ALBANY, NEW YORK

May 21, 1996

3:05 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 20th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Prayer by the Reverend Peter Young, Blessed Sacrament Church, Bolton Landing. The Journal of Sunday, May 19, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT KUHL: Hearing

no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Chair recognizes Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

On behalf of Senator Levy, I wish to call up his bill, Senate Print Number 7569, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Calendar Number 1221, by Senator Levy, Senate Print 7569, an act to authorize the Roosevelt Union Free School District.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT KUHL: The bill is restored.

Senator Tully.

SENATOR TULLY: Mr. President, I now move to discharge from the Committee on Rules Assembly Print Number 10688 and substitute it for Senator Levy's identical bill.

ACTING PRESIDENT KUHL: The substitution is ordered.

SENATOR TULLY: I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1221, by the Assembly Committee on Rules, Assembly Print Number 10688, an act to authorize the Roosevelt Union Free School District.

ACTING PRESIDENT KUHL: Call the roll -- the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 32.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Rath, on page 43, I offer the following amendments to Calendar Number 943, Assembly Print Number 7366-A, and ask that said bill retain its place on the Third Reading

Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 943 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Maziarz, on page 20, I offer the following amendments to Calendar Number 670, Senate Print Number 6355-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 670 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Hannon, on page 50, I offer the following amendments to Calendar Number 1010, Assembly Print Number 7428, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1010 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Lack, on page 55, I offer the following amendments to Calendar Number 1056, Assembly Print Number 4757, and ask that said bill retain its place on the Third Reading calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1056 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Cook, on page 23, I offer the following amendments to Calendar Number 719, Senate Print Number 3220-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The

amendments to Calendar 719 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Maltese, on page 73, I offer the following amendments to Calendar Number 1198, Senate Print Number 3086-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1198 are received and adopted. The bill will retain its place on the Third Reading Calendar.

We have substitutions at the desk, Senator Skelos.

SENATOR SKELOS: Make the substitutions.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 54, Senator Holland moves to discharge from the Committee on Rules, Assembly Bill Number 8158-B

and substitute it for the identical Third Reading Calendar 1040.

ACTING PRESIDENT KUHL: The substitution is ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time may we please adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Stachowski.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, there's a privileged res... I believe

there's a privileged resolution at the desk - that's what I was thinking -- by Senator Smith.

ACTING PRESIDENT KUHL: There are two privileged resolutions at the desk.

SENATOR STACHOWSKI: Would you waive the readings and read the titles.

ACTING PRESIDENT KUHL: The Secretary will read the title to the first privileged resolution.

THE SECRETARY: By Senator Smith, Legislative Resolution honoring Assistant Chief Robert F. Burke for his outstanding leadership and ceaseless dedicated service to the Patrol Borough Queens South community on Wednesday, May 22nd, 1996.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

The Secretary will read the title

to the second privileged resolution.

THE SECRETARY: By Senator Smith, Legislative Resolution honoring Deputy Chief Jules Martin for his outstanding leadership and ceaseless dedicated service to the Patrol Borough Queens South community on Wednesday, May 22nd, 1996.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Skelos, that brings us to the calendar.

SENATOR STAFFORD: Finance meeting, please, in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Committee on Finance in the Majority Conference Room, Room 332. Immediate meeting of the Senate Committee on Finance in the Majority Conference

Room, Room 332.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could have a reading of the non-controversial calendar.

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

THE SECRETARY: On page number 7, Calendar Number 314, by Senator Holland, Senate Print 213 -

SENATOR SMITH: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 391, by Senator Saland, Senate Print 2595-A, an act to amend the Social Services Law, in relation to criminal screening.

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

THE SECRETARY: Section 6. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 691, by Senator Padavan, Senate Print 4216-A, an act to amend the Penal Law, in relation to auto stripping.

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

THE SECRETARY: Section 10. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 701, by Senator DiCarlo, Senate Print 1984-A -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 702, by Senator Saland, Senate Print 2104, an act to amend the Family Court Act, in relation to evidence of child neglect.

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

THE SECRETARY: Section 4. This act shall take effect 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 703, by Senator Saland, Senate Print 2106, an act to amend the Family Court Act, in relation to dispositional alternatives.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 715, by Senator Libous, Senate Print 6654-A, an act to amend the Mental Hygiene Law, in relation to providing for involuntary admissions.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

729, by Senator Larkin, Senate Print 6518, an act to amend the Executive Law and the General Municipal Law, in relation to the classification of offenses.

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

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Velella, Senate Print 6906-A, an act to amend the Insurance Law, in relation to marketing health maintenance organization coverage.

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

THE SECRETARY: Section 9. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 787, by Senator Goodman, Senate Print 7102, an act to amend the Executive Law, in relation to providing a fraud tipster incentive.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 863, by Senator Volker, Senate Print 6951, an

act to amend the Penal Law and the Family Court Act, in relation to conditions of probation.

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

THE SECRETARY: Section 5. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 866, by Senator Saland, Senate Print 2597, an act to amend the Family Court Act, in relation to restitution and community service.

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

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 873, by Senator Maziarz, Senate Print 6865, an act to amend the State Administrative Procedure Act, in relation to guidance documents.

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

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 884, by Senator Levy, Senate Print 2884, an act to amend the Executive Law and the Estates, Powers and Trusts Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 885, by Senator Padavan, Senate Print 3091 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 890, by Senator Marchi, Senate Print 6131, an act to amend Chapter 759 of the Laws of 1973, relating to the transfer of lands.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 892, by Senator Stafford, Senate Print 6585, an act to amend the Executive Law, in relation to towns and villages.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 893, by Senator Kuhl, Senate Print 6738, an act in relation to authorizing the conveyance of a

permanent easement.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 899, by Senator Marcellino, Senate Print 6904, an act to amend the Environmental Conservation Law, in relation to importation.

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

THE SECRETARY: Section 13. This act shall take effect January 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 933, by Senator Present, Senate Print 6854 -

SENATOR SMITH: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 934, by Senator Leibell, Senate Print 6859, an act to amend the General Municipal Law, in relation to the approval of urban renewal plans.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 935, by Senator Hoblock, Senate Print 6936, an

act to amend the General Municipal Law, in relation to allowing for the use of fire training centers.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 937, by Senator Rath, Senate Print 6966, an act to amend the Real Property Tax Law, in relation to administrative review of assessments.

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

THE SECRETARY: Section 6. This act shall take effect on the second day of January.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 963, by Senator Velella, Senate Print 7097, an act to amend -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 972, by Senator Trunzo, Senate Print 7043, an act to amend the Education Law and the Retirement and Social Security Law, in relation to loans to members.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 973, by Senator Trunzo, Senate Print 7108, an act to amend the Retirement and Social Security Law, in relation to retirement benefits.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 977, by Senator Maziarz, Senate Print 6191, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 978, by Senator Maziarz, Senate Print 6192, an act to amend the Vehicle and Traffic Law, in relation to the offense of operation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 979, by Senator DeFrancisco, Senate Print 6247, an act to amend the Navigation Law, in relation to the operation of a vessel.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 980, by Senator Levy, Senate Print 6609, an act to amend the Vehicle and Traffic Law, in relation to the commission of a predicate felony.

