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ALBANY, NEW YORK

April 9, 1998

12:03 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, aCTING President

STEVEN M. BOGGESS, Secretary

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

2 ACTING PRESIDENT MEIER: The  
3 Senate will come to order. Will you please  
4 join me in the Pledge of Allegiance to the  
5 Flag.

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

8 Reverend Peter Young, of the  
9 Blessed Sacrament Church of Bolton Landing  
10 will give the invocation.

11 REVEREND PETER YOUNG: Let us  
12 pray.

13 Dear God, we ask Your blessing  
14 on all of the Senate members and their staffs.  
15 Their commitment to Your citizens of our New  
16 York State will be enhanced by their call to  
17 You for guidance and Your support. We ask You  
18 this now and forever. Amen.

19 ACTING PRESIDENT MEIER:  
20 Reading of the Journal.

21 THE SECRETARY: In Senate  
22 Wednesday, April 8th. The Senate met pursuant  
23 to adjournment, Senator Meier in the Chair  
24 upon designation of the Temporary President.  
25 The Journal of Tuesday, April 7th, was read

1 and approved. On motion, Senate adjourned.

2 ACTING PRESIDENT MEIER:

3 Without objection, the Journal stands approved  
4 as read.

5 Presentation of petitions.

6 Messages from the Assembly.

7 Messages from the Governor.

8 Reports of standing

9 committees.

10 Reports of select committees.

11 Communications and reports from  
12 state officers.

13 Motions and resolutions.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,  
16 if we could take up the non-controversial  
17 calendar, please.

18 ACTING PRESIDENT MEIER: The  
19 Secretary will read the non-controversial  
20 calendar.

21 THE SECRETARY: Calendar Number  
22 262, by Senator Maltese, Senate Print 4876-A,  
23 an act to amend the Municipal Home Rule Law,  
24 in relation to punishment.

25 ACTING PRESIDENT MEIER: Read

1 the last section.

2 THE SECRETARY: Section 2.

3 This act shall take effect immediately.

4 ACTING PRESIDENT MEIER: Call

5 the roll.

6 (The Secretary called the

7 roll. )

8 THE SECRETARY: Ayes 39.

9 ACTING PRESIDENT MEIER: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 456, by Senator Velella, Senate Print 1187, an  
13 act to amend the Penal Law, in relation to the  
14 crime of unauthorized use of a motor vehicle.

15 ACTING PRESIDENT MEIER: Read  
16 the last section.

17 THE SECRETARY: Section 2.

18 This act shall take effect on the first day of  
19 November.

20 ACTING PRESIDENT MEIER: Call

21 the roll.

22 (The Secretary called the

23 roll. )

24 THE SECRETARY: Ayes 39.

25 ACTING PRESIDENT MEIER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 464, by Senator Maltese, Senate Print 3564-A,  
4 an act to amend the Penal Law, in relation to  
5 placing a false bomb.

6 ACTING PRESIDENT MEIER: Read  
7 the last section.

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

11 ACTING PRESIDENT MEIER: Call  
12 the roll.

13 (The Secretary called the  
14 roll.)

15 THE SECRETARY: Ayes 39.

16 ACTING PRESIDENT MEIER: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 469, by Senator Volker, Senate Print 5353, an  
20 act to amend the Criminal Procedure Law, in  
21 relation to transfer of supervision.

22 ACTING PRESIDENT MEIER: Read  
23 the last section.

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

1 November.

2 ACTING PRESIDENT MEIER: Call  
3 the roll.

4 (The Secretary called the  
5 roll. )

6 THE SECRETARY: Ayes 39.

7 ACTING PRESIDENT MEIER: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 478, by member of the Assembly Hill, Assembly  
11 Print 20-A, an act in relation to permitting  
12 the Judea United Baptist Church, Incorporated  
13 to file an application.

14 ACTING PRESIDENT MEIER: Read  
15 the last section.

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

18 ACTING PRESIDENT MEIER: Call  
19 the roll.

20 (The Secretary called the  
21 roll. )

22 THE SECRETARY: Ayes 38, nays  
23 one, Senator Cook recorded in the negative.

24 ACTING PRESIDENT MEIER: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 481, by Senator Johnson, Senate Print 6304, an  
3 act to authorize the Freedom Chapel Assembly  
4 of God to file an application.

5 ACTING PRESIDENT MEIER: Read  
6 the last section.

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

9 ACTING PRESIDENT MEIER: Call  
10 the roll.

11 (The Secretary called the  
12 roll. )

13 THE SECRETARY: Ayes 38, nays  
14 one, Senator Cook recorded in the negative.

15 ACTING PRESIDENT MEIER: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 493, by Senator Larkin, Senate Print 473, an  
19 act to amend the Agriculture and Markets Law,  
20 in relation to the forfeiture of animals.

21 ACTING PRESIDENT MEIER: Read  
22 the last section.

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

25 ACTING PRESIDENT MEIER: Call

1 the roll.

