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ALBANY, NEW YORK

June 8, 1995

11:06 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: Senate  
3 will come to order. Ask the members to take  
4 their places, staff find their places.

5 I ask everybody in the chamber to  
6 join in saying the Pledge of Allegiance to the  
7 Flag.

8 (Whereupon, the Senate and those  
9 present joined in the Pledge of Allegiance to  
10 the Flag.)

11 ACTING PRESIDENT KUHL: In the  
12 absence of clergy, may we bow our heads in a  
13 moment of silence.

14 (Whereupon, there was a moment of  
15 silence.)

16 The reading of the Journal.

17 THE SECRETARY: In Senate,  
18 Wednesday, June 7. The Senate met pursuant to  
19 adjournment, Senator DeFrancisco in the Chair  
20 upon designation of the Temporary President.  
21 The Journal of Tuesday, June 6th, was read and  
22 approved. On motion, Senate adjourned.

23 ACTING PRESIDENT KUHL: Hearing

1 no objection, the Journal stands approved as  
2 read.

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports of select committees.

8 Communications and reports from  
9 state officers.

10 Motions and resolutions.

11 Senator Bruno, that brings us to  
12 the calendar.

13 SENATOR SKELOS: Mr. President.  
14 Can we at this time take up the noncontroversial  
15 calendar.

16 ACTING PRESIDENT KUHL: Secretary  
17 will read the noncontroversial calendar.

18 THE SECRETARY: Calendar Number  
19 98, by Senator Goodman, Senate Print 1367B, an  
20 act to amend the Arts and Cultural Affairs Law,  
21 in relation to autographed sports collectibles.

22 ACTING PRESIDENT KUHL: Lay the  
23 bill aside.

1 THE SECRETARY: Calendar Number  
2 111, by Senator Kruger, Senate Print 303, an act  
3 to amend the Penal Law, in relation to  
4 increasing the criminal penalty for fraudulent  
5 accosting.

6 ACTING PRESIDENT KUHL: Lay the  
7 bill aside.

8 THE SECRETARY: Calendar Number  
9 419, by Senator Rath, Senate Print 1282, an act  
10 to amend the Education Law, in relation to full  
11 disclosure with respect to proposed annual  
12 school budgets.

13 ACTING PRESIDENT KUHL: Lay the  
14 bill aside.

15 THE SECRETARY: Calendar Number  
16 420, by Senator Espada, Senate Print 26 -

17 SENATOR SKELOS: Mr. President.

18 ACTING PRESIDENT KUHL: Lay the  
19 bill aside.

20 Senator Bruno, is it your desire  
21 to return to reports of standing committees?

22 SENATOR SKELOS: Yes, Mr.

23 President. Can we return to reports of standing

1 committees and recognize Senator Lack, Chair of  
2 Judiciary.

3 ACTING PRESIDENT KUHL: Senator  
4 Lack.

5 SENATOR LACK: Mr. President, is  
6 there a report of the Committee on Judiciary at  
7 the desk?

8 ACTING PRESIDENT KUHL: There is  
9 a report of the Judiciary Committee at the desk,  
10 Senator Lack. I will ask the Secretary to read  
11 it.

12 THE SECRETARY: Senator Lack,  
13 from the Committee on Judiciary, reports the  
14 following nomination: Gerald A. Hamill of  
15 Syracuse as Judge of the Onondaga Family Court.

16 SENATOR LACK: Mr. President.

17 ACTING PRESIDENT KUHL: Senator  
18 Lack.

19 SENATOR LACK: Thank you, Mr.  
20 President.

21 I am privileged again to rise  
22 this morning to begin the confirmation process  
23 for another group of distinguished appointees of

1 Governor Pataki. This is the second day that  
2 we've been holding these confirmations in the  
3 Senate chamber; and, once again, the Governor  
4 has provided us with a distinguished list of  
5 candidates for various interim judgeships in  
6 this state, and I congratulate the Governor for  
7 so doing.

8 Before us at the moment is Gerald  
9 A. Hamill of Syracuse, who has been nominated as  
10 a Judge of the Onondaga County Family Court. He  
11 has been examined by myself and the staff of the  
12 Senate Judiciary Committee, has been found  
13 superb in all qualifications; appeared this  
14 morning before the entire committee and was  
15 unanimously approved by said committee, and at  
16 this point, I would like to yield the floor to  
17 Senator DeFrancisco.

18 ACTING PRESIDENT KUHL: The Chair  
19 will recognize Senator DeFrancisco on the  
20 confirmation.

21 SENATOR DeFRANCISCO: Thank you,  
22 Mr. President.

23 I'm really proud to stand here

1           today and rise in support of the nomination of  
2           Gerald Hamill.

3                       As I mentioned in the Judiciary  
4           Committee hearing this morning, I have known  
5           Jerry since the mid '70s, and since that time he  
6           has exhibited the utmost abilities in the  
7           practice of law and the utmost in ethical  
8           standards of conduct.

9                       I think what's also significant  
10          is that he is being nominated by the Governor  
11          for, I think, the toughest judicial position,  
12          Family Court; and in order to be successful and  
13          be effective in that position, you have to have  
14          a broad range of experience and have to know  
15          people and know children, and his resume is  
16          replete with references of how he has gained  
17          that experience over the years by his volunteer  
18          work and his work as a teacher, prior to going  
19          to law school.

20                      He has practiced in the Family  
21          Courts for many years now almost exclusively and  
22          has done a very difficult job during that period  
23          of time, most often representing children as a

1 law guardian in Family Court, a very difficult  
2 situation, a very difficult assignment, but a  
3 very rewarding one when you understand what's at  
4 stake for each child who goes through that  
5 system.

6 His experience, his qualifica  
7 tions, his character, all show that he is a  
8 superb nominee, and I thank the Governor for  
9 making this nomination, and I urge all of us to  
10 support this nomination by unanimous vote.

11 ACTING PRESIDENT KUHL: The  
12 question is on the nomination of Gerald A.  
13 Hamill of Syracuse to become a Judge of the  
14 Onondaga Family Court.

15 All those in favor of the  
16 nomination, signify by saying aye.

17 (Response of "Aye.")

18 Opposed, nay.

19 (There was no response.)

20 The nominee is confirmed.

21 (Applause.)

22 We're happy to be joined by Judge  
23 Hamill, who is in the chamber on our left.

1                   The Secretary will continue to  
2                   read the Judiciary Committee report.

3                   THE SECRETARY: Senator Lack,  
4                   from the Committee on Judiciary, reports the  
5                   following nomination: Kenneth R. Fisher of  
6                   Rochester as Justice of the Supreme Court,  
7                   Monroe County.

8                   SENATOR LACK: Mr. President.

9                   ACTING PRESIDENT KUHL: Senator  
10                  Lack.

11                  SENATOR LACK: Thank you, Mr.  
12                  President.

13                  I rise to move the nomination of  
14                  Kenneth R. Fisher of Rochester as a Justice of  
15                  the Supreme Court of Monroe County. Mr. Fisher,  
16                  a current United States magistrate, has appeared  
17                  before the committee, has been found  
18                  satisfactory in all respects, was unanimously  
19                  voted by the committee for movement to the  
20                  floor, and, at this point, I would yield the  
21                  floor to Senator Nozzolio.