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

THE SECRETARY: Section 2. This

act shall take effect on the first day of September.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 981, by Senator Spano, Senate Print 7251, an act to amend the Vehicle and Traffic Law, in relation to the effect of a prior out of state conviction.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 983, by Senator Wright, Senate Print 7338, an act to amend -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1031, by Senator Larkin, Senate Print 5572-A, an act to amend the Local Finance Law, in relation to the period of probable usefulness.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1096, by Senator Libous, Senate Print 4420-C, an act to amend the Penal Law, in relation to

parole for certain sex offenders.

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

THE SECRETARY: Section 2. This -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1098, by Senator Velella, Senate Print 4715, an act to amend the Penal Law, in relation to arson in the first degree.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1100, by the Senate Committee on Rules, Senate Print 5494-A, an act to amend the Criminal Procedure Law and the Public Authorities Law, in relation to peace officer status.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1115, by Senator Present, Senate Print 7032, an act to amend the Public Housing Law, in relation to creating the town of Allegany Housing Authority.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes

the calling of the controversial calendar. We do have a report of the Finance Committee at the desk. What's your pleasure?

SENATOR SKELOS: Please, if we would return to reports of standing committees, please read the report of the Finance Committee.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees.

I'll ask the Secretary to read the report of the Senate Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills directly to third reading:

Senate Print 7578, by the Senate Committee on Rules, an act making appropriations for the support of government;

Senate Print 7579, by the Senate Committee on Rules, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Without objection, all bills are directed directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar beginning with Calendar Number 314, by Senator Holland.

THE SECRETARY: On page 7, Calendar Number 314, by Senator Holland, Senate Print 213, an act to amend the Penal Law, in relation to the validity of a license to carry or possess a pistol.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, at this time on Calendar Number 314, would you please recognize Senator Maziarz for the purpose of voting.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Maziarz, how do you vote?

SENATOR MAZIARZ: I vote in the affirmative, Mr. President.

ACTING PRESIDENT KUHL: Senator Maziarz will be recorded in the affirmative. The roll call is withdrawn. We're on debate on Calendar Number 314.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation of Calendar Number 314 has been asked for by the Acting Minority Leader, Senator Paterson.

SENATOR HOLLAND: Senator, you, of course, know this bill. It is introduced in this house every year and passes this house every year since either before or mid-Gene Levy's term. What it does is try to make the state one state, an equal and fair situation with the carrying of licensed firearms.

You know today that if you are issued a licensed -- license to carry a firearm in the city of New York, you can carry that in any county in the state, but if you, on the other hand, are issued a license to carry a pistol, et cetera, in any of the 57 counties outside of the state of New York, you cannot carry that in the city of New York unless it is in a locked box in your trunk and you do not stop. I consider this unfair and many, many other people do as well.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

When I first came to the Senate, this was actually one of my favorite debates that Senator Gold and Senator Levy used to have, and they would always talk about the times that Senator Levy's wife was unable to bring her gun to New York City. So in that spirit, if Senator Holland would yield for a question.

SENATOR HOLLAND: Yes, sir. This

is not one of your favorite debates anymore; is that the idea?

SENATOR PATERSON: Well, I'm just hoping, Senator Holland, that you and I can live up to the standard that our predecessors have set.

SENATOR HOLLAND: Certainly, sir.

SENATOR PATERSON: I wanted to ask you as I'm sure a person who is an advocate for a certain amount of control that local governments would have why there would not be a greater understanding of New York City's desire to control the firearms that come into the city? We love for people all around the state to come to New York City, to come to shows, to come to see the historic and cultural value that New York City offers. We just kind of, in the way that Wyatt Earp did, want everybody to check their guns at the door, so to speak, and make sure that only those individuals who had permits within the City, or licensed law enforcement would have that prerogative, and since it is something that the local government has asked

for among the states, since it is something that Mayor Koch, Mayor Dinkins and Mayor Giuliani have continued to advocate for, I just don't understand why we continue to debate this bill when it's clear that the residents of the City have spoken and the residents of the City would rather not have firearms being carried on the premises.

SENATOR HOLLAND: Senator, I do agree with you on the local control issue. However, I -- people who have licensed - licenses to carry pistols are not the people that cause any problems, whether it's in the city of New York or in the upstate 57 counties, you know, and we've gone over this many times, that anybody who applies for a pistol license cannot get it for at least three months, probably six months and their fingerprints must go to the FBI. They must be checked out with BCI, mental health. They must take a safety course. Even in Rockland County they must have a letter from their spouse of whether they object to having the weapon carried, the license

issued or not.

These people do not cause the problems regardless of where they are, Senator, and if they do, we have every bit of information on them and we will take their weapon away from them and never let them carry a weapon again, and these are not the weapons that are causing any problem in the city of New York or Buffalo or Syracuse or wherever. Those weapons are unlicensed and come from out of the state of New York for the most part.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Holland would continue to yield.

SENATOR HOLLAND: Yes, sir.

SENATOR PATERSON: Senator, your point is -- is correct, and in an overwhelming amount of cases involving crimes that are committed with firearms, you are absolutely right, and I wouldn't want to mislead you or anyone else into thinking that we believe that the individuals who have licenses around the

state are causing the problems in New York City or contributing to any criminality or violent crime in the City.

What we are simply saying is that New York City as a local government has a set of standards, a set of standards that varies from other parts of this state. In fact, the issue about the spouse writing a letter is something that I don't believe exists in New York City, and there are probably some standards that New York City has set that may not be consistent with policy all around the other 57 or so counties around the state.

What we are saying is that the point that you made, the stringent standard, the three- to six-month waiting list for the other requirements are something that are taken very seriously, and the City has delineated what the City believes to be the standard, again supported by all three of our last mayors, going back to 1977, that we would have this standard, and we would just hope that other counties around the state would understand that that's

something in a city as large as New York City that we would like to maintain.

The final question I just would have for you is, you know, just relating to the similarity of this desire that the City has with the desires of other local governments around the state that we vote for all the time. Do you see the similarity?

ACTING PRESIDENT SPANO: Senator Paterson and Senator Holland, if you would excuse for a moment an interruption, I would just like to recognize Senator Johnson.

SENATOR JOHNSON: Thank you, Mr. President.

I would just like to say that this is a good bill. This bill has my support as in the past. We should have one standard for the state. We are a state, the united state of the United States, and that provincialism is sometimes overdone in the name of local government.

Mr. President, at this time I would also like you to recognize a group of high

school students from the 4th Senate District in my "Senate For a Day" program. They're here to observe the proceedings, and I'm sure it will be a very enlightened afternoon to them.

ACTING PRESIDENT SPANO: Thank you, Senator Johnson, and it's our pleasure also to welcome the students here to witness the deliberations on this bill today.

Welcome to the state Capitol.

Excuse the interruption, Senator Paterson and Senator Holland.

Senator Paterson, you have the floor.

SENATOR HOLLAND: Senator, I do agree with local control and I buy your argument. On the other hand, would you think it fair if the county of Westchester or the county of Rockland or the county of Orange where many of the major highways go, such as the Palisades and the New York State Thruway go north out of the city of New York, if they implemented the same law that wouldn't allow licensed pistol holders from the city of New York to carry their

weapons in our counties; do you think that would be fair?

