ALBANY, NEW YORK

May 19, 1997

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would you please rise and join with me in the Pledge of Allegiance.

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

The invocation today will be given by Reverend Peter Young from the Blessed Sacrament Church in Bolton Landing.

Reverend Young.

REVEREND PETER G. YOUNG: Today, dear God, may we pray for the winners, for those that are in pinstripes and for those that are in this chamber as elected representatives, that they might be delivered from all illusion of superiority, from all pretense of righteousness, from all arrogance and hardness of heart, that they might know the meaning of compassion in all of their duties and responsibilities.

We ask You this now and forever. Amen.

THE PRESIDENT: We're proud to welcome today the World Champion New York Yankees. Would you care to stand and we will welcome you. (Applause)

And now the reading of the Journal.

THE SECRETARY: In Senate, Friday, May 16th. The Senate met pursuant to adjournment. The Journal of Thursday, May 13th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR BRUNO: Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR FARLEY: The amendments are offered to the following bills, Madam President: Senator Johnson, page 5, Calendar 124, Senate Print 738; Senator Meier, page 10, 294, Senate Print 2149; Senator Goodman, page

13, Calendar 371, Senate Print 416; Senator Marcellino, page 16, Calendar 456, Senate Print 3679; Senator Velella, page 31, 714, 4446; on behalf of myself, page 36, Calendar Number 768, 3852; Senator Lack, page 45, 867, 4788; Senator Goodman, page 45, 898, 4259; Senator Marcellino, on page 51, Calendar 931, Senate Print 5079 and three Levy bills, page 57, 995, 4399; also for Senator Levy, page 58, Calendar 10002, Senate Print 4628-A; on behalf of Senator Levy again, 59, page, Calendar 1014, Senate Print 4864 and last, on behalf of Senator Maltese, on page 60, Calendar 1027, Senate Print 159-A, and I move that these bills retain their place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Thank you, Senator Farley.

The amendments are received and adopted and the bills will retain their place on the Third Reading Calendar.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that we have a privileged resolution at the desk that had been already passed. I would

ask that it now be read in its entirety and this resolution was introduced by Senator Guy Velella of the Bronx.

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution by Senator Velella, previously adopted by this chamber, in its entirety.

THE SECRETARY: By Senator Velella and all members of the Senate, Legislative Resolution commending the New York Yankees on their 1996 World Champion season.

WHEREAS, it is the duty of this legislative body to recognize and pay tribute to those individuals and organizations whose actions and accomplishments have served to honor and benefit the people of the state of New York.

As reported in the December 30th, 1907 Mills Commission, "The first scheme of playing baseball, according to the best evidence obtainable to date, was devised by Abner Doubleday at Cooperstown, New York in 1839" and has always been held by New Yorkers as one of the state's most notable innovations.

The New York Yankees and Yankee

Stadium have together stood as icons of the support of baseball, rich in history and prestige, winning 23 World Championship titles and 34 American League Pennants.

In 1996, the New York Yankees have renewed the true spirit of the game of baseball, not only for New Yorkers but for all Americans.

The members of the 1996 New York Yankees team embodied the true meaning of sportsmanship, dedication and cooperation from the start of spring training to the final game of the post-season with many members of the team achieving personal and professional triumphs.

All of New York watched, waited and wept with Yankees manager Joseph Torre as he skillfully utilized his years of experience to carry his family and his team through a season that ended with great personal joy, team victory and the overwhelming support of his extended family of Yankees fans.

The entire 1996 New York Yankees organization, from George Steinbrenner to the Dancing Ground Crew, brought victory and pride back to the "House that Ruth Built" after 18

years.

New York Yankees fans have loyally supported their Bronx Bombers through trial, tragedy and defeat, always knowing that the World Series trophy would once again be home in New York.

New York Yankees fans faithfully cheered their team to victory by the tens of thousands in the stadium, individually in their own living rooms and finally by coming together in a crowd of more than three million in the greatest victory parade the city of New York has ever seen in its "Canyon of Heroes."