22                  ACTING PRESIDENT KUHL: Chair  
23                  recognizes Senator Nozzolio on the

1 confirmation.

2 SENATOR NOZZOLIO: Thank you, Mr.  
3 President.

4 Mr. President, my colleagues: I  
5 want to congratulate and compliment Senator Lack  
6 for his expeditious review and attention to  
7 bringing each and every one of these nominations  
8 before us today.

9 I am particularly proud to rise  
10 in support of Kenneth R. Fisher to serve as  
11 Justice of the United States -- the New York  
12 State Supreme Court for the 7th Judicial  
13 District.

14 I rise with great pride as Mr.  
15 Fisher is a constituent of mine, one who was  
16 born in Senator Kuhl's district, educated at  
17 Williams College and Vermont Law School, and I  
18 dare say, upon review of Mr. Fisher's  
19 qualifications, can say that he is certainly  
20 bringing with him an outstanding record of  
21 accomplishment in fields of law from a variety  
22 of experiences, a variety of experiences that I  
23 believe will serve the people extremely well in

1 his new capacity.

2 He served as a special counsel at  
3 the Steuben County District Attorney's Office,  
4 was a Special Assistant United States attorney.  
5 He served also the Monroe County District  
6 Attorney's Office and also was Deputy County  
7 Attorney for the Monroe County Department of  
8 Law, participated for a time in private  
9 practice, and then was called to serve in one of  
10 the highest judicial offices as United States  
11 Magistrate Judge for United States District  
12 Court for the Western District of New York, a  
13 tremendous combination of experience that I dare  
14 say, my colleagues, will serve the people of the  
15 7th Judicial District and New York State  
16 extremely well.

17 Bringing this broad background to  
18 be a Supreme Court Judge I say is an excellent  
19 testament not only to Mr. Fisher but to Governor  
20 Pataki for recognizing this talent. I know Ken  
21 Fisher. It is a great deal of pride to stand  
22 here and move his nomination and confirmation  
23 for New York State Supreme Court judge.

1                   Thank you, Mr. President. I move  
2                   the nomination.

3                   ACTING PRESIDENT KUHL: Chair  
4                   recognizes Senator Dollinger on the nomination.

5                   SENATOR DOLLINGER: Mr.  
6                   President. I'm going to give every Republican  
7                   in this chamber a reason to vote for Ken Fisher  
8                   on this nomination. Ken Fisher is one of the  
9                   few Republicans who has looked me in the eye and  
10                  said, "Mr. Dollinger, you have to keep quiet,"  
11                  and I actually listened to him.

12                  (Applause.)

13                  I doubt Mr. Fisher knew that  
14                  exercising judicial authority as a magistrate  
15                  would be so popular in this chamber.

16                  But Ken Fisher is a good lawyer.  
17                  He's been a very good federal magistrate. He  
18                  will be a good Supreme Court judge in the 7th  
19                  Judicial District. He has a career that has  
20                  spanned many opportunities in our community not  
21                  only as the federal magistrate but as a  
22                  prosecutor and as a private lawyer. I wish him  
23                  well in his new assignment and maybe there will

1           come a day again when he will look across the  
2           table and say, "Mr. Dollinger, it's time to be  
3           quiet." I look forward to that opportunity, and  
4           I wish him well in his new endeavor as a state  
5           Supreme Court justice.

6                           ACTING PRESIDENT KUHL: The  
7           question is on the nomination of Kenneth R.  
8           Fisher of Rochester, New York, to be a Justice  
9           of the Supreme Court.

10                           All those in favor of the  
11           nomination, signify by saying aye.

12   (Response of "Aye.")

13   Opposed, nay.

14   (There was no response.)

15   The nominee is confirmed.

16   We're happy to have Judge Fisher  
17           with us in the chamber. Good luck.

18   (Applause.)

19   Secretary will continue to read.

20   THE SECRETARY: Senator Lack,  
21           from the Committee on Judiciary, reports the  
22           following nomination: Gail Nackley Uebelhoer of  
23           New Hartford as Judge of the Oneida County

1 Court.

2 ACTING PRESIDENT KUHL: Chair  
3 recognizes Senator Lack.

4 SENATOR LACK: Thank you, Mr.  
5 President. I rise to move the nomination of  
6 Gail Nackley Uebelhoer from New Hartford as  
7 Judge of the Oneida County Court.

8 Made a most impressive  
9 performance this morning at the Judiciary  
10 Committee. She's been nominated to be the first  
11 woman judge from Oneida County.

12 Before I go any further, I do  
13 have to yield the floor to Senator William  
14 Sears, who appeared before the committee this  
15 morning on her behalf and is an old-time family  
16 friend, so he can proceed with seconding the  
17 nomination.

18 ACTING PRESIDENT KUHL: Chair  
19 recognizes Senator Sears.

20 SENATOR SEARS: Thank you very  
21 much, Mr. President.

22 I want to thank Senator Lack for  
23 allowing me to appear with him at the Judiciary

1 meeting this morning and allowing me to intro  
2 duce Gail Uebelhoer to the committee.

3 I am certainly happy and proud to  
4 recommend the nomination of Gail Uebelhoer to  
5 fill the vacancy for Judge in the Oneida County  
6 Court. Ms. Uebelhoer will bring impeccable  
7 credentials and a varied background to this  
8 important position.

9 Additionally, as was indicated by  
10 Senator Lack, we're making history here today  
11 because this extremely capable lady will become  
12 the very first woman ever appointed or elected  
13 to an Oneida County Court judgeship in Oneida  
14 County. Let me share with you just a few of the  
15 highlights about her.

16 Gail Uebelhoer has extensive  
17 experience in the law. As a former assistant  
18 district attorney, she prosecuted a wide variety  
19 of virtually every type of crime, including the  
20 most violent of felonies. But as she was  
21 prosecuting those cases, she was also extending  
22 care and compassion to victims and developing a  
23 greater understanding of how vicious crimes can

1 ruin the lives of the most vulnerable citizens  
2 of the community.

3 She also served as an appellate  
4 prosecutor researching and presenting the law  
5 before the highest state appeals courts. Beyond  
6 her prosecution and courtroom experience, Ms.  
7 Uebelhoer is currently serving as a confidential  
8 law clerk advising New York State Supreme Court  
9 Justice Tony Shaheen of Utica.

10 In closing, I want to highly  
11 recommend Gail Nackley Uebelhoer to my Senate  
12 colleagues as an excellent candidate for Oneida  
13 County Court Judge. I believe she possesses not  
14 only the courage and conviction but also the  
15 sensitivity that is essential to this position.  
16 I believe she will actively make a positive  
17 difference on behalf of our residents, helping  
18 them to feel safe in their homes and on our  
19 streets.

