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ALBANY, NEW YORK

May 19, 1997

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

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

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

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

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

10 Reverend Young.

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

20 We ask You this now and forever.  
21 Amen.

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

1                   And now the reading of the  
2                   Journal.

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

8                   THE PRESIDENT: Without  
9                   objection, the Journal stands approved as read.  
10                  Presentation of petitions.  
11                  Messages from the Assembly.  
12                  Messages from the Governor.  
13                  Reports of standing committees.  
14                  Reports of select committees.  
15                  Communications and reports from  
16                  state officers.  
17                  Motions and resolutions.  
18                  Senator Farley.

19                  SENATOR BRUNO: Madam President.

20                  THE PRESIDENT: Senator Bruno.

21                  SENATOR FARLEY: The amendments  
22                  are offered to the following bills, Madam  
23                  President: Senator Johnson, page 5, Calendar  
24                  124, Senate Print 738; Senator Meier, page 10,  
25                  294, Senate Print 2149; Senator Goodman, page

1 13, Calendar 371, Senate Print 416; Senator  
2 Marcellino, page 16, Calendar 456, Senate Print  
3 3679; Senator Velella, page 31, 714, 4446; on  
4 behalf of myself, page 36, Calendar Number 768,  
5 3852; Senator Lack, page 45, 867, 4788; Senator  
6 Goodman, page 45, 898, 4259; Senator Marcellino,  
7 on page 51, Calendar 931, Senate Print 5079 and  
8 three Levy bills, page 57, 995, 4399; also for  
9 Senator Levy, page 58, Calendar 10002, Senate  
10 Print 4628-A; on behalf of Senator Levy again,  
11 59, page, Calendar 1014, Senate Print 4864 and  
12 last, on behalf of Senator Maltese, on page 60,  
13 Calendar 1027, Senate Print 159-A, and I move  
14 that these bills retain their place on the Third  
15 Reading Calendar.

16 ACTING PRESIDENT KUHL: Thank  
17 you, Senator Farley.

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

21 The Chair recognizes Senator  
22 Bruno.

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

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

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

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

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

18 As reported in the December 30th,  
19 1907 Mills Commission, "The first scheme of  
20 playing baseball, according to the best evidence  
21 obtainable to date, was devised by Abner  
22 Doubleday at Cooperstown, New York in 1839" and  
23 has always been held by New Yorkers as one of  
24 the state's most notable innovations.

25 The New York Yankees and Yankee

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

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

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

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

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

1 years.

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

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

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

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

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

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

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

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

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

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

19 ACTING PRESIDENT KUHL: Senator  
20 Bruno.

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

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

6 Chris Chambliss is the -  
7 (Applause).

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

10 And the other outstanding  
11 pitcher, David Cone.

12 (Applause)

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

15 (Applause)

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

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

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

12                   Senator Velella.

13                   SENATOR VELELLA: Thank you,  
14 Senator Bruno.

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

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

9 Thank you.

10 (Applause)

11 SENATOR BRUNO: Mr. President.

12 ACTING PRESIDENT KUHL: Senator  
13 Bruno.

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

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

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

5 (Applause)

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

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

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

19 I would like to say this: 1996  
20 was a miracle year. We believe in miracles and  
21 '97 might be in the offing. We have the  
22 nucleus to do it again and with Godspeed, we  
23 will definitely do our part.

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

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

5                   The Chair recognizes Senator  
6                   Wright.

7                   SENATOR WRIGHT: Mr. President,  
8                   on page 67, I offer the following amendments to  
9                   Calendar Number 1065, Senate Print Number  
10                  4322-A, and ask that said bill retain its place  
11                  on the third reading Calendar.

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

16                  Senator Wright.

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

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

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

5 Senator Marcellino.

6 SENATOR MARCELLINO: Mr.

7 President, on behalf of Senator Saland, please  
8 place a sponsor's star on Calendar Number 760.

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

12 Senator Marcellino.

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

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

19 Senator Onorato.

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

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

4                   The Chair recognizes Senator  
5 Bruno.

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

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

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

21                  ACTING PRESIDENT KUHL: Senator  
22 DeFrancisco.

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

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

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

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

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

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

1 group 1409 meals in the Samaritan Center.