I think this is a situation where it should be a statewide law, and I learned recently, Senator, that the reason this came about in the first place is not the money because the City charges $150 for the license and the upstate charges are much less, but many years ago, the people of the city of New York used to go to the upstate counties and get their licenses very quickly, very cheaply and then carry them back into the city of New York. That's why this was originated originally.

Today's it's much, much different. Our judges won't give a license to carry almost ever, and this is -- should be a statewide bill. I certainly -- it's certain that you agree that you wouldn't like Westchester, Rockland or Orange to limit your people in carrying weapons through our counties.

SENATOR PATERSON: You're asking me to yield for the question, Senator?

SENATOR HOLLAND: No. I just made a statement, Senator.

Thank you.

SENATOR PATERSON: No. I would be happy it answer that. I think that -- I understand the problem that individuals who are licensed to carry firearms would come -- or carry pistols would come into New York City on a regular basis and it would be difficult. Perhaps they're traveling. They can carry the pistol in other counties of the state and maybe they are forced due to business, investigators from the Attorney General's Office or something and they're now coming to New York City, that there's a problem because once they cross the line that they're in violation.

What I thought, Senator, is that we had a remedy for those types of situations where if they can show that there's a high standard of a need or a use, that they could still apply to have a permit when they come into New York City.

In answer to your question about

what the other localities are fairly or unfairly determining, I think that it would be something that is within the scope of the locality's purview because the whole existence of weapons and firearms in this society is one that is very controversial.

There are good points to be made on both sides as you have done in this debate, Senator, and therefore, if that's what the counties of Westchester, Rockland and Orange County are -- are suggesting, then that's what I'll do, and I'll promise you right here, Senator, I will never carry a firearm in Rockland County.

SENATOR HOLLAND: Thank you.

ACTING PRESIDENT SPANO: Any other Senator wish to be heard on this bill?

(There was no response.)

Read the last section.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: May we have a

slow roll call on this?

ACTING PRESIDENT SPANO: Slow roll call has been asked for. The Secretary will call the roll.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: The Secretary will call the roll and will the Sergeant-at-Arms please get the members into the chamber. Slow roll call.

THE SECRETARY: Senator Alesi.

(Affirmative indication)

Senator Babbush. Senator Babbush excused.

Senator Bruno.

(Affirmative indication)

Senator Connor.

(There was no response.)

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

(There was no response.)

Senator DiCarlo.

SENATOR DiCARLO: Aye.

THE SECRETARY: Senator Dollinger.

(There was no response.)

Senator Espada.

SENATOR ESPADA: No.

Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez excused.

Senator Goodman.

SENATOR GOODMAN: No.

THE SECRETARY: Senator Hannon.

(There was no response.)

Senator Hoblock.

SENATOR HOBLOCK: Yes.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Explain my vote.

ACTING PRESIDENT SPANO: Senator Hoffmann to explain her vote.

SENATOR HOFFMANN: Thank you, Mr. President.

I share the sentiment expressed earlier by Senator Johnson on this issue. I too believe that occasionally provincialism takes over and -- in the name of local autonomy, and I believe that there are many people in New York State, certainly in the upstate region who believe that they are, in fact, discriminated against and that their local rules are being discriminated against or ignored by the city of New York. I think that it's long overdue that we pass a statewide pistol permit and on behalf of the people of Onondaga, Oneida and Madison Counties, I will vote aye.

ACTING PRESIDENT SPANO: Senator Hoffmann in the affirmative. Continue the roll call.

THE SECRETARY: Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Kruger.
SENATOR KRUGER: No.
THE SECRETARY: Senator Kuhl.
(There was no response.)
Senator Lachman.
SENATOR LACHMAN: No.
THE SECRETARY: Senator Lack excused.
Senator Larkin.
(Affirmative indication)
Senator LaValle.
(There was no response.)
Senator Leibell.
(There was no response.)
Senator Leichter.
SENATOR LEICHTER: Mr. President, just briefly.
ACTING PRESIDENT SPANO: Senator Leichter to explain his vote.

SENATOR LEICHTER: On the bill. This bill certainly has been aired over the years, but I'm sort of amused when people get up and say, Well, this is one state, and I keep on seeing bill after bill after bill coming out of the Majority which makes different rules for Suffolk and different rules for Rockland and Ulster. Senator Larkin just had a bill about, Well, voting in Ulster is different now. Well, you've got to realize, you know, there's regional differences. There's variations, and so on.

We have a very good reason for saying we don't want people who are not licensed by the city of New York to carry guns in the City both for their protection. It always scared me when Gene Levy got up and would say about his wife going to the airport, and so on, and I said God forbid that she ever runs into some of the people in New York City where there would be a confrontation, and so on, because she would really be at risk and, in fact, the statistics show that in many instances, maybe

more than 50 percent where somebody who is licensed to carry a gun, a bodega store owner, and so on, tries to protect himself or herself against some thugs, it's the bodega store owner that gets shot.

So we have had mayors, Democratic and Republican; we have had police commissioners of every which stripe, Commissioner Bratton being the most recent that says, For God's sakes for the protection of the people of the city of New York and for the protection of people who come from upstate and who are licensed to use a gun upstate may use it perfectly safely and well and properly. It's a different situation in the city of New York. Therefore, for the protection of everyone, we need that special licensing provision. There are, in this instance, as you people argue for your pet little bills, variations, regional differences that you need to recognize.

Mr. President, I vote in the negative.

ACTING PRESIDENT SPANO: Senator

Leichter in the negative. Continue the roll call.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz voting in the affirmative earlier.

Senator Mendez.

(There was no response.)

THE SECRETARY: Senator Montgomery.

ACTING PRESIDENT SPANO: Senator

Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I just would like to be on record once again absolutely opposing this notion that we should for reasons that I can never reconcile -- because if you are so fearful of coming into the City that you need a gun, it means that you obviously have the feeling that you're going to have to shoot someone, if you come across the bridge, the -- and the mayor has indicated his opposition.

We do know that we already have too many guns on the streets and not only do we have too many guns on the streets, Mr. President, but we have guns in the hands of children, and that is a very big problem, and so if Senator Holland happens to come into New York and he has his pistol, even though he has a license to do it and someone mugs him on the street, takes his gun, he can't -- he's not fast enough to shoot them. They take the gun and now the gun is in the hands of the wrong person, and what do we need with that? He hasn't gained

anything and we haven't gained anything in New York City.

So I'm opposed to this. It serves no purpose. It does not protect anyone. It is not in anyone's interest and especially it is not in the interest of citizens in New York City.

So, Mr. President, I vote no.

ACTING PRESIDENT SPANO: Senator Montgomery in the negative. Continue the roll call.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

ACTING PRESIDENT SPANO: Senator Oppenheimer, how did you vote?

SENATOR OPPENHEIMER: Oh, I said

no. Sorry. I thought it was loud.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Seabrook.

(There was no response.)

Senator Sears.

SENATOR SEARS: Aye.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Aye.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator Smith.

SENATOR SMITH: No.
THE SECRETARY: Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky excused.
Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
(There was no response.)
Senator Volker.
SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
(Negative indication)
Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT SPANO: The

Secretary will call the absentees.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Yes.