20 She's here today, Mr. President,  
21 with her husband, Bernard; her son, Luke; her  
22 mother, Isabelle Nackley; her sister, Mary  
23 D'Angelo; and her cousin, Patricia Thompson.

1 I'm very pleased, Mr. President,  
2 to second the nomination and also to move it.

3 Thank you.

4 ACTING PRESIDENT KUHL: Chair  
5 recognizes Senator Seward on the nomination.

6 SENATOR SEWARD: Thank you, Mr.  
7 President. I, too, want to join my colleagues  
8 Senator Sears and Senator Lack in standing in  
9 support of the nomination of Gail Nackley  
10 Uebelhoer to be the Judge of the Oneida County  
11 Court.

12 I'm standing because, as has been  
13 noted, most recently she has been the  
14 confidential law clerk of Supreme Court Justice  
15 Tony Shaheen, who is an old and dear friend of  
16 mine, and also because of the fact that a part  
17 of that judicial district covers Herkimer  
18 County, which I am pleased to represent.

19 I can say without question that  
20 the nominee is known throughout the Mohawk  
21 Valley as having a very keen legal mind and  
22 having the highest ethical standards, a keen  
23 understanding of people, and I know that she

1 will be both firm but fair as the Judge of the  
2 Oneida County Court.

3 I'm also pleased that we will be  
4 having a woman jurist in the Mohawk Valley, as  
5 well.

6 So, Mr. President, I'm pleased to  
7 stand in support of the nominee this morning  
8 Gail Nackley Uebelhoer.

9 SENATOR DeFRANCISCO: Mr.  
10 President.

11 ACTING PRESIDENT KUHL: Senator  
12 DeFrancisco, on the nomination.

13 SENATOR DeFRANCISCO: I also rise  
14 in support of the nomination.

15 The reason she's known in Oneida  
16 County and the Mohawk Valley and through all  
17 parts of Upstate New York is because she was  
18 trained in Onondaga County, and that's where I  
19 first met her when she was a law clerk in the  
20 Onondaga County District Attorney's Office when  
21 I was an Assistant D.A.

22 At that time it was obvious that  
23 she had a great command of the law, that she had

1 great integrity, and she was going to do good  
2 things in the future, and it's obvious that she  
3 has.

4 I'm proud to be here knowing two  
5 of the nominees this morning and to be able to  
6 speak on their behalf. I think what's  
7 significant about this nominee is that she's not  
8 only the first woman County Court Judge but she  
9 is the most qualified person in Oneida County  
10 for this particular position, which is much more  
11 significant in my mind. She's got a broad range  
12 of experience, especially in the criminal law  
13 area, as I mentioned, that began in Onondaga  
14 County and then that experience broadened under  
15 Judge Shaheen; and having had cases before Judge  
16 Shaheen, I know that he definitely looks to her  
17 -- or, looked to her for advice and he took it,  
18 probably always.

19 So I rise proudly to stand in  
20 support of this nomination, and I also urge its  
21 unanimous adoption.

22 ACTING PRESIDENT KUHL: The  
23 question is on the nomination of Gail Nackley

1 Uebelhoer to become a Judge of the County Court  
2 of Oneida County.

3 All those in favor of the  
4 nomination, signify by saying aye.

5 (Response of "Aye.")

6 Oppose, nay.

7 (There was no response.)

8 The nominee is confirmed.

9 Judge Uebelhoer is with us.

10 (Applause.)

11 SENATOR LACK: Mr. President.

12 ACTING PRESIDENT KUHL: Senator

13 Lack.

14 SENATOR LACK: Yes, can I please  
15 ask, Mr. President, with permission of the  
16 Acting Majority Leader at this time that, with  
17 no disrespect to Mr. Halloran, if we would  
18 please suspend the rest of the report of the  
19 Judiciary Committee, pending the imminent  
20 arrival of Senator Stafford in the chamber and  
21 when he does arrive, if we could then, with  
22 permission of the Acting Majority Leader, go  
23 back to the report of the Judiciary, I would

1 appreciate it and so would he.

2 SENATOR SKELOS: Mr. President.

3 ACTING PRESIDENT KUHL: Senator  
4 Skelos.

5 SENATOR SKELOS: If we could once  
6 again take up the noncontroversial calendar from  
7 the beginning.

8 ACTING PRESIDENT KUHL: Secretary  
9 will read the noncontroversial calendar.

10 THE SECRETARY: Calendar Number  
11 98, by Senator Goodman, Senate Print 1367B, an  
12 act to amend the Arts and Cultural Affairs Law,  
13 in relation to autograph sports collectibles.

14 ACTING PRESIDENT KUHL: The bill  
15 is high and will be laid aside.

16 THE SECRETARY: Calendar Number  
17 111, by Senator Kruger, Senate Print 303, an act  
18 to amend the Penal Law, in relation to  
19 increasing the criminal penalty for fraudulent  
20 accosting.

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

23 THE SECRETARY: Section 2. This

1 act shall take effect on the first day of  
2 November.

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 44.

7 ACTING PRESIDENT KUHL: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 419, by Senator Rath, Senate Print 1282, an act  
11 to amend the Education Law, in relation to full  
12 disclosure with respect to proposed annual  
13 school budgets.

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

16 THE SECRETARY: Section 4. This  
17 act shall take effect on the first day of July.

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 44.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

1 THE SECRETARY: Calendar Number  
2 420, by Senator Espada, Senate Print 2601A, an  
3 act to amend the Education Law, in relation to  
4 making community school board members ineligible  
5 for election or appointment.

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

8 THE SECRETARY: Section 2. This  
9 act shall take effect July 30.

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 44.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 438, by Senator Velella, Senate Print 1699, an  
18 act to amend the Insurance Law, in relation to  
19 the amount of uninsured, under-insured motorists  
20 insurance coverage.

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

23 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 44.

6 ACTING PRESIDENT KUHL: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 471, by Senator Sears, Senate Print 3545, an act  
10 to amend the Environmental Conservation Law, in  
11 relation to hooking, snatching or snagging of  
12 Pacific salmon.

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

15 THE SECRETARY: Section 3. This  
16 act shall take effect on the first day of  
17 September.

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT KUHL: Chair  
22 recognizes Senator Wright to explain his vote.

23 SENATOR WRIGHT: Mr. President,

1 to explain my vote.

2 Let me first acknowledge the  
3 courtesies extended to me by Senator Sears on  
4 this particular piece of legislation and to also  
5 state that probably to most of you this is an  
6 issue that is unique to my area and perhaps one  
7 or two other areas in the state, but is  
8 particularly unique to the Salmon River corridor  
9 in the small village of Pulaski in Oswego  
10 County.

11 I can appreciate the concerns of  
12 the sportsmen who have supported this bill. I  
13 share their rejection of the concept of snagging  
14 and the fact that that is not a sportsmanlike  
15 method of taking fish and, in fact, in our area  
16 of the state is referred to as "meat fishing."

17 But the reality is, DEC enacted a  
18 policy some ten years ago that encouraged  
19 snagging, that, in fact, encouraged that small  
20 community to make economic investments; and now,  
21 by changing this policy, in fact, it's going to  
22 have an extremely negative impact on that  
23 community and its economy, and I would equate

1           that to a plant closure.

