ALBANY, NEW YORK

July 8, 1997

11:28 a.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 do order. Would everyone please rise and join with me in the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(A moment of silence was observed. )

The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, July 7th. The Senate met pursuant to adjournment. The Journal of Sunday, July 6th, was read and approved. On motion, 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 Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Finance Committee in Room 332 of the Capitol.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, while on motions and resolutions, I move we adopt the Resolution Calendar except Resolution 2020.

ACTING PRESIDENT MAZIARZ: Motion is to accept the Resolution Calendar. All those in favor.

(Response of "Aye.")

Opposed?

(There was no response. )

The motion is carried. Resolution Calendar is adopted except for the noted resolution.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ:

Senator Skelos.

SENATOR SKELOS: If we could have the title read on Resolution 2020 and then move for its immediate adoption.

ACTING PRESIDENT MAZIARZ:

Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution paying tribute to James R. Tallon, Jr., upon the occasion of his designation by the Communities Aid Association as the recipient of the Homer Folks Award.

ACTING PRESIDENT MAZIARZ:

Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, he'd like to open up sponsorship of that resolution, and now I move its adoption.

ACTING PRESIDENT MAZIARZ:

Without objection, so ordered.

On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Any other motions to be made at this time?

ACTING PRESIDENT MAZIARZ: Yes, Senator Skelos. Want to recognize one of the two Senator Leibells that we have in the chamber this morning.

SENATOR LEIBELL: Thank you, Mr. President.

I wish to call up my bill which is Print Number 3215, recalled from the Assembly and is now at the desk.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: By Senator Leibell, Senate Print 3215, an act authorizing the town of Southeast, Putnam County.

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

ACTING PRESIDENT MAZIARZ: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 48.

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

ACTING PRESIDENT MAZIARZ: Amendments received.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MAZIARZ: No.

SENATOR SKELOS: We'll stand at ease pending a report of the Finance Committee.

ACTING PRESIDENT MAZIARZ: We'll stand at ease pending a report of the Finance Committee.

(The Senate stood at ease from 11:33 a.m. To 11:37 a.m.)

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT MAZIARZ: Immediate meeting of the Rules Committee in Room 332. Immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

(The Senate stood at ease from 11:38 a.m., until 11:46 a.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Labor Committee in Room 332.

ACTING PRESIDENT MAZIARZ: There will be an immediate meeting of the Labor Committee in Room 332.

SENATOR SKELOS: Followed by a meeting of the Energy Committee.

ACTING PRESIDENT MAZIARZ: Immediate meeting of the Labor Committee, followed by a meeting of the Energy Committee in Room 332.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. Ask it be read.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, offers up the following bill directly for third reading:

5685, by the Committee on Rules, an act making appropriation for the support of government.

SENATOR SKELOS: Mr. President, I move we accept the report of the Finance Committee.

ACTING PRESIDENT MAZIARZ: Motion is to accept the report of the Finance Committee. All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

Senator Skelos.

SENATOR SKELOS: Mr. President, may we take up Calendar 1530.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: Calendar Number 1530, by the Committee on Rules, Senate Print 5685, an act making appropriation for the support of government.

SENATOR SKELOS: Mr. President, is there a message of appropriation and necessity at the desk?

ACTING PRESIDENT MAZIARZ: There is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MAZIARZ: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The message is accepted.

Senator Skelos.

SENATOR SKELOS: Please take up the bill.

ACTING PRESIDENT MAZIARZ: Secretary will read. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52, nays one, Senator Dollinger recorded in the

negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there is a report of the Rules Committee at the desk. I ask it be read.

ACTING PRESIDENT MAZIARZ: Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Print 5684, by the Committee on Rules, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

Assembly Bill 8450, Senate Reprint 21,002, by the Committee on Rules, an act to amend Chapter 145 of the Laws of 1997;

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity and appropriation at the desk on Calendar Number 1529?

ACTING PRESIDENT MAZIARZ:

Senator Skelos, at this time we'd move to accept the Rules report.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The report is accepted.

SENATOR SKELOS: Take up Calendar Number 1529.

THE SECRETARY: Calendar Number 1529, by the Committee on Rules, Senate Print 5684, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT MAZIARZ: There is a message of necessity. All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR SKELOS: Take it up.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Senator Padavan.

SENATOR PADAVAN: Voting negative.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52, nays one, Senator Padavan recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Stand at ease, Mr. President.

ACTING PRESIDENT MAZIARZ: The Senate will stand at ease.

(The Senate stood at ease from 11:50 a.m., until 11:56 a.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WRIGHT: Senator

Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Energy Committee in the Majority Conference Room.

ACTING PRESIDENT WRIGHT: There will be an immediate meeting of the Energy Committee in the Majority Conference Room.

SENATOR SKELOS: Could we return to motions and resolutions. I believe there is a privileged resolution at the desk.

ACTING PRESIDENT WRIGHT: Secretary will read.

SENATOR SKELOS: By Senator Larkin. I ask that the title be read and I move for its immediate adoption.

ACTING PRESIDENT WRIGHT: Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution honoring New York State Commander Bill Schiffman upon his elevation to the highest post in the state Veterans of Foreign Wars July 21, 1997.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

ACTING PRESIDENT WRIGHT: The ayes have it. The resolution is adopted.

SENATOR SKELOS: Stand at ease, Mr. President.

ACTING PRESIDENT WRIGHT: Senate will stand at ease.

(The Senate stood at ease from 11:58 a.m., until 12:06 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WRIGHT: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar 1505, Senate 21002.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 1505, by the Assembly Committee on Rules, Assembly Print 8450, Senate Reprint Number 21002, an act to amend a chapter of the laws of 1997, entitled an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President,

is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT WRIGHT: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT WRIGHT: All in favor of accepting the messages of necessity say aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The messages are accepted. Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll. )

ACTING PRESIDENT WRIGHT: The bill is passed.

THE SECRETARY: Ayes 53.

ACTING PRESIDENT WRIGHT: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT WRIGHT: There is not, Senator Skelos.

SENATOR SKELOS: Mr. President, there is going to be an immediate -- a conference of the Majority on Tuesday, July 15 at 11:00 a.m., and there being no further business, I move we adjourn until Tuesday, July 15th, at 12:00 noon, intervening days to be legislative days and, before we adjourn, if you could recognize Senator Gold.

SENATOR GOLD: Thank you.

ACTING PRESIDENT WRIGHT: Senator Gold.

SENATOR GOLD: Actually if you could recognize Senator Mendez, I'd appreciate it.

ACTING PRESIDENT WRIGHT: Senator Mendez.

SENATOR MENDEZ: Thank you. Mr. President, there's going to be a Democratic Conference in Room 314.

SENATOR GOLD: Immediately.

SENATOR MENDEZ: Immediately.

ACTING PRESIDENT WRIGHT: Immediate Minority Conference in Room 314. And the Senate stands adjourned until Tuesday, at 12:00 noon. On motion, the Senate stands adjourned until Tuesday, July 15th, at 12:00 noon.

SENATOR SKELOS: Intervening days to be legislative days.

ACTING PRESIDENT WRIGHT: Intervening days to be legislative days.

(Whereupon at 12:07 p.m., the Senate adjourned.)