2 (The Secretary called the  
3 roll. )

4 THE SECRETARY: Ayes 39.

5 ACTING PRESIDENT MEIER: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 498, by Senator Kuhl, Senate Print 6160, an  
9 act to amend Chapter 182 of the Laws of 1993,  
10 amending the Agriculture and Markets Law.

11 ACTING PRESIDENT MEIER: Read  
12 the last section.

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

15 ACTING PRESIDENT MEIER: Call  
16 the roll.

17 (The Secretary called the  
18 roll. )

19 THE SECRETARY: Ayes 39.

20 ACTING PRESIDENT MEIER: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 565, by Senator Leibell, Senate Print 6120, an  
24 act to amend the Highway Law, in relation to  
25 designating a portion of the state highway

1 system.

2 ACTING PRESIDENT MEIER: Read  
3 the last section.

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

6 ACTING PRESIDENT MEIER: Call  
7 the roll.

8 (The Secretary called the  
9 roll. )

10 THE SECRETARY: Ayes 41.

11 ACTING PRESIDENT MEIER: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 573, by Senator DeFrancisco, Senate Print  
15 6557, an act to amend the Parks, Recreation  
16 and Historic Preservation Law and the Vehicle  
17 and Traffic Law.

18 ACTING PRESIDENT MEIER: Read  
19 the last section.

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

22 ACTING PRESIDENT MEIER: Call  
23 the roll.

24 (The Secretary called the  
25 roll. )

1 THE SECRETARY: Ayes 41.

2 ACTING PRESIDENT MEIER: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 577, by Senator Goodman, Senate Print 3651, an  
6 act to amend the Alcoholic Beverage Control  
7 Law, in relation to permitting the State  
8 Liquor Authority to apply as payment.

9 ACTING PRESIDENT MEIER: Read  
10 the last section.

11 THE SECRETARY: Section 2.  
12 This act shall take effect on the 60th day.

13 ACTING PRESIDENT MEIER: Call  
14 the roll.

15 (The Secretary called the  
16 roll. )

17 THE SECRETARY: Ayes 42.

18 ACTING PRESIDENT MEIER: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 578, by Senator Goodman, Senate Print 3673, an  
22 act to amend the Alcoholic Beverage Control  
23 Law, in relation to consolidating the number  
24 of permits.

25 ACTING PRESIDENT MEIER: Read

1 the last section.

2 THE SECRETARY: Section 3.

3 This act shall take effect immediately.

4 ACTING PRESIDENT MEIER: Call  
5 the roll.

6 (The Secretary called the  
7 roll. )

8 THE SECRETARY: Ayes 43.

9 ACTING PRESIDENT MEIER: The  
10 bill is passed.

11 Senator Skelos, that completes  
12 the reading of the calendar.

13 SENATOR SKELOS: Mr. President,  
14 there is going to be a meeting of the Finance  
15 Committee at 12:15 in the Majority Conference  
16 Room, and we'll stand at ease.

17 ACTING PRESIDENT MEIER:  
18 Meeting of the Finance Committee at 12:15 in  
19 the Majority Conference Room, and the Senate  
20 will stand at ease.

21 (Whereupon at 12:10 p.m., the  
22 Senate stood at ease until 12:30 p.m.)

23 ACTING PRESIDENT MEIER:  
24 Senator Skelos.

25 SENATOR SKELOS: Mr. President,

1 if we could return to reports of standing  
2 committees, I believe there's a report of the  
3 Finance Committee at the desk. I ask it be  
4 read.

5 ACTING PRESIDENT MEIER:  
6 Reports of standing committees. The Secretary  
7 will read.

8 THE SECRETARY: Senator  
9 Stafford, from the Committee on Finance,  
10 reports the following bills direct to third  
11 reading:

12 Restored, Senate Print 6104-C,  
13 Budget Bill, an act making appropriations for  
14 the support of government (Public Protection,  
15 Health and Mental Hygiene Budgets); and

16 6451, by Senator Stafford, an  
17 act to amend Chapter 989 of the Laws of 1958.

18 ACTING PRESIDENT MEIER: Both  
19 bills restored to third reading.

20 Senator Skelos.

21 SENATOR SKELOS: Mr. President,  
22 if we could call up Calendar Number 437.

23 ACTING PRESIDENT MEIER:  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 437, Budget Bill, Senate Print 6104-C, an act  
2 making appropriations for the support of  
3 government.

4 SENATOR SKELOS: Is there a  
5 message at the desk?

6 ACTING PRESIDENT MEIER: There  
7 is a message at the desk.

8 SENATOR SKELOS: Move we  
9 accept.

10 ACTING PRESIDENT MEIER:  
11 Question is on the motion to accept the  
12 message of necessity. All those in favor  
13 signify by saying aye.

14 (Response of "Aye.")

15 Opposed nay.

16 (There was no response. )

17 The message is accepted.

18 SENATOR SKELOS: Last section.

19 ACTING PRESIDENT MEIER: Read  
20 the last section.

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

23 ACTING PRESIDENT MEIER: Call  
24 the roll.

25 (The Secretary called the

1 roll. )

2 ACTING PRESIDENT MEIER: The  
3 bill is passed.

4 SENATOR SKELOS: Mr. President,  
5 could we call up Calendar Number 438.

6 ACTING PRESIDENT MEIER:  
7 Secretary will read Calendar Number 438.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,  
10 I inadvertently called up Calendar Number  
11 438. It should be Calendar Number 610.

