ALBANY, NEW YORK

May 13, 1998

11:05 a.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. I ask everyone present to please rise and join me in reciting the Pledge of Allegiance to the Flag.

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

In the absence of clergy, may we now bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 12th. The Senate met pursuant to adjournment. The Journal of Monday, May 11th, was read and approved. Upon motion, the 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 Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Cook, I offer -- on page number 42, I offer the following amendments to Calendar Number 540, Senate Print Number 781, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and the bill will retain its place on the Third Reading Calendar.

The Secretary will read the substitutions.

THE SECRETARY: On page 6, Senator Stafford moves to discharge from the Committee on Finance Assembly Bill 8696 and substitute it for the identical Senate Bill 5715.

On page 7, Senator Trunzo moves to discharge from the Committee on Civil Service and Pensions Assembly Bill Number 10754 and substitute it for the identical Senate Bill 7430.

On page 7, Senator Trunzo moves to discharge from the Committee on Civil Service and

Pensions Assembly Bill 10753 and substitute it for the identical Senate Bill 7431.

On page 7, Senator LaValle moves to discharge from the Committee on Commerce, Economic Development and Small Business Assembly Bill 6448 and substitute it for the identical Senate Bill 3686.

On page 7, Senator LaValle moves to discharge from the Committee on Commerce, Economic Development and Small Business Assembly Bill 9389 and substitute it for the identical Senate Bill 6462.

On page 8, Senator Present moves to discharge from the Committee on Commerce, Economic Development and Small Business Assembly Bill 1239 and substitute it for the identical Senate Bill 7143.

On page 20, Senator Marcellino moves to discharge from the Committee on Investigations, Taxation and Government Operations Assembly Bill Number 2024 and substitute it for the identical Senate Bill 4128-A.

On page 23, Senator Marchi moves to discharge from the Committee on Transportation

Assembly Bill 9194 and substitute it for the identical Senate Bill 6161.

On page 24, Senator Spano moves to discharge from the Committee on Tourism, Recreation and Sports Development Assembly Bill 7656 and substitute it for the identical Senate Bill 4396.

ACTING PRESIDENT MEIER: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, with the consent of the Minority, I move that Calendars 939 and 940, which are on first report on the calendar, be advanced to third reading and that they have their third reading today.

ACTING PRESIDENT MEIER: So ordered.

Senator Skelos.

SENATOR SKELOS: I believe that there is a privileged resolution at the desk by myself. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Skelos,

Legislative Resolution commemorating the 50th Anniversary of Temple B'nai Israel of Elmont to be celebrated Saturday, May 16th, 1998.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Move the resolution.

ACTING PRESIDENT MEIER: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk by Senator LaValle. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator LaValle, Legislative Resolution honoring the past and present members of the Greenport Fire Department Star Hose Company Number 3 for 100 years of fire protection to the citizens of

Greenport, New York and its surrounding communities.

ACTING PRESIDENT MEIER: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time may we please have the reading of the non-controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 325, by Senator Goodman, Senate Print 5161-A, an act to amend the Arts and Cultural Affairs Law, in relation to including the Secretary of State.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of January.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 643, by Senator Waldon, Senate Print 140, an act to amend the Criminal Procedure Law, in relation to misdemeanor complaints.

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 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 645, by Senator Volker, Senate Print 521, an act to amend the Civil Practice Law and Rules and the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 647, by Senator Skelos, Senate Print 3504, an act to amend the Civil Practice Law and Rules, in relation to privileged communications.

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 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 669, by Senator Wright, Senate Print 6476, an act to repeal Chapter 972 of the Laws of 1972.

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 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 680, by Senator Nozzolio, Senate Print 5190, an act to amend the Correction Law, in relation to appointment.

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 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

684, by Senator Balboni, Senate Print 6503, an act to amend the Executive 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 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 694, by Senator LaValle, Senate Print 6358, an act to amend the Education Law, in relation to the unlawful sale.

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 37.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 702, by member of the Assembly Griffith, Assembly Print 9762, an act to amend the Surrogates Court Procedure Act.

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.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 727, by Senator Trunzo, Senate Print 6308-A, an act to amend the General Municipal Law and the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect July 1st, 1998.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 821, by Senator Meier, Senate Print 6667, an act in relation to the transfer of a portion of a highway.

