ALBANY, NEW YORK

April 9, 1998

12:03 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, aCTING President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

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

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

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

REVEREND PETER YOUNG: Let us pray.

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

ACTING PRESIDENT MEIER: Reading of the Journal.

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

and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: 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: Mr. President, if we could take up the non-controversial calendar, please.

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

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

ACTING PRESIDENT MEIER: Read

the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 39.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 39.

ACTING PRESIDENT MEIER: The

bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 39.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call

the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 39.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 39.

ACTING PRESIDENT MEIER: The bill is passed.

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

system.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 41.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 41.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 42.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Read

the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 43.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

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

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

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

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 it be read.

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

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

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

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

ACTING PRESIDENT MEIER: Both bills restored to third reading.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number

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

SENATOR SKELOS: Is there a message at the desk?

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

SENATOR SKELOS: Move we accept.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The message is accepted.

SENATOR SKELOS: Last section.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the

roll. )

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Secretary will read Calendar Number 438.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Secretary will read Calendar Number 610.

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

ACTING PRESIDENT MEIER: Substitution ordered.

Secretary will read.

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

Temporary State Commission of Investigation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Senate will stand at ease.

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

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

the last section.

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

ACTING PRESIDENT MEIER: Direct to third reading.

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

ACTING PRESIDENT MEIER: Secretary will read.

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

SENATOR SKELOS: Is there a message at the desk?

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

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The message is accepted. Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be a conference of the Majority in the Majority Conference Room at 1:15.

ACTING PRESIDENT MEIER: Conference of the Majority in the Majority Conference Room at 1:15. Senate will stand at ease.

(Whereupon at 1:10 p.m., the Senate stood at ease until 2:21 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

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

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

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