12 ACTING PRESIDENT MEIER:  
13 Secretary will read Calendar Number 610.

14 THE SECRETARY: Senator  
15 Stafford, from the -- moves to discharge from  
16 the Committee on Finance Assembly Bill Number  
17 9346 and substitute it for the identical Third  
18 Reading Calendar 610.

19 ACTING PRESIDENT MEIER:  
20 Substitution ordered.

21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 610, by member of the Assembly Straniere,  
24 Assembly Print 9346, an act to amend Chapter  
25 989 of the Laws of 1958, relating to the

1 Temporary State Commission of Investigation.

2 ACTING PRESIDENT MEIER: Read  
3 the last section.

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

6 ACTING PRESIDENT MEIER: Call  
7 the roll.

8 (The Secretary called the  
9 roll. )

10 THE SECRETARY: Ayes 50.

11 ACTING PRESIDENT MEIER: The  
12 bill is passed.

13 Senator Skelos.

14 SENATOR SKELOS: Mr. President,  
15 we'll stand at ease, please.

16 ACTING PRESIDENT MEIER: Senate  
17 will stand at ease.

18 (Whereupon at 12:33 p.m., the  
19 Senate stood at ease until 12:58 p.m.)

20 ACTING PRESIDENT MEIER:  
21 Senator Skelos.

22 SENATOR SKELOS: Mr. President,  
23 there will be an immediate meeting of the  
24 Finance Committee in the Majority Conference  
25 Room.

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ACTING PRESIDENT MEIER:

Immediate meeting of the Finance Committee in the Senate Majority Conference Room. Senate will stand at ease.

(Whereupon at 12:59 p.m., the Senate stood at ease until 1:07 p.m.)

SENATOR SKELOS: Mr.

President.

ACTING PRESIDENT MEIER:

Senator Skelos.

SENATOR SKELOS: Mr. President,

if we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT MEIER:

Reports of standing committees. Secretary will read.

THE SECRETARY: Senator

Stafford, from the Committee on Finance, reports the following bill:

Senate Print 6919, by the Committee on Rules, an act making appropriations for the support of government.

ACTING PRESIDENT MEIER: Read

1 the last section.

2 SENATOR SKELOS: Without  
3 objection, if we could report it to third  
4 reading.

5 ACTING PRESIDENT MEIER: Direct  
6 to third reading.

7 SENATOR SKELOS: If we could  
8 call up Calendar Number 611.

9 ACTING PRESIDENT MEIER:  
10 Secretary will read.

11 THE SECRETARY: Calendar Number  
12 611, by the Senate Committee on Rules, Senate  
13 Print 6919, an act making appropriations for  
14 the support of government.

15 SENATOR SKELOS: Is there a  
16 message at the desk?

17 ACTING PRESIDENT MEIER: There  
18 is a message at the desk.

19 SENATOR SKELOS: Move to  
20 accept.

21 ACTING PRESIDENT MEIER:  
22 Question is on the motion to accept the  
23 message of necessity. All those in favor  
24 signify by saying aye.

25 (Response of "Aye.")

1                   Opposed nay.  
2                   (There was no response. )  
3                   The message is accepted. Read  
4 the last section.  
5                   THE SECRETARY: Section 5.  
6 This act shall take effect immediately.  
7                   ACTING PRESIDENT MEIER: Call  
8 the roll.  
9                   (The Secretary called the  
10 roll. )  
11                   THE SECRETARY: Ayes 56.  
12                   ACTING PRESIDENT MEIER: The  
13 bill is passed.  
14                   Senator Skelos.  
15                   SENATOR SKELOS: Mr. President,  
16 there will be a conference of the Majority in  
17 the Majority Conference Room at 1:15.  
18                   ACTING PRESIDENT MEIER:  
19 Conference of the Majority in the Majority  
20 Conference Room at 1:15. Senate will stand at  
21 ease.  
22                   (Whereupon at 1:10 p.m., the  
23 Senate stood at ease until 2:21 p.m.)  
24                   ACTING PRESIDENT MEIER:  
25 Senator Skelos.

1                   SENATOR SKELOS: Mr. President,  
2                   there being no further business -- well, first  
3                   of all, is there any housekeeping at the  
4                   desk?

5                   ACTING PRESIDENT MEIER: There  
6                   is no further housekeeping at the desk.

7                   SENATOR SKELOS: There being no  
8                   further business, I move we adjourn until  
9                   Tuesday, April 14th, at 2:00 p.m., intervening  
10                  days to be legislative days.

11                  ACTING PRESIDENT MEIER: On  
12                  motion, the Senate stands adjourned until  
13                  Tuesday, April 14th, at 2:00 p.m., intervening  
14                  days will be legislative days.

15                  (Whereupon at 2:22 p.m., the  
16                  Senate adjourned. )

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