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

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

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

18 Thank you, Mr. President.

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

22 (There was no response.)

23 Hearing none, the question is on  
24 the resolution. All those in favor signify by  
25 saying aye.

1 (Response of "Aye".)

2 Opposed, nay.

3 (There was no response.)

4 The resolution is adopted.

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

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

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

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

19 THE SECRETARY: Calendar Number  
20 338, by Senator Trunzo, Senate Print 3109-A, an  
21 act to amend the Civil Service Law, in relation  
22 to designation as detective in certain  
23 instances.

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

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

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll.)

6 SENATOR DOLLINGER: Lay it aside.

7 ACTING PRESIDENT KUHL: Lay the  
8 bill aside.

9 THE SECRETARY: Calendar Number  
10 546, by Senator Present, Senate Print 1891, an  
11 act to amend the Highway Law, in relation to the  
12 distribution and payment of consolidated local  
13 highway assistance.

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

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

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 53.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 564, by Senator Stafford, Senate Print 3164, an

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

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

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

7 ACTING PRESIDENT KUHL: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 53.

11 ACTING PRESIDENT KUHL: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 577, by Senator Skelos, Senate Print 2515-A, an  
15 act to amend the Education Law, in relation to  
16 massage therapy.

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

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

21 ACTING PRESIDENT KUHL: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 53.

25 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 582, by Senator Larkin, Senate Print 3441, an  
4 act to allow Triborough Bridge and Tunnel mem  
5 bers of the New York City Employees Retirement  
6 System to elect the benefits provided by Chapter  
7 472 of the Laws of 1995.

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

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

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 53.

16 ACTING PRESIDENT KUHL: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 584, by Senator Trunzo, Senate Print 4277, an  
20 act to amend the Civil Service Law, in relation  
21 to the rules by the state Civil Service  
22 Commission.

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

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 53.

6 ACTING PRESIDENT KUHL: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 590, by Senator Saland, Senate Print 4055, an  
10 act to repeal Section 334 of the Insurance Law,  
11 relating to a requirement for an annual  
12 commercial property casualty report.

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

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

17 ACTING PRESIDENT KUHL: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 53.

21 ACTING PRESIDENT KUHL: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 622, by Senator Stafford, Senate Print 3995, an  
25 act to amend Chapter 83 of the Laws of 1995,

1 amending the State Finance Law.

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

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

6 ACTING PRESIDENT KUHL: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 53.

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 656, by Senator Volker, Senate Print 36...

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

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

20 SENATOR VOLKER: Thank you.

21 THE SECRETARY: Calendar Number  
22 674, by Senator Levy, Senate Print 4256, an act  
23 to amend the Transportation Law, in relation to  
24 projects funded under the Airport Preservation  
25 Program.

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

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

5                   ACTING PRESIDENT KUHL: Call the  
6           roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 53.

9                   ACTING PRESIDENT KUHL: The bill  
10          is passed.

11                   THE SECRETARY: Calendar Number  
12          698, by Senator Libous, Senate Print 3886, an  
13          act to amend the Mental Hygiene Law, in relation  
14          to approved mobile crisis outreach teams.

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

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

19                   ACTING PRESIDENT KUHL: Call the  
20          roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY: Ayes 53.

23                   ACTING PRESIDENT KUHL: The bill  
24          is passed.

25                   THE SECRETARY: Calendar Number

1 722, by Senator Tully, Senate Print 4358-A, an  
2 act to amend the Environmental Conservation Law  
3 and the Public Health Law, in relation to the  
4 general powers of the New York State  
5 Environmental Facilities Corporation.

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

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 53.

14 SENATOR DOLLINGER: Mr.  
15 President, is that 714?

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

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

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

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

1 THE SECRETARY: Calendar Number  
2 725, by Senator Levy, Senate Print 49, an act to  
3 amend the Vehicle and Traffic Law, in relation  
4 to sentences for alcohol or drug-related  
5 offenses.