THE SECRETARY: Senator LaValle.

(There was no response.)

Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Mendez.

(There was no response.)

Senator Seabrook.

(There was no response.)

Senator Velella.

SENATOR VELELLA: Yes.

ACTING PRESIDENT SPANO:

Results.

THE SECRETARY: Ayes 36, nays 17.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Cook.

SENATOR COOK: Mr. President, I know that we're breaking with tradition, probably breaking rules, but we do have some visitors from the state of Baden-Wurttemberg, Germany, Rotary -- on a Rotary tour who are in the gallery observing the proceedings today, and I thought it might be appropriate if we could recognize their presence and extend to them a greeting.

ACTING PRESIDENT SPANO: We'll recognize the presence of the constituents of Senator Cook. Hope you'll enjoy your visit to the Capitol today.

Senator Padavan.

SENATOR PADAVAN: Mr. President, could we reconsider the vote by which Senate -

Calendar 691, Senate Bill 4216-A passed earlier? Don't you need the motion? Recall it. All right. Lay it aside for an amendment.

ACTING PRESIDENT SPANO: Senator Padavan, that bill is out of the house, but we'll try to get it back for you to be recalled.

SENATOR PADAVAN: Thank you.

ACTING PRESIDENT SPANO: The Secretary will read Calendar Number 701.

THE SECRETARY: Calendar Number 701, by Senator DiCarlo, Senate Print 1984-A -

SENATOR COOK: Mr. President.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Lest our guests wonder why we are being -- having so much levity, I would simply point out that the presiding officer just included half of Germany in my Senatorial District by virtue of the way he introduced you, and that's what -- everybody is quite amused by that.

ACTING PRESIDENT SPANO: Senator

Cook has a very diverse district, and he will welcome votes from Germany or any place else he can get them. So thank you for being here.

The Secretary will continue the calendar.

THE SECRETARY: Calendar Number 701, by Senator DiCarlo, Senate Print 1984-A, an act to amend the Executive Law, in relation to qualifications of employment.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT SPANO: An explanation has been asked for on Calendar Number 701.

Senator DiCarlo -- could we please have a little order in the chamber. Ask the members to please take their seats.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, this bill prohibits the Division for Youth from employing any direct care staff who's been convicted of felonies and authorizes the director to refuse to employ any direct care staff who has been convicted of a misdemeanor.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call - Senator Montgomery, do you wish to be recognized?

SENATOR MONTGOMERY: Yes, I do.

ACTING PRESIDENT SPANO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you.

Mr. President, I am going to vote no on this bill. I think that I may be the only person in the chamber to do so, but I want to explain my vote briefly.

ACTING PRESIDENT SPANO: Senator Montgomery, can we interrupt you for a second and read the last section and then we'll recognize you to explain your vote?

SENATOR MONTGOMERY: Okay.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SPANO: Senator Montgomery.

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT SPANO: Call the roll. I'm sorry.

(The Secretary called the roll.)

ACTING PRESIDENT SPANO: Senator Montgomery.

SENATOR MONTGOMERY: Yes. One, I have voted for this bill in prior legislative sessions because I have knowledge of a program, a particular program. It is in my district and it is also -- it started at the location of some prisons in the state, one of them in Staten Island.

It is a program that seeks to rehabilitate prisoners in particular. The primary people involved in the rehabilitative process are former inmates themselves. I have met some of those people, and I have been extremely impressed with the fact of their degree of intelligence and understanding and

insight and motivation and commitment to helping people reform themselves, and one of the advantages of having them be a part of the program is that they know more about the personality that they deal with than someone who has never had experience in the ways that they have.

So I think it is really -- we are losing a valuable resource when we summarily legislate that they shall never be eligible or this -- a person in that category is not eligible any longer to work with people in this -- in situations as this bill seeks to deal with.

So I'm opposed to it. I think that we need to have much more latitude and flexibility, and certainly I think that we should definitely allow for people who have this kind of experience to give -- to share that experience, especially since it's so successful in the programs that I'm aware of.

So I vote no.

ACTING PRESIDENT SPANO: Senator

Montgomery in the negative.

Senator Abate to explain her vote.

SENATOR ABATE: Yes. Last year I voted against this bill because I felt that it was written so broadly it did not define "direct care". I feel strongly that individuals in DFY that are there for security and supervision purposes should not have prior felony records. However, there are other employees that do not have necessarily direct supervision over the youth and it may not be as relevant to eliminate these employees.

I'm also concerned about how broadly it's written if someone was convicted of a felony, possession of drugs 10, 15, 20 years ago and they have been outstanding citizens. They, in fact, provide drug counseling and drug treatment, have redeemed themselves and maybe even received a Certificate of Relief from the courts. This would also eliminate that individual.

So while I agree with the intent

of the bill that it's important for those positions that are similar to corrections staff in DOCS be free of felony conviction, I believe as the proposed legislation is crafted now, it is much too broad and for those reasons, I cannot support this legislation again this year.

ACTING PRESIDENT SPANO: Senator Abate in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 701 are Senators Abate, Kruger, Leichter, Montgomery, Paterson and Smith. Ayes 51, nays 6.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 885, by Senator Padavan, Senate Print 3091, an act to amend the Executive Law, in relation to cooperation between police agencies and the United States Immigration and Naturalization Service.

SENATOR PADAVAN: Read the transcript from last year. You think that might

suffice? No. I didn't think so.

Mr. President, this is a very simple bill. What it says directly is if someone is arrested for committing a crime and the local police or district attorneys suspect that that individual is an illegal alien, that they notify INS for obvious reasons, and that's what the bill does. Nothing more, nothing less.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Padavan would yield for a question.

ACTING PRESIDENT SPANO: Senator Padavan, will you yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT SPANO: The Senator yields.

SENATOR PATERSON: Senator, I did make use of looking at last year's transcript, and we were talking about the Executive Order

124, which I'm sure you're familiar with, New York City executive order which has existed back since the days of Mayor Koch, continued by Mayor Dinkins and further continued by Mayor Giuliani, and you cited to me a case in the Bronx in which an individual was not questioned by police after he was found to be selling drugs, and it was a pretty horrible incident that you described, and in this particular case, it was pretty apparent that there was not a check to see whether or not this person was a citizen. In fact, they were an illegal alien, and this is kind of the landmark type of situation that your bill addresses, but in our discussion, you seemed to indicate that the executive order was being amended, and my question is if the executive order was amended, can you show me where it was because as late as May 8th, I have been in contact with the mayor's office and I just can't find where they amended Executive Order 124.

SENATOR PADAVAN: All right, Senator. First, the basis of my making that statement to you was a media report which I

realize from time to time can be inaccurate, but I will quote the report that I'm reading from. "Mayor Giuliani and Police Commissioner William Bratton met Tuesday to discuss the news report on the Rodriguez case and decided to change current policy in which the police department selectively notifies the Immigration and Naturalization Service about illegal aliens who are picked up on arrests. The aim of the current policy based on a 1989 executive order" -- it goes on to talk about that, which I'm sure you realize. He said, "Giuliani had directed Bratton to meet with INS Regional Commissioner William Slattery to discuss better coordination."