The Yankees organization shared their victory and their trophy with all of New York by placing it in City Hall for all our citizens to view.

The New York Yankees celebrated the 75th anniversary of the first American League Pennant by winning every post-season away game and further amazed the sport of baseball by overcoming a 0-2 game deficit to win the World Series in four straight games.

The date of October 26th, 1996, when the New York Yankees clinched the World

Series title, will forever be enshrined in the hearts and minds of Yankees' fans worldwide.

The New York Yankees personal and professional honor and enthusiasm distinguished them as champions, affording them high praise and hope for continued successes;

WHEREAS, all of New York prepares for another exciting season of baseball with the great borough of the Bronx once again the home of the reigning champions; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to honor and congratulate the New York Yankees on the oc casion of their 1996 World Series Championship; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the New York Yankees.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, my colleagues, we are honored here in this chamber as we welcome the representatives, players from the New York Yankees. They have brought great recognition and fame to all of us here in New

York State, but they're great people, and I would like to ask them to stand up individually and be recognized, and I have just a few comments and I know Senator Velella has some things that he would like to say.

Chris Chambliss is the - (Applause).

The outstanding pitcher, "Doc" Gooden. "Doc"?

And the other outstanding pitcher, David Cone.

(Applause)

Also visiting with them is their executive vice-president, David Sussman.

(Applause)

Gentlemen, we welcome you here and, again, we just want to say from all of us here in the chamber, very officially, thank you. Thank you for the good things that you do for all people interested in sports, for all the excitement that you bring to people's lives, the economic impact that you have in the City and in this state. You are truly one of a kind known throughout the world and whenever anyone thinks of New York, they have to think of the Yankees.

You are champions. You are winners. You have been great and we thank you for all the good things that you do on behalf of all people throughout the world that are interested in good sportsmanship and a special word of thanks for what you do for we here in New York State. Welcome.

Senator Guy Velella, I think, has some words and then we're going to ask your general manager, Bob Watson, who is here with us, if he will say a few words.

Senator Velella.

SENATOR VELELLA: Thank you, Senator Bruno.

For a few brief moments today, the correct pronunciation will be the Bronx, with a "B", but let me say that certainly all of us from the Bronx and the state of New York are indeed proud of the accomplishment of the Yankees. Their contribution to our community in Bronx County and to the city of New York are not only financial in the sense of revenues raised but also in the spirit that they show to our young people, many of which are in the galleries today throughout this state.

I would like to, as I did on the original resolution, point out that there are only three places in the world that are preceded by the definite article "the", and that is the Hague, the cradle of justice, the Vatican, the cradle of religion and the Bronx, the cradle of great state Senators and the World Champion Yankees who we all know as the Bronx Bombers.

Thank you.

(Applause)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Senator Velella, it is my honor to hand over a copy of the resolution that was read and passed in this chamber, suitably framed and this resolution, for those that don't know, is passed just as any other piece of legislation is passed in this chamber. It becomes part of the record of New York State.

So as we go forward in future generations, anyone that wanted to, by number and by title, could review this resolution. So you become part of the history of this chamber

and, again, it is my honor and my pleasure to hand this over to your general manager, the man who keeps it all together, keeps it going, keeps it moving, keeps you winning, Bob Watson.

(Applause)

ACTING PRESIDENT KUHL: At this time the Chair would do an extraordinary unusual thing that's done on occasion in this chamber and that is to recognize a non-member for the purpose of addressing this body.

The Chair recognizes Bob Watson, general manager of the Yankees.

MR. BOB WATSON: Mr. Chair, chambers, citizens of New York, on behalf of the New York Yankees, the Steinbrenner family and the players, I am indeed honored and privileged to stand before you and say thank you for your kindness and your loyalty and support.

I would like to say this: 1996 was a miracle year. We believe in miracles and '97 might be in the offing. We have the nucleus to do it again and with Godspeed, we will definitely do our part.