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

8 THE SECRETARY: Section 2. This  
9 act shall take effect on the first day of  
10 September.

11 ACTING PRESIDENT KUHL: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 53.

15 ACTING PRESIDENT KUHL: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 738, by Senator Lack, Senate Print 580,  
19 concurrent resolution of the Senate and  
20 Assembly, proposing amendments to Article VI of  
21 the Constitution.

22 ACTING PRESIDENT KUHL: Call the  
23 roll on the resolution.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 53.

1                   ACTING PRESIDENT KUHL: The  
2 resolution is adopted.

3                   THE SECRETARY: Calendar Number  
4 744, by Senator LaValle, Senate Print 2464-A, an  
5 act to amend the Domestic Relations Law, in  
6 relation to the authority of care givers.

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

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

11                   ACTING PRESIDENT KUHL: Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY: Ayes 53.

15                   ACTING PRESIDENT KUHL: The bill  
16 is passed.

17                   THE SECRETARY: Calendar Number  
18 751, by Senator Lack, Senate Print 3757, an act  
19 to amend the Domestic Relations Law, in relation  
20 to confidential records.

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

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

25                   ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 53.

4 ACTING PRESIDENT KUHL: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 761, by Senator Spano, Senate Print 5133, an act  
8 to amend the Judiciary Law and Chapter 397 of  
9 the Laws of 1988.

10 SENATOR LEICHTER: Lay it aside,  
11 please.

12 ACTING PRESIDENT KUHL: Lay the  
13 bill aside.

14 THE SECRETARY: Calendar Number  
15 810, by Senator Alesi, Senate Print 4432, an act  
16 to amend the General Business Law, in relation  
17 to the revocation or suspension of the  
18 registration card.

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

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

23 ACTING PRESIDENT KUHL: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 53.

2 ACTING PRESIDENT KUHL: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 824, by Senator Wright, Senate Print 3890, an  
6 act to amend the County Law, in relation to  
7 merger of departments.

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

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

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 53.

16 ACTING PRESIDENT KUHL: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 825, by Senator Spano, Senate Print 4076, an act  
20 to amend the Local Finance Law, in relation to  
21 bonds issued by act of the Westchester County  
22 Board of Legislators.

23 ACTING PRESIDENT KUHL: There is  
24 a home rule message at the desk. The Secretary  
25 will read the last section.

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

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 53.

7 ACTING PRESIDENT KUHL: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 826, by Senator LaValle, Senate Print 4233, an  
11 act to amend the General Municipal Law, in  
12 relation to granting additional points in a  
13 service award program.

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

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

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll.)

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

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

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

5                   SENATOR MONTGOMERY: All right.  
6 That's fine.

7                   ACTING PRESIDENT KUHL: Call the  
8 roll.

9                   (The Secretary called the roll.)

10                  THE SECRETARY: Ayes 53.

11                  ACTING PRESIDENT KUHL: The bill  
12 is passed.

13                  Now the Chair recognizes Senator  
14 Montgomery.

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

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

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

23                  ACTING PRESIDENT KUHL: Call the  
24 roll.

25                  (The Secretary called the roll on

1 reconsideration.)

2 THE SECRETARY: Ayes 53.

3 ACTING PRESIDENT KUHL: Calendar  
4 Number 810 is laid aside.

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

7 THE SECRETARY: Calendar Number  
8 828, by Senator Saland, Senate Print 4341, an  
9 act to authorize the town of Poughkeepsie,  
10 County of Dutchess, to convey certain parklands.

11 SENATOR PATERSON: Lay it aside.

12 ACTING PRESIDENT KUHL: Lay the  
13 bill aside.

14 THE SECRETARY: Calendar Number  
15 834, by Senator Cook, Senate Print 4647, an act  
16 to amend the Town Law, in relation to  
17 establishing the office of chief constable.