So, in effect, what he had done is directed the police commissioner to meet with INS to set up a system of coordination, that when they arrested someone for obviously committing a crime and they suspected that he was an illegal alien, that they would "coordinate" -- quote, "coordinate" with INS. That was my reason for saying that to you,

Senator.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Padavan would continue to yield.

SENATOR PADAVAN: Yes.

SENATOR PATERSON: Well, let me put it this way, Senator Padavan. Do you have any information as to whether or not this actually occurred, because I have a question relating to the need for this bill if they actually did that, but I guess I don't have to answer it because you haven't given me any indication that they have actually implemented the amendment for this executive order and not only that, aren't you glad we debated again this year because, if not, you would have gone on believing that news report that's been over a year and now -

SENATOR PADAVAN: Senator, whether or not -- may I answer your question? You wish me to answer it? I don't want to interrupt you.

Senator, whether or not Executive Order 124 was amended formally or the mayor by direction to his commissioner told him to do something is irrelevant because what we want to do is put in law that irrespective of an executive order that varies with a mayor and is applicable outside the city of New York as well, that we want local law enforcement agencies - many do this as a matter of routine, but we want it in law that they will. That's what distinguishes this from any administrative order.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: If Senator Padavan would continue to yield.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT SPANO: Senator Padavan yields.

SENATOR PATERSON: All right, Senator. What we'll do is we'll talk about the bill. I just thought it was good that we

debated it again this year because perhaps Mayor Giuliani would like to amend the executive order now which would comply with what is really the thrust of your legislation whether or not it becomes law this particular year. That's why I thought I might point it out.

Now, on the bill itself, if the Senator would yield.

SENATOR PADAVAN: Yes.

SENATOR PATERSON: We are talking here, Senator, about individuals who have been arrested for committing crimes. We do have a law now that convicted criminals are investigated as a matter of course to determine whether or not they were citizens at the time of their conviction; is that not correct?

SENATOR PADAVAN: Yes. We have about 4,000 of them in state prisons at the current time, although this governor has begun a process of deportation which is reducing that number, but that is so just as you stated it.

SENATOR PATERSON: If the Senator would continue to yield.

SENATOR PADAVAN: Yes.

SENATOR PATERSON: Then, Senator, the probable cause that might be established that the individual committed a crime relating to their citizenship or the fact that they may be illegal aliens, would you be willing to explain for me what the relationship is? In other words, if a person is arrested for committing a crime, even if we determine that there's a likelihood that they did, even if we come to a subjective determination that they did even though they haven't been convicted, how does it help us during the time we're pursuing the criminal case against them for us to know at that point whether or not they are illegal aliens?

SENATOR PADAVAN: Let's go back to the -- how does it -- we know? I'm not sure -

SENATOR PATERSON: No. You've outlined in your explanation how we know. I'm saying what is the need for us to know up to the point of -

SENATOR PADAVAN: Of conviction.

SENATOR PATERSON: -- of conviction?

SENATOR PADAVAN: All right, fine. Going back to the Rodriguez case, which was a rather dramatic one, the young man, 20 year-old Dominican -- native of the Dominican Republic was arrested for selling drugs. Now he's brought into a court of law for an indictment. The judge, not having been informed of his -- or at least the information that the police had relevant to his immigration status, let him out on low bail or I think it may have been his own recognizance. During the two-week period following that, he killed a police officer by the name of Sean McDonald.

Now, if the court had been aware -- there are two things here: Number one, if the court had been aware that he was an illegal alien, I doubt if he would have let him out on bail because obviously that individual was a prime candidate to skip, but more importantly, if this law had been in effect, the police would

have been required to contact INS and retention -- detention would have been initiated by INS, and that individual would not have been out on the street and today that police officer would be alive.

So that's why it's important that this operative procedure -- that this operative procedure take place upon arrest.

SENATOR PATERSON: Mr. President, if Senator Padavan would continue to yield.

Senator -

SENATOR PADAVAN: Yes.

SENATOR PATERSON: -- on the issue of the tragic and horrible murder of Officer McDonald, you couldn't be more correct. Had the judge known that this individual was an illegal alien, obviously there would be another procedure and, therefore, what probably would have occurred is that the individual would have been detained. So I accept totally what you're saying and in that particular case, had that been the case, perhaps the police officer's life would have been spared, but what I'm asking you

in the process of lawmaking and in drafting this piece of legislation is that the actual way in which we investigate illegal aliens, is that something that you feel should accompany the fact that somebody has been arrested -- which is really a suspicion that the state has taken - that they might have committed a crime?

SENATOR PADAVAN: Senator, you are attempting to ask a question that has many, many hooks in it, and I'm not about to bite any of them. The fact of the matter is if someone's arrested for committing a crime, that stands on its own.

The second fact of this legislation is that if, as the bill clearly states, there is an indication that this person is in this country illegally, that INS be notified. To me, that's logical. There's nothing in it offensive. It should be done and is done in many instances already. We're simply -- Senator, I don't know if you're listening to me. I don't want to interrupt your counsel. Did you hear what I said? I know it's hard to

listen out of two ears. This is happening now in many jurisdictions. We are attempting to preclude anything falling into the cracks. The individual in the case of Sean McDonald who was killed was subject to detention by INS but they weren't notified, so he wasn't detained.

Now, that's the genesis of this bill. It's not very complicated. Someone's arrested, they've committed a crime to the extent of an arrest having been implemented. That's when this kicks in, not before.

SENATOR PATERSON: Thank you, Senator.

On the point of the specifics of this particular bill, I think you are -- you've made a very good point because your bill is restricting itself to the actions of the police and your bill is restricting itself to the arrest, but you do know, Senator, that there are other pieces of legislation, many of which that you have sponsored that go beyond that and go beyond -- go and analyze the duties of other agencies as individuals attempt to receive

assistance from those agencies, particularly in the area of education. So all I'm saying to you is -

SENATOR PADAVAN: Senator, I don't know what bill you're particularly talking about. We do not restrict in any bill that I'm sponsoring elementary or secondary education for anyone, illegal or legal. So if you're trying to draw some analogies here, they escape me. I would rather that we deal with this bill within the framework and for the reasons that I have presented it.

SENATOR PATERSON: Thank you, Senator.

The area of education I was thinking of was post-secondary education which is one of the areas of education, if I'm not correct, but the -- but what relates to this bill, if we just stay on this particular point is in trying to make sure that where there would actually be a conclusion that might be reached, that there's a probable cause that the use of the immigration process to detain an individual

might be a very salient idea in this particular case that we aren't legislating the exception which would have existed in that terrible tragedy that you documented for us earlier and that we are not in the situation where everyone that gets arrested that is presumed by nature of appearance or some language difficulty to be an illegal alien is immediately investigated.

SENATOR PADAVAN: What is your question, Senator?

SENATOR PATERSON: My question is do you understand that we run the risk by passing that -- this piece of legislation of having that happen in a great number of situations where we do have -

SENATOR PADAVAN: I'm not quite sure when you're saying "that happen", what are you referring to?

SENATOR PATERSON: What that is is the assumption that an individual, due to their appearance or some language difficulty or something that might be common to individuals who are not born or reared in the United States

of America, that they may not be American citizens because it's very possible that they are.