Again, thank you for the opportunity to address you. (Applause)

ACTING PRESIDENT KUHL: I'll ask the members to take their places so we may continue the order of business. We're on motions and resolutions.

The Chair recognizes Senator Wright.

SENATOR WRIGHT: Mr. President, on page 67, I offer the following amendments to Calendar Number 1065, Senate Print Number 4322-A, and ask that said bill retain its place on the third reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1065 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Wright.

SENATOR WRIGHT: Mr. President, on behalf of Senator LaValle, I request that on page 66, I offer the following amendments to Calendar Number 1056, Senate Print Number 4484, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1066 are received and adopted. The bill will retain its place on

the Third Reading Calendar -- excuse me, 1056 - that's what I thought it was -- are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Saland, please place a sponsor's star on Calendar Number 760.

ACTING PRESIDENT KUHL: Calendar Number 760 is starred at the request of the sponsor.

Senator Marcellino.

SENATOR MARCELLINO: On behalf of Senator Rath, Mr. President, please place a sponsor's star on Calendar Number 823.

ACTING PRESIDENT KUHL: Calendar Number 823 is starred at the request of the sponsor.

Senator Onorato.

SENATOR ONORATO: Mr. President, on behalf of Senator Santiago, I move the following bills be discharged from their respective committee and be recommitted with instructions to strike the enacting clause: Senate 5279.

ACTING PRESIDENT KUHL: The said bill will be recommitted. The enacting clause will be stricken.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a resolution at the desk by Senator DeFrancisco. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator DeFrancisco which is at the desk.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution honoring the students of Grade 6 at Holy Family School, Syracuse, for their participation in the 49th Senate District "Good News! Good Kids!" Youth Responsibility Program.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President. I rise to indicate that, in addition to the World Champion New York Yankees that we

had in chambers today, we also have the district champion elementary school winners of the "Good News! Good Kids!" Program that we sponsor in the district.

The purpose of the program is to recognize young people that are doing the right things that aren't always recognized in the media nowadays. We tend to dwell on negative things in our lives but there are very positive things happening.

This elementary school group has won the elementary division and let me just explain some of the things that they've done in the community, these young people.

Francis House is a place in our community for individuals who are terminally ill residing there in a family setting for the last days of their lives, and these young children actually went to that facility and helped the administrators do things like stocking shelves with food and assisting in the activities of that home.

They've also gone to our Samaritan Center where homeless people receive meals and they have served just among this small

group 1409 meals in the Samaritan Center.

They've also gone to the Oxford Street Inn, another homeless shelter, where they made sandwiches and cookies for these people.

When they heard that the Samaritan Center was short of funds, they shoveled sidewalks, raided their piggy banks, recycled cans and bottles, donated some of their own allowances and provided a donation to that center to help defray some of the debt that the center was in providing these very important services for people.

I guess it's obvious that they are champions. They are wonderful young people, and I'm very pleased to stand in support of them and recognize them for the fine work that they're doing in this district.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the resolution?

(There was no response.)

Hearing none, 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.

On behalf of Senator Bruno and Senator DeFrancisco, we're very pleased to welcome these "Good News! Good Kids!" to the chamber. If you all stand, I know my colleagues would like to recognize you. Enjoy your stay in Albany. (Applause)

Senator Bruno, that brings us to the calendar.

SENATOR BRUNO: Mr. President, can we at this time take up the non controversial calendar.

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

THE SECRETARY: Calendar Number 338, by Senator Trunzo, Senate Print 3109-A, an act to amend the Civil Service Law, in relation to designation as detective in certain instances.

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.)

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 546, by Senator Present, Senate Print 1891, an act to amend the Highway Law, in relation to the distribution and payment of consolidated local highway assistance.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 564, by Senator Stafford, Senate Print 3164, an

act to amend the Education Law and Chapter 698 of the Laws of 1996.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 577, by Senator Skelos, Senate Print 2515-A, an act to amend the Education Law, in relation to massage therapy.