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

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

22 ACTING PRESIDENT KUHL: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 53.

1                   ACTING PRESIDENT KUHL: The bill  
2 is passed.

3                   THE SECRETARY: Calendar Number  
4 838, by Senator Seward, Senate Print 5197, an  
5 act to amend the General Municipal Law, in  
6 relation to extending insurance coverage.

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

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

11                   ACTING PRESIDENT KUHL: Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY: Ayes 53.

15                   ACTING PRESIDENT KUHL: The bill  
16 is passed.

17                   THE SECRETARY: Calendar Number  
18 844, by Senator LaValle, Senate Print 3684, an  
19 act to amend the Public Authorities Law, in  
20 relation to the membership of the New York State  
21 Science and Technology Foundation.

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

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

1                   ACTING PRESIDENT KUHL: Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 53.

5                   ACTING PRESIDENT KUHL: The bill  
6 is passed.

7                   THE SECRETARY: Calendar Number  
8 871, by Senator Volker, Senate Print 5189, an  
9 act to amend the Penal Law, in relation to  
10 computer tampering in the third degree.

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

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

16                  ACTING PRESIDENT KUHL: Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY: Ayes 53.

20                  ACTING PRESIDENT KUHL: The bill  
21 is passed.

22                  THE SECRETARY: Calendar Number  
23 873, by Senator Skelos, Senate Print 335, an act  
24 to amend the Executive Law, in relation to  
25 permitting parents of minors to be present

1 during any proceeding.

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

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

6 ACTING PRESIDENT KUHL: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 53.

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 875, by Senator Saland, Senate Print 682, an act  
14 to amend the Tax Law, in relation to the filing  
15 of certificates.

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

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

20 ACTING PRESIDENT KUHL: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 53.

24 ACTING PRESIDENT KUHL: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 880, by Senator Rath, Senate Print 3058, an act  
3 to amend the Tax Law, in relation to extending  
4 the effectiveness of one percent increase in  
5 sales and compensating use taxes in Genesee  
6 County.

7 ACTING PRESIDENT KUHL: Lay the  
8 bill aside.

9 THE SECRETARY: Calendar Number  
10 892, by Senator Goodman, Senate Print 4056, an  
11 act to amend the Tax Law, in relation to  
12 utilizing machine sensible technologies.

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

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

17 ACTING PRESIDENT KUHL: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 53.

21 ACTING PRESIDENT KUHL: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 893, by Senator Goodman, Senate Print 4081, an  
25 act to amend the Tax Law, in relation to

1 authorizing the filing of state tax warrants.

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

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

6 ACTING PRESIDENT KUHL: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 53.

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 905, by Senator Goodman, Senate Print 5204, an  
14 act to amend the Executive Law, in relation to  
15 providing a fraud tipster incentive.

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

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

20 ACTING PRESIDENT KUHL: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 53.

24 ACTING PRESIDENT KUHL: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 909, by member of the Assembly Tokasz, Assembly  
3 Print 5452-A, an act to amend the Economic  
4 Development Law, in relation to meetings of the  
5 New York State Tourism Advisory Council.

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

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 54.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 916, by member of the Assembly Feldman, Assembly  
18 Print 5793, an act to amend the Correction Law,  
19 in relation to the definition of a county for  
20 purposes of local conditional release  
21 commissions.

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

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

1                   ACTING PRESIDENT KUHL: Call the  
2                   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 54.

5                   ACTING PRESIDENT KUHL: The bill  
6                   is passed.

7                   THE SECRETARY: Calendar Number  
8                   926, by member of the Assembly Harenberg,  
9                   Assembly Print 6667, an act to amend Chapter 901  
10                  of the Laws of 1990, amending the Environmental  
11                  Conservation Law.

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

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

16                  ACTING PRESIDENT KUHL: Call the  
17                  roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY: Ayes 54.

20                  ACTING PRESIDENT KUHL: The bill  
21                  is passed.

22                  THE SECRETARY: Calendar Number  
23                  965, by Senator Cook, Senate Print 782, an act  
24                  to amend the Highway Law, in relation to  
25                  creating a farm and business transportation

1 program.

