ALBANY, NEW YORK

May 26, 1998

3:05 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. I ask everyone present to please rise and repeat with me the Pledge of Allegiance to the Flag.

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

Reverend Peter Young will now give us the invocation.

REVEREND PETER G. YOUNG: Let us pray. Father of poor, God of love, You made us all Your people. We praise You and we thank You. Fill us with a sense of justice. Help us to do Your work, to take the side of the lowly, to defend the newcomer, to welcome the stranger. Help us now to be friend to the friendless, to protect the weak and work for the rights of all.

God, in our journey home, bring us together in peace and justice and in love. Amen.

ACTING PRESIDENT MEIER: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 24th. The Senate met pursuant to adjournment. The Journal of Saturday, May 23rd, was read and approved. On 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 Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions to be made?

ACTING PRESIDENT MEIER: Yes, Senator, there are.

SENATOR SKELOS: Please make the substitutions.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 30, Senator Spano moves to discharge from the Committee on Rules Assembly Print 10756 and substitute it for the identical Senate Bill 7004.

On page 46, Senator Stafford moves

to discharge from the Committee on Rules Assembly Bill 9759 and substitute it for the identical Senate Bill 6838.

On page 53, Senator Gold moves to discharge from the Committee on Rules Assembly Bill 4129 and substitute it for the identical Senate Bill 1094.

On page 54, Senator Meier moves to discharge from the Committee on Rules Assembly Bill 10083 and substitute it for the identical Senate Bill 7425.

On page 54, Senator Maltese moves to discharge from the Committee on Rules Assembly Bill 9825-A and substitute it for the identical Senate Bill 6396-A.

On page 56, Senator Skelos moves to discharge from the Committee on Rules Assembly Bill 10995 and substitute it for the identical Senate Bill 5600-B.

On page 61, Senator Marchi moves to discharge from the Committee on Rules Assembly Bill Number 10281 and substitute it for the identical Senate Bill 6826.

On page 63, Senator Trunzo moves to discharge from the Committee on Rules Assembly

Bill 9211 and substitute it for the identical Senate Bill 6168.

On page 64, Senator DeFrancisco moves to discharge from the Committee on Rules Assembly Bill 8349-B and substitute it for the identical Senate Bill 5583-B.

ACTING PRESIDENT MEIER: The substitutions are ordered.

Senator Wright.

SENATOR WRIGHT: Mr. President, amendments are offered to the following third calendar reading bills:

Sponsored by Senator Velella, page 11, Calendar Number 337, Senate Print 4422; sponsored by Senator Larkin, page 18, Calendar Number 580, Senate Print 3982; sponsored by Senator LaValle, page 21, Calendar Number 660, Senate Print 1401-A; sponsored by Senator Cook, page 21, Calendar Number 666, Senate Print 6277; sponsored by Senator Skelos, page 29, Calendar Number 774, Senate Print 6428; sponsored by Senator Volker, page number 33, Calendar 836, Senate Print 5009-A; sponsored by Senator Marchi, page 35, Calendar Number 864, Senate Print 6646; sponsored by Senator Nozzolio, page 44, Calendar

Number 964, Senate Print 7075; sponsored by Senator Alesi, page 50, Calendar Number 1032, Senate Print 7217; sponsored by Senator Alesi, page 54, Calendar Number 1064, Senate Print 7220; sponsored by Senator Goodman, page 58, Calendar Number 1097, Senate Print 756; sponsored by Senator Skelos, page 62, Calendar Number 1136, Senate Print 6862; sponsored by Senator Marchi, page 62, Calendar Number 1137, Senate Print 7331; sponsored by Senator Leibell, page 65, Calendar Number 1174, Senate Print 7458; sponsored by Senator Meier, page 41, Calendar Number 932, Senate Print 6286; sponsored by Senator Cook, page 14, Calendar Number 446, Senate Print 899-A.

Mr. President, I move that these bills retain their place on the order of third reading.

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

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I move to recommit the following resolutions to the Committee on Finance:

Resolution Number 3505, 3506 and 3507.

ACTING PRESIDENT MEIER: The resolutions will be recommitted to the Committee on Finance.

SENATOR MARCELLINO: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Stafford, Legislative Resolution commending the Delaware and Hudson upon the occasion of its 175th anniversary.

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, could we take up the non-controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the non-controversial calendar -- Senator Skelos, could we return momentarily to motions.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I move the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill Number 6002, sponsored by Senator Volker and Senate Bill Number 4385, sponsored by Senator Alesi.

ACTING PRESIDENT MEIER: So ordered.

Senator Skelos, we'll go now to the non-controversial calendar.

The Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 116, by Senator Meier, Senate Print 2573, an act to amend the Education Law and the Public Health

Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 120th 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 254, by Senator Leibell, Senate Print 6153-A, an act to amend the Private Housing Finance 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 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

255, by Senator Leibell, Senate Print 6154-A, an act to amend the Private Housing Finance 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 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Leibell, Senate Print 1556-A, an act to amend the Penal Law, the County Law and the Executive Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. 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 40 -

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Ayes 44, nays 1, Senator Maziarz recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 626, by Senator Present, Senate Print 4080-A, an act to amend the Executive Law and the General Municipal Law.

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 44, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator Holland, Senate Print 6368-A, an act to amend the Social Service Law, in relation

to providing.

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 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 691, by Senator LaValle, Senate Print 4695-A, an act to amend the Education Law, in relation to the functions of the chief fiscal officer.

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 44, nays 1, Senator Libous recorded in the negative.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 698, by Senator LaValle, Senate Print 6791, an act to repeal Section 658 of the Education 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 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 732, by Senator Skelos, Senate Print 2640-B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of April.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 737, by Senator Wright, Senate Print 7318 -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 747, by the Assembly Committee on Rules, Assembly Print 7613, an act to amend the Real Property Actions and Proceedings Law.

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 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 748, by Senator DeFrancisco, Senate Print 5980,

an act to amend the Real Property Actions and Proceedings 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 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 749, by member of the Assembly Weinstein, Assembly Print 9992, an act to amend the New York City Civil Court Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 760, by Senator Alesi, Senate Print 6133-A, an act to amend the General Business Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 782, by Senator Hannon, Senate Print 7347, an act to amend the Public Health Law and the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect April 28th, 1999.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 790, by Senator Spano, Senate Print 6940, an act to amend the Workers' Compensation 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 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 792, by Senator Spano, Senate Print 6963, an act to amend the Labor Law.

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 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 793, by Senator Spano, Senate Print 6964, an act to amend the Labor 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 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 795, by the Assembly Committee on Rules, Assembly Print 10756, an act to amend Chapter 206 of the Laws of 1974, amending the Labor 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 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 796, by Senator Marcellino, Senate Print 7014, an act to amend the Labor Law, in relation to criminal penalties.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47, nays 1, Senator Cook recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 798, by Senator Spano, Senate Print 7028, an act to amend the Workers' Compensation 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 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 799, by Senator Spano, Senate Print 7029, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect in 60 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 800, by Senator Spano, Senate Print 7038, an act

to amend Chapter 831 of the Laws of 1981, amending the Labor 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 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 801, by Senator Spano, Senate Print 7046, an act to amend the Workers' Compensation Law, in relation to dispute resolution process for claims.

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.

THE SECRETARY: Calendar Number 806, by Senator Saland, Senate Print 817, an act to amend the Family Court Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 824, by Senator Johnson, Senate Print 6849, an act to amend the Public Authorities Law, in relation to changing the date of adoption of plans.

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 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 842, by member of the Assembly Nolan, Assembly Print 9788-A, an act to amend the Penal Law, in relation to offering a false instrument.

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 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 843, by Senator Volker, Senate Print 6323, an act to amend the Penal Law, in relation to the offenses of bail jumping and failing to respond.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 7. 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 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 845, by Senator Johnson, Senate Print 6703 -

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 846, by Senator Goodman, Senate Print 7007-B, an act to amend the Civil Practice Law and Rules, in relation to personal property exempt.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT MEIER: Read the last section -- lay the bill aside.

THE SECRETARY: Calendar Number 851, by Senator Farley, Senate Print 7017, an act to amend the Social Service Law, in relation to

requiring.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 852, by Senator Holland, Senate Print 7083, an act to amend the Social Services Law.

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 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

853, by Senator Holland, Senate Print 7277.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 860, by Senator Wright, Senate Print 6629-A, an act to amend the Environmental Conservation 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 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 865, by Senator Marchi, Senate Print 6665, an act to amend the Business Corporation Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 12. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 948, by Senator Present, Senate Print 6889, an act to amend the Executive Law, in relation to establishing.

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 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 973, by Senator Stavisky, Senate Print 2906, an act to amend the Penal Law, in relation to increasing.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 7. 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 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 974, by Senator Present, Senate Print 3296, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

975, by Senator Volker, Senate Print 6199, an act to amend the Civil Practice Law and Rules.

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 52 -- excuse me. Ayes 51, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Also Senator Seabrook. Ayes 50, nays 2.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator Alesi, Senate Print 6243, an act to amend the Criminal Procedure Law, the Penal Law and the Family Court Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. 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 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 978, by Senator Maltese, Senate Print 6299, an act to amend the Penal Law, in relation to criminal tampering.

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 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 980, by Senator Lack, Senate Print 6681, an act to amend the Penal Law, in relation to

definitions.