SENATOR PADAVAN: That would be unreasonable, Senator, and the bill specifically uses the word "reasonably". Your -- the picture you paint in my view is unreasonable, particularly in the city of New York.

SENATOR PATERSON: All right. That's very good, Senator. If that's unreasonable, then would you give me the criteria by which the individual who is being arrested would be examined; and that would be my last question. I would just like to know what it is that would set the standard since we're not taking anything that's not reasonable. What is it that defines whether or not there should be some intervention on the part of the Immigration and Naturalization Service to determine whether or not this person is a citizen?

SENATOR PADAVAN: Senator, we could probably debate or discuss by the hour the

phrase "reasonable", but even a non-lawyer like myself is aware of the fact that that phrase, "reasonable" is found in many, many of our criminal statutes and "reasonable" is reasonable by definition.

Now, is "reasonable" abused? I'm sure on occasion it is. Is "reasonable" generally followed? I would say most of the time it is, but if you read the bill, there are specific requirements or procedures for a verification process that could be done very quickly by the police if they reasonably suspect the individual is an illegal alien. So -- and that's in lines 19 and beneath it.

So what I'm saying to you, Senator, I cannot define in every conceivable configuration or instance of every kind of arrest that could exist in this state and apply the word "reasonable" for you by definition, but I know what reasonable is. You know what reasonable is, and I think our law enforcement agencies -- I don't think. I know -- they know what reasonable is and, therefore, I think we

have to be guided accordingly.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: Thank you, Senator Padavan.

Mr. President, on the bill.

ACTING PRESIDENT SPANO: Senator Paterson on the bill.

SENATOR PATERSON: We do have federal law that guides us in this particular area. We have a court case in 1928, Pyler v. Doe. We have another which seems to very much upset Senator Padavan, but we have a standard that does exist in terms of these situations.

It's been raised and brought to my attention a concern that has been brought forth by a number of individuals who work in western New York. They're farm workers. They travel back and forth within that particular area, and there's a feeling that they have been arrested a number of times for charges that were never sustained. Immediately upon their arrest, there was some inquiry as to determine whether

or not they were citizens, and all I'm trying to describe is that what Senator Padavan seems to feel is unreasonable and what may actually be unreasonable does actually happen at times where people who are American citizens are harassed for reasons -- for reasons of their resemblance to a different national origin, their familiarity with a language that is foreign to that of English which is spoken by Americans but is also spoken by individuals who are citizens of the United States and that there is a concern on the part of these individuals that as American citizens, they be treated with the full respect and with the full dignity of other Americans, and that in spite of the fact that Senator Padavan illustrated to us a horrible situation in which had there been INS intervention, there might be a police officer still serving us and still among his family to this day.

What we're saying is that in legislating to that end, we just want to make sure that there is not undue harassment of

individuals who are citizens and -

SENATOR PADAVAN: Mr. President, would Senator Paterson yield to a question?

ACTING PRESIDENT SPANO: Senator Paterson, will you yield to a question?

SENATOR PATERSON: Most certainly, Senator.

ACTING PRESIDENT SPANO: Senator Padavan.

SENATOR PADAVAN: I'm not familiar with the specifics of the case you referred to of immigrant laborers, but I will ask you this question: If any local law enforcement agency had arrested these workers for reasons other than were valid, would not that local law enforcement agency be subjected to action either by the U.S. Attorney or the state Attorney General? Let me put it another way. Would they, in fact, have been violating the law themselves?

SENATOR PATERSON: Senator, in that particular case -- and I'm very happy that you would take an interest in it because other

than that, you know, your bill, particularly - the type of situation you're addressing in your bill is quite valid. In that particular case, there would certainly be an unwillingness or a refusal or certainly an apprehension on the part of those who had been injured to perhaps come forward and report these types of situations. I'm not going to represent to you that this is the policy of a law enforcement agency anywhere in the state.

SENATOR PADAVAN: Let me ask you hypothetically. Would not their civil rights have been violated if such a scenario had taken place?

SENATOR PATERSON: Yes.

SENATOR PADAVAN: So, in other words, you are using an illegality to justify our not acting on something that is reasonable, and I think that logic fails us, Senator. We cannot be guided by the illegal actions of anyone.

SENATOR PATERSON: Senator, what I am trying to demonstrate to you is that there

is a danger, and the fact that a situation is illegal does not mean that we should be precluded in this chamber from recognizing that it might exist. That's why I was just saying a moment ago that I am not going to tell you that this is the policy of any law enforcement organization in the state.

What I'm saying is that it may very well be the actions of a few, and it always is a very few, but under the protections of our democracy and in writing legislation, I would think that we would be sensitive to the fact that there are abuses that do take place and there are sometimes excessive use of power by those who are authorized to administer it, and that this kind of thing perhaps has happened.

It would be a lot easier if, as you suggested, the individuals who feel they have been victimized by it come forward, but as long as I'm representing to you that it has happened in some instances, I think that we would be sensitive to it in our legislation and wouldn't ignore the fact that it could be

happening based on the fact that the individuals who were afflicted didn't report it. It may be an illegality, but the logic in it is that more than an illegality, it's a danger that we're opening the door to individuals who don't deserve to be harassed.

And since Senator Padavan, by his silence, implies consent, I guess I'll rest.

ACTING PRESIDENT SPANO: Senator Waldon -- Senator Waldon.

SENATOR PADAVAN: Are you asking me to yield?

SENATOR WALDON: Thank you very much, Mr. President. On the bill.

When I was a young man -- a young boy, actually, we moved to Brooklyn around 1943, and not too long after that, I had a job working in Mr. Levy's delicatessen, and one the beautiful experiences of running errands for his grocery store was that I got to know someone who was a recent immigrant to this country and who was a very positive and caring human being and who took a liking to me, and he marveled at what

America meant to someone who had escaped from the boot or the heel of Nazi Germany.

My second job was with a gentleman named Percival Jones, and these were all errand running jobs. I delivered the tailor work, cleaning at his cleaning store and basically made a couple of dollars in tips and things like that so that my brothers and I could go to a place called The Comet, which was a movie theatre on Gates and Reid where you could see 21 cartoons and a cowboy picture for a dime. That's a long time ago, but Mr. Jones had recently come to this country from Jamaica West Indies, and he also marveled at what a nice place this was that someone who had recently arrived could own his own business, could be an employer of people, not me, because I wasn't truly an employee at that time, but could have an opportunity to become somebody in a land that was not the place of his origin.

Some years later in the garment industry, I worked for a man named George Nockdigal at an embroidery factory, and I can

remember in front of those hot stoves -- I don't know if anyone knows about embroidery work, but there's a pattern and the ladies and gentlemen would sew the pattern through the paper, and you'd put it into an oven and it would heat up and the paper would become easily removable by just rubbing -- rubbing the garments, and I did that for a whole summer, and the son of George Nockdigal would tell me about how his father explained to him what it was on the other side when things were very, very tough, and to come to America and then to own a business in the garment district was a quantum leap from his past.