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

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

6 ACTING PRESIDENT KUHL: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 54.

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

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

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

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

20 THE SECRETARY: Calendar Number  
21 338, by Senator Trunzo, Senate Print 3109-A, an  
22 act to amend the Civil Service Law, in relation  
23 to designation as detective in certain  
24 instances.

25 ACTING PRESIDENT KUHL: Senator

1 Trunzo, an explanation.

2 SENATOR TRUNZO: I believe the  
3 objection has been withdrawn.

4 ACTING PRESIDENT KUHL: Senator  
5 Trunzo, an explanation of -

6 SENATOR LEICHTER: Explanation  
7 satisfactory.

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

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

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 54.

16 ACTING PRESIDENT KUHL: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 761, by Senator Spano, Senate Print 5133, an act  
20 to amend the Judiciary Law and Chapter 397 of  
21 the Laws of 1988.

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

25 SENATOR SPANO: Mr. President,

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

9                           ACTING PRESIDENT KUHL:  Senator  
10          Paterson.

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

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

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

18                          SENATOR SPANO:  Yes.

19                          ACTING PRESIDENT KUHL:  The  
20          Senator yields.

21                          SENATOR PATERSON:  Thank you very  
22          much.

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

1 other areas?

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

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

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

18 SENATOR PATERSON: Thank you, Mr.  
19 President.

20 If Senator Spano would yield to  
21 one further question.

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

24 SENATOR SPANO: Yes.

25 ACTING PRESIDENT KUHL: The

1 Senator continues to yield.

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

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

1 in Westchester that was brought to our  
2 attention.

3 SENATOR PATERSON: Thank you, Mr.  
4 President.

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

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

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

20 ACTING PRESIDENT KUHL: All  
21 right.

22 SENATOR MONTGOMERY: Thank you.

23 ACTING PRESIDENT KUHL: Senator  
24 Gold.

25 SENATOR GOLD: Yes. Would

1 Senator Spano yield to a question?

2 SENATOR SPANO: Yes.

3 ACTING PRESIDENT KUHL: The  
4 Senator yields.

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

7 SENATOR SPANO: What's the  
8 population of New Rochelle? I don't know,  
9 80,000.

10 SENATOR GOLD: How many judges -  
11 pardon me?

12 SENATOR SPANO: Give or take a  
13 little bit.

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

16 SENATOR SPANO: Neither can I.

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

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

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

24 SENATOR SPANO: I think it's  
25 four.

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

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

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

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

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

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

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

1 somebody they call a supervising judge.

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

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

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

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

14 ACTING PRESIDENT KUHL: Consider  
15 yourself so directed, Senator.

16 SENATOR GOLD: Thank you.

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

20 SENATOR SPANO: Yes.

21 ACTING PRESIDENT KUHL: The  
22 Senator yields.

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

25 SENATOR SPANO: Sure.

1                   SENATOR GOLD: Yeah. Apparently,  
2                   Senator, you give some examples of Buffalo with  
3                   12 judges and some others. I assume New  
4                   Rochelle would be the smallest city to get this  
5                   particular benefit, is that correct?

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

8                   SENATOR GOLD: You believe what?

9                   SENATOR SPANO: Utica, Niagara  
10                  Falls.

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

17                  SENATOR SPANO: That's correct.

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

20                  (There was no response.)

21                  Hearing none, the Secretary will  
22                  read the last section.

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

25                  ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 54.

4 ACTING PRESIDENT KUHL: The bill  
5 is passed.

6 Senator Montgomery.

7 SENATOR MONTGOMERY: Mr.

8 President, I would like unanimous consent to be  
9 recorded in the negative on Calendar 844.

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

14 The Secretary will continue to  
15 read the controversial calendar.

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

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

25 SENATOR ALESI: Mr. President,

1       this bill, at the request of the Department of  
2       State, provides that a security guard would have  
3       30 days rather than the current 14 days to  
4       notify the Department if he or she changes an  
5       address. It also provides that if a security  
6       guard is convicted of a serious offense, such as  
7       a felony, that he or she would automatically  
8       lose their registration or their standing as a  
9       security guard with the Department of State  
10      unless they request in writing within a 35-day  
11      period a hearing.