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 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Volker, Senate Print 6747, an act to amend the Criminal Procedure 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 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 983, by Senator Volker, Senate Print 6748, an act to amend the Criminal Procedure 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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 985, by Senator DeFrancisco -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 988, by Senator Saland, Senate Print 6932, an act to amend the Penal Law, in relation to assault.

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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Saland, Senate Print 2726-B -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1048, by Senator Marcellino, Senate Print 7403, an act to amend the Environmental Conservation Law, in relation to the sale of products.

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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator Alesi, Senate Print 6819-A, an act to amend the Correction Law, in relation to making it a Class A misdemeanor.

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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1061, by Senator Alesi, Senate Print 7045, an act to amend the General Business Law, in relation to permitting.

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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1065, by Senator Alesi, Senate Print 7396, an act to amend the General Business Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect January 1st, 1999.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1067, by Senator Larkin, Senate Print 6090, an act to amend the Real Property Tax 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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1068, by Senator Larkin, Senate Print 6424, an act to amend the Real Property Tax 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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1071, by Senator Holland, Senate Print 4123-A, an act to amend the Social Services Law.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 2. This act -

SENATOR HOLLAND: Star the bill.

ACTING PRESIDENT MEIER: Star the bill at the request of the sponsor.

THE SECRETARY: Calendar Number 1073, by Senator Holland, Senate Print 6966, an act to amend the Social Services 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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1084, by Senator Meier, Senate Print 6468-A -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1088, by Senator Goodman, Senate Print 6736, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1103, by member of the Assembly Connelly, Assembly Print 9194, an act to amend the Highway Law, in relation to the POW/MIA Memorial Highway.

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 54.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: Mr. President, if we could return to motions and resolutions, I believe there's an amendment for Calendar Number 853.

ACTING PRESIDENT MEIER: We'll return to the order of motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I actually have three sets of motions to do, including the one that Senator Skelos just mentioned.

On behalf of Senator Holland, on page number 34, I offer the following amendments to Calendar Number 853, Senate Print Number 7277, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator DeFrancisco, on page number 39, I offer the following amendments to Calendar Number 909, Senate Print Number 6444, 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.

On behalf of Senator DeFrancisco, I -- on page number 59, I offer the following amendments to Calendar Number 1110, Senate Print Number 6441, 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.

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar.

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

THE SECRETARY: Calendar Number

845, by Senator Johnson, Senate Print 6703, an act to amend the Penal Law, in relation to criminal contempt in the first degree.

ACTING PRESIDENT MEIER: Read the last section -- can we have some order in the house, please.

The Secretary will 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 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 846, by Senator Goodman, Senate Print 7007-B, an act to amend the Civil Practice Law and Rules, in relation to the personal property exempt from application.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the first day of September.

ACTING PRESIDENT MEIER: Senator Leichter, why do you rise?

SENATOR LEICHTER: Mr. President, if I may explain my vote.

This bill exempts -

ACTING PRESIDENT MEIER: Senator Leichter, if I may. We have to call the roll first and then I'll go directly to you to explain your vote.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Leichter.

SENATOR LEICHTER: Mr. President, I'm going to oppose this bill as I've opposed other bills that exempt assets and property from being used to satisfy a judgment. In this particular instance, it's the Roth IRA or Roth accounts where people every year can put $2,000 and build up a very nice nest egg. I don't know why we should exempt that property from a

judgment. All we're doing is hurting people who have been found to have a legitimate claim, a legitimate right to collect.

I don't know how many of you read the article in the New York Times over this last weekend how taxi companies and taxi drivers in New York find ways not to pay judgments and it gave many examples of people who have been seriously injured who are entitled to compensation, who receive a judgment but they can't collect it because there's so many ways that you can hide your assets.

Now, people who, it's one thing to say you're not going to take somebody's homestead, you're not going to take their cooking utensils. Why do we say you can't take away their Roth accounts when they have been found by a court to be liable by somebody for money judgments? I think it's a mistake.

I vote in the negative, Mr. President.

ACTING PRESIDENT MEIER: Senator Leichter will be recorded in the negative.

THE SECRETARY: Ayes 54, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Mr. President, there will be a meeting of the Investigations, Taxation and Governmental Operations Committee immediately after session in Room 332.

ACTING PRESIDENT MEIER: There will be a meeting of Investigations, Taxation and Government Operations immediately after session in Room 332.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not -- oh, I'm sorry.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 975.

ACTING PRESIDENT MEIER: Without objection -- Senator Montgomery. Senator Montgomery. I'm sorry. We have some difficulty hearing. Can we have the calendar number of the bill.

SENATOR MONTGOMERY: 975.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar Number 975.

SENATOR MONTGOMERY: Thank you.

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

SENATOR SKELOS: There being no further business, I move we adjourn until Wednesday, May 27th, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Wednesday, May 27th, at 11:00 a.m.

(Whereupon, at 3:34 p.m., the Senate adjourned.)