2                       I share the concerns of people in  
3           that small community. While I don't reject the  
4           concept of the sportsmen and what they are  
5           attempting to do and what Senator Sears is  
6           attempting to do, I do have to voice the  
7           concerns of the people of the village of Pulaski  
8           and their businesses and record my vote as no.

9                       Thank you, Mr. President.

10                      ACTING PRESIDENT KUHL: Senator  
11           Wright will be recorded in the negative.

12                      Announce the results.

13                      THE SECRETARY: Ayes 44, nays 1,  
14           Senator Wright recorded in the negative.

15                      SENATOR SKELOS: Mr. President.

16                      ACTING PRESIDENT KUHL: Chair  
17           recognizes Senator Skelos.

18                      SENATOR SKELOS: Would you  
19           recognize Senator Dollinger.

20                      SENATOR DOLLINGER: Mr.  
21           President.

22                      ACTING PRESIDENT KUHL: Senator  
23           Dollinger, why do you rise?

1                   SENATOR DOLLINGER:  Could I be  
2                   recorded in the negative on that bill, as well.

3                   SENATOR SKELOS:  Without  
4                   objection.

5                   SENATOR DOLLINGER:  Thank you.

6                   ACTING PRESIDENT KUHL:  Without  
7                   objection, Senator Dollinger will be recorded in  
8                   the negative on Calendar Number 471.

9                   Senator Skelos.

10                  SENATOR SKELOS:  Mr. President,  
11                  if we again at this time could return to reports  
12                  of standing committee to finish the one  
13                  confirmation; and please recognize Senator Lack.

14                  ACTING PRESIDENT KUHL:  Calendar  
15                  Number 471 was passed.

16                  Chair would return to reports of  
17                  standing committees and recognize Senator Lack.

18                  SENATOR LACK:  Yes.  Mr.  
19                  President, at this point, could we please finish  
20                  the report of the Standing Committee on  
21                  Judiciary.

22                  ACTING PRESIDENT KUHL:  Secretary  
23                  will read.

1 THE SECRETARY: Senator Lack,  
2 from the Committee on Judiciary, reports the  
3 following nomination: Andrew Halloran of  
4 Minerva as Judge of the Essex County Court.

5 SENATOR LACK: Mr. President.

6 ACTING PRESIDENT KUHL: Senator  
7 Lack.

8 SENATOR LACK: Mr. President, I  
9 rise to move the nomination of Andrew Halloran  
10 of Minerva as Judge of the Essex County Court.  
11 Actually, it's a very unusual appointment in  
12 this chamber. He will be a three-hatted judge,  
13 judge of the Essex County Court, Family Court  
14 and Surrogate's Court, a most impressive  
15 performance this morning before the Senate  
16 Judiciary Committee, who unanimously recommended  
17 his endorsement to the floor.

18 If I could at this time, I would  
19 like to yield to the distinguished chairman of  
20 the Senate Finance Committee, Senator Stafford.

21 SENATOR STAFFORD: Thank you, Mr.  
22 President.

23 ACTING PRESIDENT KUHL: Chair

1 recognizes Senator Stafford.

2 SENATOR STAFFORD: This is  
3 probably one of the most pleasant days that I  
4 have had in the Senate in the few number of  
5 years that I have been here.

6 We, today, have the next County  
7 Judge of Essex County with us, Andy Halloran.  
8 He has had tremendous training, now I mean  
9 really, really good training. He, of course,  
10 did very well at RPI. He got his law degree cum  
11 laude, and he was my counsel. I think that will  
12 out-measure the other two.

13 But he was here with us when we  
14 had such minor activities, noncontroversial,  
15 very simple issues such as the enactment of the  
16 Adirondack Park Law -- we won't spend any more  
17 time on that day.

18 Also -- also, he has been a  
19 leader in his community, Supervisor of the town  
20 of Minerva. He has been very, very active in  
21 civic organizations, has an excellent practice.  
22 He has been -- he has been a counsel and  
23 confidential clerk to the County Judge of

1 Hamilton County for a number of years.

2 Mr. President, I have stood here  
3 a number of times this year and said what an  
4 excellent nomination the Governor has made.  
5 Well, I'm up here again today, and this is  
6 another excellent nomination that I state  
7 without reservation.

8 Andy Halloran will be a  
9 tremendous judge. He has, obviously, the legal  
10 ability. He has the temperament, and he is a  
11 fine individual.

12 We have here with him today his  
13 wife, Ann, and his daughter, Alice; his son,  
14 Edwin.

15 And finally, Mr. President, let  
16 me state this. In this day when we are  
17 concerned of having capable people in public  
18 service, Andy Halloran -- and you know I stated  
19 this from what I said before, but I want to  
20 emphasize this. He epitomizes the American,  
21 hard worker, a tremendously loyal individual,  
22 raised a fine family and is most interested and  
23 wants to serve in the Judiciary.

1                   Mr. President, it's a pleasure  
2                   for me to move the nomination of a gentleman who  
3                   has worked with me, done a tremendous job, and I  
4                   know he will continue to do a tremendous job,  
5                   Andrew Halloran.

6                   ACTING PRESIDENT KUHL: The  
7                   question is on the nomination of Andrew Halloran  
8                   of Minerva to be a Judge of the Essex County  
9                   Court.

10                  All those in favor of the  
11                  nomination, signify by saying aye.

12                  (Response of "Aye.")

13                  Opposed, nay.

14                  The nominee is confirmed.

15                  We're happy to have Judge  
16                  Halloran here with us, together with his  
17                  family.

18                  (Applause.)

19                  Congratulations and good luck.

20                  Senator Skelos.

21                  SENATOR SKELOS: Mr. President,  
22                  at this time, if we could continue with the  
23                  noncontroversial calendar.

1                   ACTING PRESIDENT KUHL: Secretary  
2 will continue to call the noncontroversial  
3 calendar, beginning with Calendar Number 485.

4                   THE SECRETARY: Calendar Number  
5 485, by the Assembly Committee on Rules,  
6 Assembly Print 7395, an act to amend the Civil  
7 Service Law, in relation to complying with the  
8 federal Americans with Disabilities Act of 1990.

9                   ACTING PRESIDENT KUHL: Secretary  
10 will read the last section.

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

13                   ACTING PRESIDENT KUHL: Call the  
14 roll.

15                   (The Secretary called the roll.)

16                   THE SECRETARY: Ayes 46.

17                   ACTING PRESIDENT KUHL: The bill  
18 is passed.

19                   THE SECRETARY: Calendar Number  
20 583, by Senator Levy, Senate Print 4146, an act  
21 to amend the Transportation Law, in relation to  
22 requiring the Commissioner of Transportation to  
23 take an annual inventory.