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

THE SECRETARY: Section 9. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 582, by Senator Larkin, Senate Print 3441, an act to allow Triborough Bridge and Tunnel members of the New York City Employees Retirement System to elect the benefits provided by Chapter 472 of the Laws of 1995.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 584, by Senator Trunzo, Senate Print 4277, an act to amend the Civil Service Law, in relation to the rules by the state Civil Service Commission.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 590, by Senator Saland, Senate Print 4055, an act to repeal Section 334 of the Insurance Law, relating to a requirement for an annual commercial property casualty report.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 622, by Senator Stafford, Senate Print 3995, an act to amend Chapter 83 of the Laws of 1995,

amending the State Finance Law.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator Volker, Senate Print 36...

SENATOR VOLKER: Mr. President, would you lay that bill aside for the day, please.

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

SENATOR VOLKER: Thank you.

THE SECRETARY: Calendar Number 674, by Senator Levy, Senate Print 4256, an act to amend the Transportation Law, in relation to projects funded under the Airport Preservation Program.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 698, by Senator Libous, Senate Print 3886, an act to amend the Mental Hygiene Law, in relation to approved mobile crisis outreach teams.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

722, by Senator Tully, Senate Print 4358-A, an act to amend the Environmental Conservation Law and the Public Health Law, in relation to the general powers of the New York State Environmental Facilities Corporation.

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 53.

SENATOR DOLLINGER: Mr. President, is that 714?

ACTING PRESIDENT KUHL: No. That's Calendar Number 722.

Senator Dollinger, Calendar Number 714 was skipped over because it was amended earlier today.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will continue to call the non controversial calendar.

THE SECRETARY: Calendar Number 725, by Senator Levy, Senate Print 49, an act to amend the Vehicle and Traffic Law, in relation to sentences for alcohol or drug-related offenses.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 738, by Senator Lack, Senate Print 580, concurrent resolution of the Senate and Assembly, proposing amendments to Article VI of the Constitution.

ACTING PRESIDENT KUHL: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The resolution is adopted.

THE SECRETARY: Calendar Number 744, by Senator LaValle, Senate Print 2464-A, an act to amend the Domestic Relations Law, in relation to the authority of care givers.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 751, by Senator Lack, Senate Print 3757, an act to amend the Domestic Relations Law, in relation to confidential records.

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

THE SECRETARY: Section 3. This act shall take effect in 90 days.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 761, by Senator Spano, Senate Print 5133, an act to amend the Judiciary Law and Chapter 397 of the Laws of 1988.

SENATOR LEICHTER: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 810, by Senator Alesi, Senate Print 4432, an act to amend the General Business Law, in relation to the revocation or suspension of the registration card.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 824, by Senator Wright, Senate Print 3890, an act to amend the County Law, in relation to merger of departments.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 825, by Senator Spano, Senate Print 4076, an act to amend the Local Finance Law, in relation to bonds issued by act of the Westchester County Board of Legislators.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 826, by Senator LaValle, Senate Print 4233, an act to amend the General Municipal Law, in relation to granting additional points in a service award program.

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.)

ACTING PRESIDENT KUHL: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes. Mr. President, before the bill leaves the house, I would like a reconsideration of bill 810.

ACTING PRESIDENT KUHL: We're on a roll call right now, Senator Montgomery, on Calendar Number 826. If we could complete that first.

SENATOR MONTGOMERY: All right. That's fine.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

Now the Chair recognizes Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like the vote by which 810 passed to be reconsidered.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which Calendar Number 810 passed the house.

SENATOR MONTGOMERY: I would like an explanation of that bill, please.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: Calendar Number 810 is laid aside.

The Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 828, by Senator Saland, Senate Print 4341, an act to authorize the town of Poughkeepsie, County of Dutchess, to convey certain parklands.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 834, by Senator Cook, Senate Print 4647, an act to amend the Town Law, in relation to establishing the office of chief constable.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 838, by Senator Seward, Senate Print 5197, an act to amend the General Municipal Law, in relation to extending insurance coverage.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 844, by Senator LaValle, Senate Print 3684, an act to amend the Public Authorities Law, in relation to the membership of the New York State Science and Technology Foundation.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 871, by Senator Volker, Senate Print 5189, an act to amend the Penal Law, in relation to computer tampering in the third degree.