12                    ACTING PRESIDENT KUHL:  Senator  
13      Montgomery.

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

17                    ACTING PRESIDENT KUHL:  Senator  
18      Alesi, do you yield?

19                    SENATOR ALESI:  Yes.

20                    ACTING PRESIDENT KUHL:  The  
21      Senator yields.

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

1 felony offense that would be considered a  
2 serious felony offense.

3 SENATOR ALESI: That would be  
4 anything that would be contained in the Section  
5 89(f)(13) of the General Business Law.

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

10 SENATOR ALESI: Any example,  
11 Senator?

12 SENATOR MONTGOMERY: Excuse me?

13 SENATOR ALESI: Any example?

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

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

23 SENATOR MONTGOMERY: Okay. Thank  
24 you.

25 SENATOR ALESI: Arson, mayhem,

1 any of that stuff.

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

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

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

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

7                   (There was no response.)

8                   Hearing none, the Secretary will  
9                   read the last section.

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

12                  ACTING PRESIDENT KUHL: Call the  
13                  roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY: Ayes 53, nays 1,  
16                  Senator Montgomery recorded in the negative.

17                  ACTING PRESIDENT KUHL: The bill  
18                  is passed.

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

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

25                  ACTING PRESIDENT KUHL: Without

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

4 The Secretary will continue to  
5 read the controversial calendar.

6 THE SECRETARY: Calendar Number  
7 828, by Senator Saland, Senate Print 4341, an  
8 act to authorize the town of Poughkeepsie,  
9 county of Dutchess, to convey certain parklands.

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

19 ACTING PRESIDENT KUHL: Senator  
20 Paterson.

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

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

25 SENATOR SALAND: Yes, Mr.

1 President.

2 ACTING PRESIDENT KUHL: The  
3 Senator yields.

4 SENATOR PATERSON: Thank you very  
5 much, Senator Saland.

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

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

10 SENATOR PATERSON: Correct.

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

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

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

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

22 (There was no response.)

23 The Secretary will read the last  
24 section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

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

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

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

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

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

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

1 (The Secretary called the roll.)

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

5 THE SECRETARY: Ayes 55.

6 ACTING PRESIDENT KUHL: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 880, by Senator Rath, Senate Print 3058, an act  
10 to amend the Tax Law, in relation to extending  
11 the effectiveness of the one percent increase in  
12 sales and compensating use taxes in Genesee  
13 County.

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

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

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

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the  
3 roll.

4 (The Secretary called the roll.)

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

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

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

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

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

16 ACTING PRESIDENT KUHL: There is,  
17 Senator Holland.

18 SENATOR HOLLAND: Could we take  
19 it up, please.

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

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

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

3 Senator Levy moves to discharge  
4 from the Committee on Rules Assembly Bill Number  
5 522 and substitute it for the identical Senate  
6 bill, Third Reading 373.

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

11 Senator Meier moves to discharge  
12 from the Committee on Rules Assembly Bill Number  
13 4277 and substitute it for the identical Senate  
14 bill, Third Reading 1020.

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

19 Senator Kuhl moves to discharge  
20 from the Committee on Rules Assembly Bill Number  
21 7683 and substitute it for the identical Senate  
22 bill, Third Reading 1038.

23 Senator Farley moves to discharge  
24 from the Committee on Rules Assembly Bill Number  
25 3545 and substitute it for the identical Senate

1 bill, Third Reading 1064.

2 ACTING PRESIDENT KUHL: The  
3 substitutions are ordered.

4 The Chair recognizes Senator  
5 Holland.

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

9 ACTING PRESIDENT KUHL: The  
10 Senate stands adjourned until tomorrow, Tuesday,  
11 May 20th, at 10:00 a.m. Notice the time change,  
12 10:00 a.m.

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

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