What I'm trying to say with all of this is that there was a time when this nation opened its arms to everybody despite color, despite place of origin, despite language and said, Come here. We have a place for you, and not that this bill specifically addresses the concern that I raised with my remarks, but I believe it is part and parcel of a philosophy that I find troublesome, worrisome and

meddlesome, and so I encourage you to do what you have to do on this bill, but to recognize that a restrictive exclusionary philosophy, in my opinion, is un-American.

Thank you very much, Mr. President, my colleagues.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar Number 885 are Senators Connor, Espada, Markowitz, Montgomery, Paterson, Santiago, Smith and Waldon. Ayes 49, nays 8.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 933, by Senator Present, Senate Print 6854, an act to amend the General Municipal Law, in

relation to economic development zones.

ACTING PRESIDENT SPANO: Senator Smith.

SENATOR SMITH: Would the sponsor be kind enough to give us an explanation of this bill?

ACTING PRESIDENT SPANO: Senator Present, will you yield for an explanation?

SENATOR PRESENT: Sure. Senator Smith, under -- under existing law, if a business wants to move into an economic development zone, the municipality that houses that business must hold a public hearing, post it, take the testimony and go through the procedures of a public hearing which is expensive for the village and troublesome to the business. All this bill does is delete the public hearing portion.

SENATOR SMITH: Thank you.

I've spoken to some people who sit on town boards and come from small towns and villages, and it's my understanding that the cost of placing an ad in the newspaper would be

approximately 10 to $15 in most of these local areas. Would that be accurate?

SENATOR PRESENT: I don't know. I haven't placed a public notice in a long time.

SENATOR SMITH: Well, this is according to some of the people that sit on the boards in these areas, and the only concern that I have -- on the bill, Mr. President.

ACTING PRESIDENT SPANO: Senator Smith, on the bill.

SENATOR SMITH: -- is that we're willing to give up a public benefit and the rights of people to have a say in what takes place for 10 to $15, and I think that's too much to pay. I believe that people should have a right to have public comment, especially on something as important as moving companies from one place to another, especially when it has been proven that most of these companies are not hiring new people but just moving jobs from one place to another into an EDZ.

Thank you.

ACTING PRESIDENT SPANO: Read the

last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 1, Senator Smith recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 963, by Senator Velella, Senate Print Number 7097, an act to amend the Insurance Law, in relation to the holding of meetings.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 983, by Senator Wright, Senate Print 7338, an act to amend Chapter 3 of the Laws of 1993.

ACTING PRESIDENT SPANO: Read the last section.

Senator Wright, explanation is being asked for.

SENATOR WRIGHT: Thank you, Mr. President.

The bill before the Senate this afternoon extends the provisions that we enacted in 1993 to comply with what's referred to as the Solomon amendment in conformance of state statute with federal statute extending mandatory suspension of drivers' licenses upon conviction of certain drug-related offenses.

Annually for the past several years we have extended this provision and enacted it in state statute to ensure compliance with the federal statutes and to secure receipt of federal assistance, this year to the tune of 42 million -- excuse me, $43 million in federal

highway aid linked to the state's conformance with the federal requirements.

ACTING PRESIDENT SPANO: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Wright would yield for a question.

ACTING PRESIDENT SPANO: Senator Wright, would you yield?

SENATOR WRIGHT: Yes I would, Mr. President.

SENATOR PATERSON: Thank you. Senator Wright, do you know how much it would cost to implement this procedure that we have before us?

SENATOR WRIGHT: No, Senator, I do not know the cost of implementation because it is, in fact, implemented now. We have had this statute on the books since 1993, so the cost of implementation at the time I'm not aware of, but it is in effect, in place now.

SENATOR PATERSON: Thank you, Mr.

President.

The reason I'm asking the question is that I wondered if it would not be prudent for us to find out how much it costs if we're going to be extending this legislation in light of the fact that 31 states have opted out of it, and we have the option of passing resolutions in the Senate and the Assembly and having it signed by the Governor.

Now, this is a remedy that we would have if we don't want to lose the money in federal highway assistance from the government. The reason that I would think that we might do this is because, as I see it, there is no nexus between the actual crime and the punishment in this case which is withdrawing someone's license.

Certainly, the crime is serious and the punishment has been serious as it's prescribed under the criminal law. What I'm saying is that it's very hard to vote against this piece of legislation because inevitably there can be made the relationship between an

individual under the use of some substance driving an automobile and injuring an innocent party, and certainly the thought of that is very frightening and any way that we would want to thwart that, we should undertake.

The question is whether or not this legislation is somewhat speculative and remote to the actual process. Where is the offense related to the operation of a motor vehicle where a person who perhaps as a younger person makes a mistake early in their life, they've paid their debt to society, they've sought counseling for their substance abuse problem, they now would be unable to operate a motor vehicle because of this conviction in the past.

At the same time, they might become one of many who abuses alcohol and can drive a car, as people do all the time; and so the point is not that the spirit of the legislation is in any way flawed, but that the actual law that we would be passing bears no relationship, as I see it, to the crime that the

individual has committed.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 983 are Senators Connor, Mendez, Paterson and Smith. Excuse me. Those recorded in the negative on Calendar 983 are Senators Connor, Paterson and Smith. Ayes 54, nays 3.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Mendez.

SENATOR MENDEZ: Mr. President, I was out of the chambers when two roll calls were taken, and I want the record to reflect that if I would have been here, I would have voted "no" on 314 and "no" on Calendar Number 885.

Thank you.

ACTING PRESIDENT SPANO: Without objection.

Senator Mendez, without objection, the record will indicate if you had been in the chamber you would have been recorded in the negative on Calendar Number 314, and also the record will indicate, without objection, your opposition to 885.

SENATOR MENDEZ: Thank you.

ACTING PRESIDENT SPANO: The Secretary will continue the calendar.

THE SECRETARY: Calendar Number 1096, by Senator Libous, Senate Print 4420-C, an act to amend the Penal Law, in relation to parole for certain sex offenders.

ACTING PRESIDENT SPANO: Read the last section.

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

THE SECRETARY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1100, by the Senate Committee on Rules, Senate Print 5494-A, an act to amend the Criminal Procedure Law and the Public Authorities Law.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President, on the bill.

ACTING PRESIDENT SPANO: Senator Leichter, on the bill.

SENATOR LEICHTER: Yes. This relates to the Javits Convention Center which is in my district.

I think, as we all know from newspaper reports, and the Senate actually had a hearing on the Center, there have been some serious problems at the Center in its management. There have been allegations that there was mob influence. There certainly seems to be no question that the costs for an

exhibition at the Convention Center seem to be unreasonably high.

The Governor seems to have taken some steps that maybe has made that Convention Center more competitive. Actually, I had a lot of questions and doubts, both as to the person that he appointed and as to this way of proceeding. I felt that the best way would have been really to try to hire a private firm to operate the Convention Center.

Well, I really haven't had any special knowledge on it, but based on first reports, other reports, there seem to be some improvements in the Convention Center. The Governor has now asked for a licensing or asked us to approve a licensing system whereby the Convention Center could license contractors, employees, and so on, obviously with a viewpoint of keeping out anybody with mob connections or an unsavory background.