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.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 873, by Senator Skelos, Senate Print 335, an act to amend the Executive Law, in relation to permitting parents of minors to be present

during any proceeding.

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 875, by Senator Saland, Senate Print 682, an act to amend the Tax Law, in relation to the filing of certificates.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Rath, Senate Print 3058, an act to amend the Tax Law, in relation to extending the effectiveness of one percent increase in sales and compensating use taxes in Genesee County.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 892, by Senator Goodman, Senate Print 4056, an act to amend the Tax Law, in relation to utilizing machine sensible technologies.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 893, by Senator Goodman, Senate Print 4081, an act to amend the Tax Law, in relation to

authorizing the filing of state tax warrants.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 905, by Senator Goodman, Senate Print 5204, 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 909, by member of the Assembly Tokasz, Assembly Print 5452-A, an act to amend the Economic Development Law, in relation to meetings of the New York State Tourism Advisory Council.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 916, by member of the Assembly Feldman, Assembly Print 5793, an act to amend the Correction Law, in relation to the definition of a county for purposes of local conditional release commissions.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 926, by member of the Assembly Harenberg, Assembly Print 6667, an act to amend Chapter 901 of the Laws of 1990, amending the Environmental Conservation Law.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 965, by Senator Cook, Senate Print 782, an act to amend the Highway Law, in relation to creating a farm and business transportation

program.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the reading of the non-controversial calendar.

SENATOR BRUNO: Mr. President, can we at this time take up the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar, beginning with Calendar Number 338 on page 11.

THE SECRETARY: Calendar Number 338, by Senator Trunzo, Senate Print 3109-A, an act to amend the Civil Service Law, in relation to designation as detective in certain instances.

ACTING PRESIDENT KUHL: Senator

Trunzo, an explanation.

SENATOR TRUNZO: I believe the objection has been withdrawn.

ACTING PRESIDENT KUHL: Senator Trunzo, an explanation of -

SENATOR LEICHTER: Explanation satisfactory.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 761, by Senator Spano, Senate Print 5133, an act to amend the Judiciary Law and Chapter 397 of the Laws of 1988.

ACTING PRESIDENT KUHL: Senator Spano, an explanation of Calendar Number 761 has been requested.

SENATOR SPANO: Mr. President,

this bill brings the New Rochelle Court into conformity with the other City Courts in large cities around the state, such as Buffalo, Syracuse and Yonkers, where if there's a chief administrator of the courts who is designated to carry out certain administrative duties in addition to the traditional duties, this would increase their salary by $1,000 a year.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I just have one question, if Senator Spano would yield.

ACTING PRESIDENT KUHL: Senator Spano, do you yield to Senator Paterson for a question?

SENATOR SPANO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Thank you very much.

How did New Rochelle find itself in a situation where the supervising judge received lesser than the supervisors in the

other areas?

SENATOR SPANO: I'm sorry, Senator. I didn't hear the question.

SENATOR PATERSON: I'm sorry, Mr. President. How did New Rochelle become rendered to an extent where its supervising judge was receiving less compensation than the supervising judiciary figures in the other places, Buffalo?

SENATOR SPANO: The other judges, Senator, received this increase as a part of the Judiciary Law and there's a listing in the Judiciary Law which courts had a chief justice and the city of New Rochelle was not included in that list. This bill adds them to the list of judges in municipalities -- city courts such as the ones I described, Buffalo, Syracuse and Yonkers.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Spano would yield to one further question.

ACTING PRESIDENT KUHL: Senator Spano, do you continue to yield?

SENATOR SPANO: Yes.

ACTING PRESIDENT KUHL: The

Senator continues to yield.

