the desk, Senator

1 Skelos.

2 SENATOR SKELOS: Move we accept  
3 the message.

4 ACTING PRESIDENT KUHL: Motion is  
5 to accept the message of necessity. All those  
6 in favor signify by saying aye.

7 (Response of "Aye.")

8 Opposed nay.

9 (There was no response. )

10 The message is adopted.

11 Secretary will read the last  
12 section.

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

15 ACTING PRESIDENT KUHL: Call the  
16 roll.

17 (The Secretary called the roll. )

18 THE SECRETARY: Ayes 57.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 Senator Skelos.

22 SENATOR SKELOS: Mr. President,  
23 as a reminder, the Veterans Committee meeting is

1 in Room 433A of the Capitol starting in about 30  
2 seconds, and there is a Tourism Committee  
3 meeting at 11:45 a.m., in Room 124 of the  
4 Capitol.

5 ACTING PRESIDENT KUHL: Veterans  
6 Committee meeting starting now, Room 433A,  
7 Tourism Committee Meeting now in Room 123 -  
8 excuse me, 124, of the Capitol.

9 Senator Padavan.

10 SENATOR PADAVAN: Under motions,  
11 Mr. President, I'd like to star two of my bills,  
12 Calendar Numbers 735 and 742.

13 ACTING PRESIDENT KUHL: At the  
14 request of the sponsor, sponsor's stars will be  
15 placed on Calendar Number 735 and 742.

16 Senator Present.

17 SENATOR PRESENT: Mr. President,  
18 on page 39, I offer the following amendments to  
19 Calendar Number 943, in behalf of Senator  
20 Goodman, Assembly -- Senate Print 5055A, and ask  
21 that it retain its place on the Third Reading  
22 Calendar.

23 ACTING PRESIDENT KUHL:

1 Amendments to Calendar Number 943 are received  
2 and adopted. Bill will retain its place on the  
3 Third Reading Calendar.

4 Senator Skelos.

5 SENATOR SKELOS: Mr. President,  
6 can we just stand at ease for a -- for a minute.

7 ACTING PRESIDENT KUHL: Senate  
8 will stand at ease for a couple of minutes.

9 (Whereupon the Senate stood at  
10 ease briefly.)

11 ACTING PRESIDENT KUHL: The  
12 Senate will come to order.

13 Chair recognizes Senator Skelos.

14 SENATOR SKELOS: Is there any  
15 housekeeping at the desk?

16 ACTING PRESIDENT KUHL: We're all  
17 taken care of, Senator Skelos.

18 SENATOR SKELOS: Mr. President,  
19 there being no further business, the Senate will  
20 stand adjourned until 10:00 a.m. Thursday, June  
21 1st, at 10:00 a.m., sharp.

22 ACTING PRESIDENT KUHL: Without  
23 objection, the Senate stands adjourned until

1 tomorrow, Thursday, June 1st, at 10:00 a.m.

2 Again note the time change, 10:00 a.m.

3 (Whereupon, at 11:50 a.m., the  
4 Senate adjourned.)

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