1                   SENATOR SKELOS: Lay it aside for  
2 the day.

3                   ACTING PRESIDENT KUHL: Lay the  
4 bill aside for the day.

5                   THE SECRETARY: Calendar Number  
6 601, by Senator Larkin, Senate Print 2963, an  
7 act to amend the -

8                   ACTING PRESIDENT KUHL: Lay the  
9 bill aside.

10                  THE SECRETARY: Calendar Number  
11 614, by Senator Kuhl, Senate Print 2403, an act  
12 to amend the Retirement and Social Security Law,  
13 in relation to the retirement of traffic  
14 officers.

15                  ACTING PRESIDENT KUHL: There is  
16 a home rule message at the desk.

17                  Secretary will read the last  
18 section.

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

21                  ACTING PRESIDENT KUHL: Call the  
22 roll.

23                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes 46.

2 ACTING PRESIDENT KUHL: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 779, by Senator Lack, Senate Print 4853A, an act  
6 to amend the Surrogate's Court Procedure Act, in  
7 relation to service of process.

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

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the 30th day.

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT KUHL: Announce  
16 the results when tabulated.

17 THE SECRETARY: Ayes 45, nays 1,  
18 Senator Kuhl recorded in the negative.

19 ACTING PRESIDENT KUHL: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 861, by Senator Spano.

23 SENATOR SKELOS: Lay it aside for

1 the day.

2 ACTING PRESIDENT KUHL: Lay the  
3 bill aside for the day.

4 THE SECRETARY: Calendar Number  
5 866, by Senator LaValle, Senate Print 4482, an  
6 act authorizing the Village of Port Jefferson  
7 and the Town of Riverhead in the County of  
8 Suffolk to maintain traffic control devices.

9 ACTING PRESIDENT KUHL: Secretary  
10 will read the last section.

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

13 ACTING PRESIDENT KUHL: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 46.

17 ACTING PRESIDENT KUHL: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 874, by Senator Levy, Senate Print 4984, an act  
21 to amend Chapter 496 of the Laws of 1990,  
22 amending the General Municipal Law and others.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 46.

8 ACTING PRESIDENT KUHL: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 994, by Senator Leibell, Senate Print 5019.

12 ACTING PRESIDENT KUHL: There is  
13 a home rule message at the desk.

14 Lay the bill aside.

15 THE SECRETARY: Calendar Number  
16 1072, by Senator Stafford, Senate Print 629A, an  
17 act to amend the Environmental Conservation Law,  
18 in relation to nonhazardous municipal landfill  
19 closure.

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

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

1                   ACTING PRESIDENT KUHL: Call the  
2                   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 46.

5                   ACTING PRESIDENT KUHL: The bill  
6                   is passed.

7                   THE SECRETARY: Calendar Number  
8                   1141, by Senator Farley, Senate Print 5120, an  
9                   act to amend the Banking Law, in relation to  
10                  establishing limitations on the percentage of  
11                  savings bank assets.

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

14                  THE SECRETARY: Section 2. This  
15                  act shall take effect on the 30th day.

16                  ACTING PRESIDENT KUHL: Call the  
17                  roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT KUHL: Announce  
20                  the results when tabulated.

21                  SENATOR FARLEY: Would you lay  
22                  that bill aside for the day.

23                  ACTING PRESIDENT KUHL: Lay the

1 bill aside for the day.

2 THE SECRETARY: Calendar Number  
3 1151, by Senator Spano, Senate Print 1701, an  
4 act to amend Chapter 78 of the Laws of 1989,  
5 amending the Arts and Cultural Affairs Law.

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

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT KUHL: Announce  
14 the results when tabulated.

15 Senator Maziarz -- or, excuse me,  
16 Marcellino.

17 SENATOR MARCELLINO: We're twins.

18 Mr. President, I rise in support  
19 of this bill. As town clerk of the town of  
20 Oyster Bay, I was able to, as have many of my  
21 colleagues, take advantage of the provisions of  
22 this legislation in order to get funding for  
23 many projects that the town otherwise would not

1 have been able to afford.

2 This particular project afforded  
3 the town of Oyster Bay, in my case, in excess of  
4 \$200,000 in money for the restoration of  
5 documents and old records. It also allowed many  
6 other of the townships, libraries, school  
7 districts, and otherwise, to do the same.

8 This is an excellent piece of  
9 legislation and should be continued, and Senator  
10 Spano is to be commended for taking on this  
11 legislation.

12 ACTING PRESIDENT KUHL: Announce  
13 the results.

14 SENATOR MAZIARZ: Mr. President.

15 ACTING PRESIDENT KUHL: I thought  
16 I knew Senator Maziarz wanted to speak.

17 Senator Maziarz.

18 SENATOR MAZIARZ: Mr. President,  
19 to explain my vote.

20 ACTING PRESIDENT KUHL: Senator  
21 Maziarz to explain his vote.

22 SENATOR MAZIARZ: Like my  
23 colleague, Senator Marcellino, I'm a former

1 county clerk -- of Niagara County -- and this  
2 particular piece of legislation sponsored by  
3 Senator Spano has been a great, great help to  
4 town, village, city and county clerks, clerks of  
5 fire districts, throughout the state of New  
6 York. This bill does not cost the state any  
7 money. The monies paid out come from filings  
8 within the county clerk's office. It's been a  
9 great deal of help.

10 I know in my county, Niagara  
11 County, we have completely revamped our record  
12 storage area. We used to go to the supermart  
13 and get old cardboard boxes and throw the  
14 records in and mark them and throw them in  
15 whatever room happened to be available. Today,  
16 our records are all computerized and organized,  
17 very easy retrieval.

18 This is a great bill for record  
19 managers across New York State.

20 Thank you.

21 ACTING PRESIDENT KUHL: Senator  
22 Marcellino's twin will be recorded in the  
23 affirmative.

1 Secretary will continue to call  
2 the noncontroversial calendar.

3 THE SECRETARY: Calendar Number  
4 1195, by Member of the Assembly Perry, Assembly  
5 Print 4675, an act authorizing the City of New  
6 York to reconvey its interest in certain real  
7 property.

8 ACTING PRESIDENT KUHL: There is  
9 a home rule message at the desk.

10 Secretary will read the last  
11 section.

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

14 ACTING PRESIDENT KUHL: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 46.

18 ACTING PRESIDENT KUHL: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1196, by Senator Paterson, Senate Print 3247, an  
22 act to authorize the City of New York to release  
23 its interest in and to reconvey to its former

1 owner certain real property.

2 ACTING PRESIDENT KUHL: There is  
3 a home rule message at the desk.

4 Secretary will read the last  
5 section.

6 THE SECRETARY: Section 5. 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 46.

12 ACTING PRESIDENT KUHL: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1200, by Senator Velella, Senate Print 3954, an  
16 act to amend the Insurance Law and the Vehicle  
17 and Traffic Law, in relation to licensing of  
18 auto body repair estimators.

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

21 THE SECRETARY: Section 7. This  
22 act shall take effect January 1.

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 46.

4 ACTING PRESIDENT KUHL: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1201, by Senator Spano, Senate Print 4287, an  
8 act to amend the Local Finance Law, in relation  
9 to bonds issued by act of the Westchester County  
10 Board of Legislators.