SENATOR PATERSON: Senator, my only concern -- I don't have a problem with what happens in New Rochelle. My only concern is the possibility that this would open a door where we are, on a local basis, evening the slate when perhaps this is something we should have done with sweeping legislation or that the next time there is a review panel that examines the judiciary, perhaps New Rochelle needs to be included on it, but do you think by taking these situations on a case-by-case basis is going to solve this problem?

SENATOR SPANO: This legislation would deal just with the city of New Rochelle as one of the largest cities in the county of Westchester with -- where there's a significant case load before the judges in that community. It seems appropriate that they should have the same type of benefits as those other cities that -- city courts that I described. Whether or not other cities of this state also should or may be qualified, I'll leave that up to the individual members to make that determination, Senator, but the -- this was one specific case

in Westchester that was brought to our attention.

SENATOR PATERSON: Thank you, Mr. President.

Senator Spano's explanation is acceptable enough for me to vote for the legislation, but I would just like to point out that there must have been some standard that was set when there was designation of who should receive what amounts, and I don't know that this is exactly the right way to go about it. Perhaps the next time there will be a greater recognition of New Rochelle or any other city that -- whose supervising judge deserves this salary.

ACTING PRESIDENT KUHL: Senator Montgomery, did you wish to speak on the bill?

SENATOR MONTGOMERY: No. I just want to be recognized after we vote.

ACTING PRESIDENT KUHL: All right.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yes. Would

Senator Spano yield to a question?

SENATOR SPANO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, first of all, what's the population of New Rochelle?

SENATOR SPANO: What's the population of New Rochelle? I don't know, 80,000.

SENATOR GOLD: How many judges - pardon me?

SENATOR SPANO: Give or take a little bit.

SENATOR GOLD: I can't hear. Senator Stafford -

SENATOR SPANO: Neither can I.

SENATOR GOLD: Senator, I'm sorry. I couldn't hear you.

SENATOR SPANO: I think it's about 80,000.

SENATOR GOLD: If the Senator would yield to a question. How many judges are there in New Rochelle?

SENATOR SPANO: I think it's four.

SENATOR GOLD: Four? And, Senator, has the Office of Court Administration taken any position?

SENATOR SPANO: No. They have not issued any memo in support or against.

SENATOR GOLD: And if we are to pass this, as far as you know, is this a budget item?

SENATOR SPANO: Pretty small in the total scheme of things, but sure.

SENATOR GOLD: And, Senator, the -- I notice in the last part of the bill you say that for the purpose of the legislation, the person designated as a supervising judge shall be considered the chief judge. Do you know whether in the other cities involved they have chief judges or supervising judges?

SENATOR SPANO: Yeah. This is consistent with the current law.

SENATOR GOLD: Well, Senator, I don't know what "consistent with the current law" means. You're adding new language and I was just wondering, in the other cities, I assume they have a chief judge. Apparently New Rochelle doesn't have a chief judge. They have

somebody they call a supervising judge.

SENATOR SPANO: All right. And that supervising judge would then become the chief judge.

SENATOR GOLD: But it doesn't say he will become the chief judge. It says -

SENATOR VELELLA: Mr. President, can we manage to have the Chair included in this debate? I believe the Senator should ask Senator Spano to yield.

SENATOR GOLD: Point of order, Mr. President. I wish you to direct me to please have any questions go through you.

ACTING PRESIDENT KUHL: Consider yourself so directed, Senator.

SENATOR GOLD: Thank you.

ACTING PRESIDENT KUHL: Senator Spano, do you continue to yield to a question from Senator Gold?

SENATOR SPANO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Mr. President, if the Senator would yield to one more question.

SENATOR SPANO: Sure.

SENATOR GOLD: Yeah. Apparently, Senator, you give some examples of Buffalo with 12 judges and some others. I assume New Rochelle would be the smallest city to get this particular benefit, is that correct?

SENATOR SPANO: I don't believe so. I think Utica is also included.

SENATOR GOLD: You believe what?