I've no problem with that in principle, and I'm going to vote for this bill, but I just want to point out there's some

awfully broad powers that are given here to the Convention Center which I think could be worri some or could be used in a manner to break labor unions, to really give the management or the employer, if you will, such extreme powers, and I just want to point out to you some of the language that I think could be somewhat troublesome.

In Section 5, "the corporation board may refuse to issue or renew or may suspend or revoke a license," and it goes on to say if it finds out that the applicant or the licensee that is participating in activities at the Convention Center would be "inconsistent with the public interest or the best interests of the corporation".

That's awfully broad. It means really that they can deny a license to anybody for any reason that they want to or they could revoke a license for anybody. Maybe somebody's organized and maybe somebody has a fight with a shop steward. His license can be revoked and, while there's a provision for due process

hearings, since this is a standard it's an awfully broad standard.

And it goes on -- then in another instance, it says the -- in the due process hearing, "the corporation board shall not be bound by the rules of evidence." Here again, I think that's an unwise grant. I think all of us certainly want to root out organized crime wherever it is or any criminal activity, and we certainly don't want it to impede economic development activities such as the Convention Center, and I think as I stated before that some additional powers given to the corporation that runs the Javits Center, a public benefit corporation, is appropriate, but I think this goes really beyond, I think, the powers that are legitimate and reasonably given.

I'm going to vote for it because I don't want anybody to say that I did anything that impeded the fight against organized crime and I think all of us certainly want to see that any criminal activity is rooted out, but I just say that this is really part of the trend that

we've seen, particularly in this session where bills that deal with issues that may be really quite legitimate are written so broadly and give such vast powers to law enforcement agencies or to the government, that they really impinge on individual liberties, and it always surprises me that it comes from people in a party that says, We want to assert and we want to protect the rights of the individual. We don't want government to take over. Then you write these bills that give all of these super-powers to governmental agencies, in this instance the Javits Convention Center.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Yeah, Mr. President. May we please take up Calendar Number 1222, Senate 7578, which has just been reported from the Finance Committee.

ACTING PRESIDENT SPANO: Secretary will read Calendar 1222.

THE SECRETARY: Calendar Number 1222, by the Senate Committee on Rules, Senate Print 7578, an act making appropriations for the support of government.

SENATOR MARCELLINO: Is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT SPANO: Yes, there is.

SENATOR MARCELLINO: I move to accept the messages of necessity and appropriation.

ACTING PRESIDENT SPANO: All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The messages are accepted.

Senator Marcellino.

SENATOR MARCELLINO: Please read the last section.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays one, Senator -

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT SPANO: The negatives please raise their hands, Calendar Number 1222, Senate 7578.

THE SECRETARY: Those recorded in the negative on Calendar Number 1222 are Senat ors Alesi, DiCarlo, Dollinger, Hoffmann, Libous, Nozzolio and Oppenheimer. Ayes 50, nays 7.

ACTING PRESIDENT SPANO: The bill

is passed.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. May we please take up Calendar Number 1223, Senate Number 7579.

ACTING PRESIDENT SPANO: Secretary will read Calendar Number 1223.

THE SECRETARY: Calendar Number 1223, by the Senate Committee on Rules, Senate Print 7579, an act making appropriations for the support of government and to amend Chapter 63 of the Laws of 1996.

ACTING PRESIDENT SPANO: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, are there any messages of necessity and appropriation at the desk?

ACTING PRESIDENT SPANO: There's a message at the desk.

SENATOR MARCELLINO: I move to accept the messages of necessity and appropriation.

ACTING PRESIDENT SPANO: All

those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

Mr. President -

SENATOR HOFFMANN: Could we -

ACTING PRESIDENT SPANO: Senator Hoffmann.

SENATOR HOFFMANN: Yes, since we just had bills reported directly to the floor for votes, I'd like to just clarify for several of my colleagues, if I could please, the two bills that were just passed, the "no" votes that

you recorded, the vote on the pay bill for the Governor and the Legislature, what is the number on that bill, and do you have "no" votes recorded for that one?

ACTING PRESIDENT SPANO: Senator Marcellino.

SENATOR MARCELLINO: If the desk could provide that answer to Senator Hoffmann, we'd appreciate it.

ACTING PRESIDENT SPANO: Senator Hoffmann, Senate 7578, Calendar 1222.

SENATOR HOFFMANN: 7578, you have "no" votes recorded on that bill which provides $646,000 for salaries and Social Security payments for the Governor, Lieutenant Governor, Comptroller, Attorney General and members of the Legislature for the May 29 payroll?

ACTING PRESIDENT SPANO: That's correct.

SENATOR HOFFMANN: That is correct, and I along with several of my colleagues are reported -- in the upstate conservative caucus are recorded in the negative

on that calendar.

ACTING PRESIDENT SPANO: You are recorded in the negative.

SENATOR HOFFMANN: Thank you, Mr. President, for that clarification.

Senator Marcellino. Senator Wright?

SENATOR WRIGHT: I request to be recorded in the negative on Calendar 1222 and Senate 7578.

ACTING PRESIDENT SPANO: Without objection, you will be recorded in the negative.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, there will be -- I am so pleased to find out that we have an upstate conservative caucus in this chamber, and Senator DiCarlo has joined it.

Are there any -- is there any housekeeping at the desk, sir?

ACTING PRESIDENT SPANO: Yes, there is.

SENATOR MARCELLINO: Can we take that up now, please.

ACTING PRESIDENT SPANO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On page 29 I offer the following amendments to Calendar Number 817, Senate Print 5792, and I ask that that bill retain its place on the Third Reading Calendar. That's on behalf of Senator Norman Levy.

ACTING PRESIDENT SPANO: Amendments are received.

SENATOR FARLEY: On behalf of Senator Maltese, on page 32, I offer the following amendments to Calendar 854, Senate Print 4723, and I ask that that bill retain its place.

ACTING PRESIDENT SPANO: Amendments received.

SENATOR FARLEY: On behalf of myself, wait a second -- on behalf of himself, I wish to star these three bills: Sponsor star,

Calendar 1190, Senate Print 6265; Calendar Number 1192, Senate Print 7271; Calendar 991, Senate Print 7374.

On behalf of Senator Levy, Mr. President, I wish to call up his bill, Print Number 331, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: Calendar Number 41, by Senator Levy, Senate Print 331, an act to amend the Vehicle and Traffic Law.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

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

ACTING PRESIDENT SPANO:

Amendments received.

SENATOR FARLEY: On behalf of Senator Padavan, Mr. President, I wish to call up his bill, Senate Print 4216-A.

ACTING PRESIDENT SPANO: Secretary will read.

SENATOR FARLEY: Which is recalled from the Assembly.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: Calendar Number 691, by Senator Padavan, Senate Print Number 4216-A, an act to amend the Penal Law, in relation to auto stripping.

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

ACTING PRESIDENT SPANO: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

SENATOR FARLEY: I now offer the

following amendments.

ACTING PRESIDENT SPANO: Amendments are received.

Any other housekeeping?

(There was no response.)

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, there being no further business, I move we adjourn until Wednesday, May 22nd, at 11:00 a.m. sharp.

ACTING PRESIDENT SPANO: Motion of Senator Marcellino, the Senate will stand adjourned until Wednesday, May 22nd.

(Whereupon at 4:45 p.m., the Senate adjourned.)