11 ACTING PRESIDENT KUHL: There is  
12 a home rule message at the desk.

13 Secretary will read the last  
14 section.

15 THE SECRETARY: Section 2. 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 46.

21 ACTING PRESIDENT KUHL: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number

1 1202, by Senator Tully, Senate Print 4356, an  
2 act to amend the Public Health Law, in relation  
3 to the New York State Innovation in Breast  
4 Cancer Early Detection and Research Awards  
5 Program.

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

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 46.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1203, by Senator Trunzo, Senate Print 4671, an  
18 act to amend the Public Authorities Law, in  
19 relation to clarifying the status of employees.

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

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

1                   ACTING PRESIDENT KUHL: Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 46.

5                   ACTING PRESIDENT KUHL: The bill  
6 is passed.

7                   THE SECRETARY: Calendar Number  
8 1204, by Senator Leibell, Senate Print 5177, an  
9 act to amend the Real Property Tax Law, in  
10 relation to the rehabilitation of certain  
11 multiple dwellings.

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 46.

20                   ACTING PRESIDENT KUHL: The bill  
21 is passed.

22                   THE SECRETARY: Calendar Number  
23 1205, by Senator Hannon, Senate Print 5239, an

1 act to amend the Public Health Law, in relation  
2 to utilization review agents.

3 ACTING PRESIDENT KUHL: Senator  
4 Dollinger to explain your vote?

5 SENATOR DOLLINGER: Just to  
6 explain my vote.

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

9 THE SECRETARY: Section 2. This  
10 act shall take effect 90 days after it shall  
11 have become law.

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT KUHL: Senator  
16 Dollinger to explain his rote.

17 SENATOR DOLLINGER: Mr.  
18 President, just to explain my vote ever so  
19 briefly.

20 I think we have done a  
21 Utilization Review Agent Bill in the past, one  
22 that I believe Senator Tully carried. I know  
23 that there is one Assemblyman Gottfried has

1 proposed in the Assembly.

2 Now, this bill is a step down the  
3 road to establishing procedures and  
4 qualifications for utilization review agents. I  
5 think it's a very important area with the  
6 growing emphasis on managed care and HMOs, and I  
7 hope that we use this bill as a springboard to  
8 extended discussions both in this house and with  
9 our colleagues in the other house so that we can  
10 come up with a solution to this problem.

11 This is a step in the right  
12 direction. How we frame it and what we add to  
13 it or subtract from it in the final negotiations  
14 is important, but this is a step on a very  
15 important issue we should be doing something  
16 about.

17 ACTING PRESIDENT KUHL: Senator  
18 Dollinger will be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes 46.

21 ACTING PRESIDENT KUHL: Bill is  
22 passed.

23 THE SECRETARY: Calendar Number

1 1206, by Senator Stafford, Senate Print 5249, an  
2 act to legalize, validate, ratify and confirm  
3 certain acts and proceedings of the town board,  
4 planning board, zoning board, board of appeals  
5 and certain agents and employees of the town of  
6 Kingsbury.

7 ACTING PRESIDENT KUHL: There is  
8 a home rule message at the desk.

9 Secretary will read the last  
10 section.

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

13 ACTING PRESIDENT KUHL: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 46.

17 ACTING PRESIDENT KUHL: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1207, by Senator Seward, Senate Print 5254, an  
21 act to amend the Real Property Law, in relation  
22 to mobile home parks.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 46.

8 ACTING PRESIDENT KUHL: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1208, by Senator Padavan, Senate Print 5264, an  
12 act to amend the Penal Law, in relation to  
13 possession of gambling devices.

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

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

19 ACTING PRESIDENT KUHL: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 46.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1209, by Senator Maltese, Senate Print 5271, an  
4 act to amend the Election Law, in relation to  
5 write-in voting at primary elections.

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

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 46.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1210, by Senator Hoblock, Senate Print 5356, an  
18 act to amend the Public Officers Law and the  
19 Executive Law, in relation to activities by  
20 former state officers and employees.

21 ACTING PRESIDENT KUHL: Senator  
22 Skelos.

23 SENATOR SKELOS: Is there a

1 message at the desk?

2 ACTING PRESIDENT KUHL: There is  
3 a message of necessity at the desk on Calendar  
4 Number 1210.

5 SENATOR SKELOS: Move we accept  
6 the message.

7 ACTING PRESIDENT KUHL: The  
8 motion to accept the message of necessity on  
9 Calendar Number 1210.

10 All in favor, signify by saying  
11 aye.

12 (Response of "Aye.")

13 Opposed, nay.

14 (There was no response.)

15 The message is accepted.

16 Secretary will read the last  
17 section.

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

20 ACTING PRESIDENT KUHL: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 46.

1                   ACTING PRESIDENT KUHL:  The bill  
2           is passed.

3                   Senator Skelos.

4                   SENATOR SKELOS:  Mr. President,  
5           at this time, if we could take up Senator  
6           Larkin's bill, Calendar Number 601.

7                   ACTING PRESIDENT KUHL:  Secretary  
8           will read the title of Calendar Number 601.

9                   THE SECRETARY:  Calendar Number  
10          601, by Senator Larkin, Senate Print 2963, an  
11          act to amend the Election Law, in relation to  
12          hours of voting at primary elections.

13                  ACTING PRESIDENT KUHL:  Senator  
14          Larkin, an explanation of Calendar Number 601  
15          has been asked for by the Acting Minority  
16          Leader, Senator Paterson.

17                  SENATOR LARKIN:  Thank you very  
18          much, Mr. Speaker.

19                  Senator Paterson, this is a bill  
20          that allows the Counties of Orange and Ulster to  
21          conform to most other counties in the state that  
22          have primary balloting from 12:00 noon to 9:00  
23          p.m.  This bill has the support of the

1 Commissioner of Elections of both the Republican  
2 and Democratic Parties in both Orange and Ulster  
3 Counties.

4 SENATOR PATERSON: Mr. President,  
5 if my good friend Senator Larkin would yield for  
6 a number of questions?

7 ACTING PRESIDENT KUHL: Senator  
8 Larkin, do you yield?

9 SENATOR LARKIN: I yield to the  
10 distinguished Acting Minority Leader.

11 ACTING PRESIDENT KUHL: Senator  
12 yields.

13 SENATOR PATERSON: Senator  
14 Larkin, I guess we've all had the unfortunate  
15 experience on primary day and election days of  
16 walking around, particularly in those hours  
17 early in the morning -- not early in the  
18 morning, but in the mid-morning and just seeing  
19 no one at the polls, and I guess it would seem  
20 as if it's right to change the time because not  
21 that many people are voting.

22 But Orange County -- and as a New  
23 York City resident, I've noticed that a number

1 of people from Orange County come down to the  
2 City every day to work, and they get on some of  
3 those trains as early as 6:20 and 6:30 in the  
4 morning, and I would have to assume that on  
5 election day those that vote would be voting  
6 before they came down.