SENATOR SPANO: Utica, Niagara Falls.

SENATOR GOLD: And -- just lastly to clarify, the statute now provides that, where appropriate, there are chief judges and you are not making the judge a chief judge but you are saying that the supervising judge can collect the money, is that it?

SENATOR SPANO: That's correct.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

(There was no response.)

Hearing none, 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 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 844.

ACTING PRESIDENT KUHL: Without objection -- without objection and hearing no objection, Senator Montgomery will be recorded in the negative on Calendar Number 844.

The Secretary will continue to read the controversial calendar.

ACTING PRESIDENT KUHL: Calendar Number 810, by Senator Alesi, Senate Print 4432, an act to amend the General Business Law, in relation to revocation or suspension of the registration card of security guards who have been convicted of a serious offense.

ACTING PRESIDENT KUHL: Senator Alesi, an explanation of Calendar Number 810 has been requested by Senator Montgomery.

SENATOR ALESI: Mr. President,

this bill, at the request of the Department of State, provides that a security guard would have 30 days rather than the current 14 days to notify the Department if he or she changes an address. It also provides that if a security guard is convicted of a serious offense, such as a felony, that he or she would automatically lose their registration or their standing as a security guard with the Department of State unless they request in writing within a 35-day period a hearing.

ACTING PRESIDENT KUHL: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Mr. President, if Senator Alesi would yield for a question.

ACTING PRESIDENT KUHL: Senator Alesi, do you yield?

SENATOR ALESI: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR MONTGOMERY: You have a condition of revocation, that is a person convicted of a serious felony offense, and I'm just wondering what is the lowest possible

felony offense that would be considered a serious felony offense.

SENATOR ALESI: That would be anything that would be contained in the Section 89(f)(13) of the General Business Law.

SENATOR MONTGOMERY: Mr. President, if the Senator would yield. Would you give me an example of what kind of offense would be included in that particular -

SENATOR ALESI: Any example, Senator?

SENATOR MONTGOMERY: Excuse me?

SENATOR ALESI: Any example?

SENATOR MONTGOMERY: Well, the lowest kind of an offense, the lowest level of offense that would be considered a violent felony under that particular section.

SENATOR ALESI: Senator, as I indicated, anything that would be in that grouping punishable by one year, for example, felony, unlawful keeping of a person against his or her will.

SENATOR MONTGOMERY: Okay. Thank you.

SENATOR ALESI: Arson, mayhem,

any of that stuff.

SENATOR MONTGOMERY: All right. Mr. President, this is one of those instances where it becomes extremely difficult to make a judgment, but I'm going to vote no on this and my reason for doing it is not that I don't -- I don't agree with the intent in terms of public safety and protection vis-a-vis making sure that someone is convicted of a felony is not able to become a security guard but, as you know, with the advent of welfare reform and many other changes that we're faced with, it is very likely that a number of people who may at some point in their lives come in contact with law enforcement and the criminal justice system but many of whom may have been totally rehabilitated and that's our hope that most people eventually are rehabilitated and may be able to become security guards and work for firms that provide security in some way or other, and so I'm going to vote no on this because I think that it's one more of those areas that we are setting aside or setting outside of the possibility of some people for whom this may be the only or one of few options for them to be employed.

So I'm voting no just because of that part of the bill even though I support generally what the bill intends to do.

So I'm no on that, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

(There was no response.)

Hearing none, 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 53, nays 1, Senator Montgomery recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to - Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, if the -- I would like to be recorded with unanimous consent in the negative on Calendar Number 844.

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senator Paterson will be recorded in the negative on Calendar Number 844.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 828, by Senator Saland, Senate Print 4341, an act to authorize the town of Poughkeepsie, county of Dutchess, to convey certain parklands.

SENATOR SALAND: Mr. President, this bill is a land swap in the town of Poughkeepsie, the purpose of which is to convey parklands currently being used in what's called Greenvale Park in the town of Poughkeepsie to an adjoining owner in return for properties from that adjoining owner which will permit easier access to that same park and also provide some additional space for parking at that park.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if I would be permitted to ask a question.