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 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 848, by Senator Balboni, Senate Print 7150 -

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number

907, by Senator Farley, Senate Print 7442, an act to amend Chapter 3 of the Laws of 1997, amending the Banking Law and the Insurance Law.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Just to explain my vote quickly. I just want to say thank you to all the members of the Banking Committee. This is the wild card bill which is a very important piece of legislation and to say thank you to Senator Santiago who's played a major role in this house, in particular with the Minority.

To explain this, this is simply the bill that passed last year, exactly making it permanent. It's a crucial piece of legislation for New York State. It passed last year unanimously in both houses, same one, and actually we expect that this will be taken up in the Assembly, and again I want to pay tribute to everybody that was such a large part of making this bill happen.

ACTING PRESIDENT MEIER: Senator Santiago.

SENATOR SANTIAGO: Thank you, Mr. President.

May I explain my vote?

ACTING PRESIDENT MEIER: Yes.

SENATOR SANTIAGO: Mr. President, before I address the bill itself, I would like to thank you, Senator Farley.

You not only opened up the legislation for sponsorship, but you are always open to me and you allowed us to talk with you directly and to present the ideas of my conference and you really took us seriously.

So I feel very honored to be able to stand here and to represent my conference and to say to you thank you publicly on behalf of myself and on behalf of the conference and because of your work it was easy to support this legislation because it's good for New York State but it's also good -- I think we're sending a message that both sides of the aisle can work well together and I'm really proud of that and that's because of your leadership, and I wanted to say that up front. So thank you, sir.

But, Mr. President, this legislation is important to both the state banking industry and to the financial consumers of New York State. This includes my constituents

but it includes all of the constituents of New York State, all of the consumers.

This bill will encourage state banks like Chase Manhattan to remain chartered in New York and it's something that Senator Farley and I have discussed for two or three years. We need banks to stay chartered. This means that they are more likely to keep their head offices in the state providing jobs to our citizens. It means that these banks will remain subject to New York's ATM Safety Act, our basic banking account requirements and our strong CRA retirements, Community Reinvestment Act.

It also means that the financial consumer will continue to benefit from the strong supervision of our state Banking Department instead of a distant regulator in Washington, and again, Senator Farley, this is something you and I have discussed.

This bill will make it easier for banks to sell insurance or invest in the securities market, something they can do now on a limited basis.

This bill permits our state banks to exercise the same powers that national banks

like Citibank now have. It will keep our banks strong and competitive in the financial industry for the next millennium.

I urge my colleagues to support it, to support this bill, to support Senator Farley, to support myself and thank you very much.

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 42.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Housing Committee in the Senate Majority Conference Room.

The Secretary will continue to

read the calendar.

THE SECRETARY: Calendar Number 939, substituted and advanced earlier today, by the Assembly Committee on Rules, Assembly Print 10754, an act to amend Chapter 582 of the Laws of 1996.

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 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 940, substituted and advanced earlier today, by the Assembly Committee on Rules, Assembly Print 10753, an act to amend Chapter 582 of the Laws of 1996.

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 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 941, by the Committee on Rules, Senate Print 7466, an act making an appropriation.

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 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 942, by the Committee on Rules, Senate Print 7467, an act making an appropriation.

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 42.

ACTING PRESIDENT MEIER: The bill is passed.

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

ACTING PRESIDENT MEIER: Yes, Senator. We have two motions.

SENATOR SKELOS: Would you have Senator Marcellino make those motions once we're ready to make the motions.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. On behalf of Senator Skelos, on page number 30, I offer the following amendments to Calendar Number 137, Senate Print Number 337, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I wish to call up Calendar Number 343, Assembly Print Number 8888.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 343, by member of the Assembly Gunther, Assembly Print 8888, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was -- I'm sorry -- I now move to reconsider the vote by which this Assembly bill was substituted for Senator Cook's bill, Senate Print Number 6077 on 3/10/1998.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

SENATOR MARCELLINO: I now move

that the Assembly Bill Number 8888 be recommitted to the Committee on Racing, Gaming and Wagering and Senator Cook's Senate bill be recommitted to the Committee on Racing, Gaming and Wagering with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT MEIER: So ordered.

SENATOR MARCELLINO: Thank you, Mr. President.

One more.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Goodman, on page number 64, I offer the following amendments to Calendar Number 846, Senate Print Number 7007, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator

Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Monday, May 18th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT MEIER: Upon motion, the Senate stands adjourned until Monday, May 18th, at 3:00 p.m., intervening days will be legislative days.

(Whereupon, at 11:21 a.m., the Senate adjourned.)