7 So, to get back before 9:00  
8 o'clock in the evening, I think would be an  
9 encumbrance upon them, so with all due respect  
10 to the commissioners and whatever parties that  
11 they happen to be from, do you think it's a good  
12 idea? We don't have election many days of the  
13 year, and this is what distinguishes our  
14 democracy from others all around the world. Do  
15 you think it's a good idea that we close down  
16 the polls for those six hours even if, in many  
17 respects, we're sitting there with very few  
18 people trickling in to vote?

19 SENATOR LARKIN: Well, Senator,  
20 we've looked at this, and we've looked at it  
21 very carefully, and last year one of the items  
22 that was discussed in this bill was the cost  
23 factor, and we've gotten the dollars on the cost

1 factor.

2 But, Senator, when you look at my  
3 counties of Orange and Ulster, those commuting  
4 to the City, at 6:00 o'clock in the morning they  
5 are long gone from their home. They are long  
6 away from a polling place. They are on it.

7 The majority of the people in my  
8 district that commute to the city are on that  
9 last train at 6:13 in the morning out of the  
10 middle of the county. If they are in Port  
11 Jervis, they're on those trains at 5:30, 5:20 in  
12 the morning, so they are long gone from their  
13 home before the polls are even open.

14 We've done some -- not  
15 scientific, but at certain times, we've asked  
16 people at the polls, "When do you vote?" They  
17 say they vote at night because they don't have  
18 the time. They don't want to miss the train.  
19 Those that make car pools, they don't want to  
20 miss a car pool, and they say they have no  
21 problem getting back home to vote at 9:00  
22 o'clock at night.

23 SENATOR PATERSON: So your

1       experience, then, is that most of the people who  
2       are commuting, the ones that I am addressing in  
3       this particular situation, that there is a  
4       pickup toward the end, not in the beginning,  
5       more toward 9:00 p.m.

6                    SENATOR LARKIN:  Senator, we've  
7       looked at the numbers voting from 7:00 to 9:00.  
8       We find that those in the areas where commuters  
9       live, the hours between like 7:00 to 9:00 is  
10      predominant voting patterns.

11                   SENATOR PATERSON:  All right,  
12      Senator.

13                   ACTING PRESIDENT KUHL:  Senator  
14      Paterson.

15                   SENATOR PATERSON:  I think that  
16      your data, while I would certainly like to look  
17      at it sometime, is no doubt accurate.  I just  
18      have to tell you that I -- I think that the cost  
19      factor is almost nominal on what we're doing on  
20      an election day, and I think it's very important  
21      for us to be promoting participation and making  
22      it as easy as possible, even if sometimes the  
23      polls are sitting there and not many people are

1 using them.

2 It's really different than any  
3 other situation where, if it's not cost  
4 effective, we certainly shouldn't do it, and  
5 it's just my opinion that we open the door and  
6 do this and then it just becomes more convenient  
7 to have polls in a lot of places open from the  
8 midafternoon until 9:00 o'clock.

9 On that one or two days a year  
10 when people are voting -- and with all due  
11 respect, because I think that you probably have  
12 researched this and you certainly have people  
13 who are more expert in the field than myself  
14 agreeing with you, but I really think that there  
15 is a value that almost supercedes the entire  
16 discussion, and that is the fact that we just  
17 want for residents of this state or particular  
18 counties to know that, when there is an election  
19 day or a primary day, if anything goes wrong, if  
20 there is any kind of discrepancy even for a few,  
21 that we would keep the polls open for the  
22 maximum period of time.

23 Other than that, obviously your

1 bill will pass and it may actually prove to be a  
2 good thing. But I think there is a standard  
3 that I'm trying to address that almost overcedes  
4 the entire issue.

5 ACTING PRESIDENT KUHL: Chair  
6 recognizes Senator Dollinger.

7 SENATOR DOLLINGER: Mr.  
8 President. Will the sponsor yield to just one  
9 question?

10 ACTING PRESIDENT KUHL: Senator  
11 Larkin, do you yield to just one question?

12 SENATOR LARKIN: Yes, Mr.  
13 President. Just one question.

14 SENATOR DOLLINGER: Just one  
15 question.

16 ACTING PRESIDENT KUHL: Senator  
17 yields to just one question.

18 SENATOR DOLLINGER: Would this  
19 reduction in primary hours affect the  
20 Presidential primary that the Republican Party  
21 may have next spring?

22 SENATOR LARKIN: We haven't come  
23 to that position, yet, Senator.

1                   SENATOR DOLLINGER: But if this  
2 bill passed -- again, Mr. President, I  
3 apologize.

4                   SENATOR LARKIN: If this bill  
5 passed, Senator -

6                   ACTING PRESIDENT KUHL: Senator  
7 Larkin, do you yield now to a second question?

8                   SENATOR DOLLINGER: Only because  
9 the first question gave rise to the second.

10                  ACTING PRESIDENT KUHL: The  
11 Senator yields to a second question.

12                  SENATOR LARKIN: This is the  
13 freebie. Senator, right now, if this bill  
14 passed this would be the voting hours for the  
15 primary in Orange and Ulster County, the same as  
16 it would be for the county that you represent,  
17 Monroe, which has voting from noon to 9 p.m.,  
18 Senator.

19                  SENATOR DOLLINGER: I would point  
20 out -- Mr. President. So it would apply to the  
21 Presidential primary next spring?

22                  SENATOR LARKIN: The same as in  
23 your county, Senator.

1                   SENATOR DOLLINGER: On the bill,  
2                   Mr. President.

3                   ACTING PRESIDENT KUHL: Senator  
4                   Dollinger on the bill.

5                   SENATOR DOLLINGER: Thank you for  
6                   taking an extra question.

7                   I would love to change the law  
8                   back in Monroe County so that we voted more. I  
9                   would like more people to go to the polls, and I  
10                  would suggest that those in the Republican Party  
11                  who may support this, that next spring, I  
12                  assume, if there is any kind of primary -- and  
13                  we've been told by some state officials that  
14                  there may not be because they may use sort of  
15                  our archaic practices in primaries to prevent  
16                  other Republicans from coming to this state and  
17                  engaging in a Presidential primary.

18                  But we have restructured our  
19                  Presidential primary system to try to make New  
20                  York -- with its electoral vote and its  
21                  importance as an industrial state, we've tried  
22                  to make New York a focal point of the  
23                  Presidential primary process. Now the

1 Republican Party has a chance to use New York as  
2 a springboard in that process, and in two of our  
3 counties in which I would anticipate there would  
4 be significant Republican interest in the future  
5 of this country, we're now going to shrink the  
6 number of voting hours for the first time. For  
7 the first time, we will shrink the number of  
8 voting hours in counties where people would want  
9 to participate in that process.

10 I don't know how that does  
11 anything good for the Republican Party. My job  
12 isn't necessarily to stand here and tell you  
13 what's good for your party, but it seems to me  
14 in a Presidential primary where you want the  
15 voice of New York to be heard, and you want it  
16 to be heard on a national level, you are going  
17 to send a message, "Well, we're just going to  
18 cut back the voting hours and have our people  
19 vote less," give them less of an opportunity to  
20 pick the person who will run against the  
21 President of the United States in the 1996  
22 election.