ACTING PRESIDENT KUHL: Senator Saland, do you yield to a question?

SENATOR SALAND: Yes, Mr.

President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Thank you very much, Senator Saland.

As this is a conveyance bill, does this require a two-thirds passage?

SENATOR SALAND: Two-thirds passage here in our house?

SENATOR PATERSON: Correct.

SENATOR SALAND: I believe the answer to that question -- no?

ACTING PRESIDENT KUHL: Senator Saland, you can believe what you would like to, but I'm informed by the Journal Clerk that this is a majority vote.

SENATOR SALAND: I stand corrected, agreeably so. Thank you, Mr. President.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the bill?

(There was no response.)

The Secretary will read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Senator Dollinger, excuse me. Why do you rise?

SENATOR DOLLINGER: Mr. President, I apologize for the roll call. Could you just explain to me briefly why that is the case, why this is not a two-thirds bill or three-fifths bill, just so I make sure I understand it.

ACTING PRESIDENT KUHL: Senator Dollinger, under Rule IX, Subdivision 2(b), you'll see that the only bills that require a two-thirds vote of the elected Senators are bills that are appropriating public monies or property for local or private purposes and this is not one of those bills.

This is a bill that requires a vote coming from three-fifths of the Senators being present.

SENATOR DOLLINGER: Again through you, Mr. Chairman, is this a three-fifths bill then? This is a three -- thank you, Mr. President.

ACTING PRESIDENT KUHL: Read the last section -- call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: There is a home rule message at the desk for those who are concerned. Announce the results.

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Rath, Senate Print 3058, an act to amend the Tax Law, in relation to extending the effectiveness of the one percent increase in sales and compensating use taxes in Genesee County.

ACTING PRESIDENT KUHL: Senator Rath, an explanation of Calendar Number 880 has been requested by Senator Dollinger.

SENATOR RATH: Mr. President, Genesee County has requested an extension of their additional one percent sales tax under the same terms as it was passed two years ago and this piece of legislation is necessary in order to accomplish that renewal.

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.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 880 are Senators Dollinger and Gentile. Ayes 54, nays 2.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland, that completes the reading of the controversial calendar.

SENATOR HOLLAND: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: There is, Senator Holland.

SENATOR HOLLAND: Could we take it up, please.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions and the Secretary will read the substitutions at the desk.

THE SECRETARY: Senator Rath moves to discharge from the Committee on Rules

Assembly Bill Number 2632 and substitute it for the identical Senate bill, Third Reading 278.

Senator Levy moves to discharge from the Committee on Rules Assembly Bill Number 522 and substitute it for the identical Senate bill, Third Reading 373.

Senator Hannon moves to discharge from the Committee on Rules Assembly Bill 7557 and substitute it for the identical Senate bill, Third Reading 772.

Senator Meier moves to discharge from the Committee on Rules Assembly Bill Number 4277 and substitute it for the identical Senate bill, Third Reading 1020.

Senator Maltese moves to discharge from the Committee on Rules Assembly Bill Number 1864 and substitute it for the identical Senate bill, Third Reading 1033.

Senator Kuhl moves to discharge from the Committee on Rules Assembly Bill Number 7683 and substitute it for the identical Senate bill, Third Reading 1038.

Senator Farley moves to discharge from the Committee on Rules Assembly Bill Number 3545 and substitute it for the identical Senate

bill, Third Reading 1064.

ACTING PRESIDENT KUHL: The substitutions are ordered.

The Chair recognizes Senator Holland.

SENATOR HOLLAND: Mr. President, there being no further business, I move we adjourn until Tuesday, May 20th, at 10:00 a.m.

ACTING PRESIDENT KUHL: The Senate stands adjourned until tomorrow, Tuesday, May 20th, at 10:00 a.m. Notice the time change, 10:00 a.m.

(Whereupon, at 4:03 p.m., the Senate adjourned.)