23 I don't think it makes good sense

1 for Republicans. I don't think it makes good  
2 sense for Democrats. I'd change it back in  
3 Monroe County if I could.

4 I will be voting no.

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

7 THE SECRETARY: Section 2. This  
8 act shall take effect on the 30th day.

9 ACTING PRESIDENT KUHL: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT KUHL: Announce  
13 the results when tabulated.

14 THE SECRETARY: Those recorded in  
15 the negative on Calendar 601 are Senators Abate,  
16 Connor, Dollinger, Jones, Kruger, Markowitz,  
17 Mendez, Nanula, Onorato, Paterson, Smith and  
18 Stachowski, also Senator Oppenheimer.

19 Ayes 34, nays 13.

20 ACTING PRESIDENT KUHL: The bill  
21 is passed.

22 SENATOR SKELOS: Mr. President,  
23 would you lay aside Calendar Number 994 for the

1 day.

2 ACTING PRESIDENT KUHL: Calendar  
3 Number 994 will be laid aside for the day.

4 SENATOR SKELOS: There will be an  
5 immediate meeting of the Rules Committee in Room  
6 332 of the Capitol.

7 The Senate will stand at ease  
8 pending the report of the Rules Committee.

9 Our Majority Leader has indicated  
10 that we will be returning on Monday at 10:00  
11 a.m. to start a very, very busy week because  
12 session, regular session, will end on June  
13 15th. So on behalf of our Majority Leader, we  
14 urge the members to get their bills in order,  
15 make the requests they have to make, so that we  
16 can end in an orderly fashion on June 15.

17 So at this time, is there any  
18 housekeeping?

19 ACTING PRESIDENT KUHL: We have a  
20 little housekeeping, Senator Skelos, if we can  
21 take that up at this time.

22 Chair recognizes Senator Farley.

23 SENATOR FARLEY: Yes, Mr.

1 President. On behalf of Senator Stafford, on  
2 Calendar Number 1043, Senate Print 1995, I would  
3 like to recommit this bill to its appropriate  
4 committee and strike the enacting clause.

5 ACTING PRESIDENT KUHL: At the  
6 request of the sponsor, Calendar Number 1043  
7 will be recommitted to the appropriate committee  
8 and the enacting clause will be stricken.

9 Senator Farley.

10 SENATOR FARLEY: Also on behalf  
11 of Senator Velella, Mr. President, on page 40,  
12 Calendar Number 1197, Senate Print 3663A, I ask  
13 that this bill be amended and retain its place  
14 on the Third Reading Calendar.

15 ACTING PRESIDENT KUHL:  
16 Amendments are received and adopted. Bill will  
17 retain its place on the Third Reading Calendar.

18 Chair will announce an immediate  
19 meeting of the Rules Committee in Room 332.  
20 Immediate meeting of the Rules Committee in Room  
21 332, and the Senate will stand at ease.

22 (Whereupon, the Senate was at  
23 ease.).

1                   ACTING PRESIDENT KUHL:  Senate  
2                   will come to order.  Chair recognizes Senator  
3                   Skelos.

4                   SENATOR SKELOS:  Mr. President,  
5                   if we could return to reports of standing  
6                   committees, I believe there is a report of the  
7                   Rules Committee at the desk and I ask that it be  
8                   read.

9                   ACTING PRESIDENT KUHL:  We will  
10                  return to reports of standing committees.

11                  There is a Rules report at the  
12                  desk.  I will ask the secretary to read.

13                  THE SECRETARY:  Senator Bruno,  
14                  from the Committee on Rules, reports the  
15                  following bills -

16                  ACTING PRESIDENT KUHL:  Senator  
17                  Stachowski.

18                  SENATOR STACHOWSKI:  Could you  
19                  please start over.

20                  ACTING PRESIDENT KUHL:  Senate  
21                  will come to order.  Chair recognizes Senator  
22                  Skelos.

23                  SENATOR SKELOS:  Mr. President,

1           what would we do without Senator Stachowski?

2                         SENATOR STACHOWSKI:   That's what  
3           I'm here for.

4                         ACTING PRESIDENT KUHL:   If we  
5           could return to reports of standing committees,  
6           I believe there is a Rules report at the desk.  
7           I will ask the Secretary to read.

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

11                         Senate Print 595, by Senator  
12          Montgomery, an act authorizing the City of New  
13          York to reconvey its interest in certain real  
14          property;

15                         Senate Print 1736A, by Senator  
16          Larkin, an act to amend the Real Property Tax  
17          Law and the Public Service Law, in relation to  
18          the definition of special franchise property;

19                         2027, by Senator Waldon, an act  
20          authorizing the City of New York to reconvey its  
21          interest in certain real property;

22                         2992, by Senator Farley, an act  
23          to amend the Banking Law, in relation to

1       permissible fees in connection with open end  
2       loans;

3                       3217, by Senator Gold, an act to  
4       amend the Penal Law, in relation to metal  
5       knuckle knife;

6                       3718, reported with amendments,  
7       by Senator Maltese, an act to amend the  
8       Administrative Code of the City of New York, in  
9       relation to the title and compensation of  
10      certain police sergeants;

11                      3891, by Senator Hoblock, an act  
12      to amend the Labor Law, in relation to providing  
13      for eligibility for unemployment insurance  
14      benefits;

15                      4649, by Senator Seward, an act  
16      to amend the Alcoholic Beverage Control Law, in  
17      relation to authorizing liquor stores to operate  
18      on Christmas Eve and New Year's Eve;

19                      4688B, by Senator Goodman, an act  
20      to amend the Vehicle and Traffic Law, in  
21      relation to unlicensed and fraudulent operators  
22      of motor vehicle repair shops;

23                      4712, by Senator Velella, an act

1 to amend the Insurance Law, in relation to  
2 requiring insurers that intend to materially  
3 reduce the volume of written policies.

4 All bills ordered directly for  
5 third reading.

6 ACTING PRESIDENT KUHL: Senator  
7 Skelos.

8 SENATOR SKELOS: Move to accept  
9 the Rules report.

10 ACTING PRESIDENT KUHL: The  
11 motion is to accept the Rules report.

12 All in favor, signify by saying  
13 aye.

14 (Response of "Aye.")

15 Opposed, nay.

16 (There was no response.)

17 Rules report is accepted. All  
18 bills are moved directly to third reading.

19 Senator Skelos.

20 SENATOR SKELOS: Mr. President,  
21 there being no further business, the Senate  
22 stands adjourned until Monday, June 12th, at  
23 10:00 a.m. sharp, intervening days being

1 legislative days.

2 ACTING PRESIDENT KUHL: Without  
3 objection, the Senate stands adjourned until  
4 Monday, June 12th -- note the time change -- at  
5 10:00 a.m., Monday, June 12th, at 10:00 a.m.

6 (Whereupon, at 12:15 p.m., the  
7 Senate adjourned.)

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