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ALBANY, NEW YORK

May 26, 1998

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

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

8 Reverend Peter Young will now give  
9 us the invocation.

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

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

20 ACTING PRESIDENT MEIER: The  
21 reading of the Journal.

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

1 adjourned.

2 ACTING PRESIDENT MEIER: Without  
3 objection, the Journal stands approved as read.

4 Presentation of petitions.

5 Messages from the Assembly.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from  
10 state officers.

11 Motions and resolutions.

12 Senator Skelos.

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

15 ACTING PRESIDENT MEIER: Yes,  
16 Senator, there are.

17 SENATOR SKELOS: Please make the  
18 substitutions.

19 ACTING PRESIDENT MEIER: The  
20 Secretary will read the substitutions.

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

25 On page 46, Senator Stafford moves

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

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

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

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

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

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

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

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

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

7 ACTING PRESIDENT MEIER: The  
8 substitutions are ordered.

9 Senator Wright.

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

13 Sponsored by Senator Velella, page  
14 11, Calendar Number 337, Senate Print 4422;  
15 sponsored by Senator Larkin, page 18, Calendar  
16 Number 580, Senate Print 3982; sponsored by  
17 Senator LaValle, page 21, Calendar Number 660,  
18 Senate Print 1401-A; sponsored by Senator Cook,  
19 page 21, Calendar Number 666, Senate Print 6277;  
20 sponsored by Senator Skelos, page 29, Calendar  
21 Number 774, Senate Print 6428; sponsored by  
22 Senator Volker, page number 33, Calendar 836,  
23 Senate Print 5009-A; sponsored by Senator Marchi,  
24 page 35, Calendar Number 864, Senate Print 6646;  
25 sponsored by Senator Nozzolio, page 44, Calendar

1 Number 964, Senate Print 7075; sponsored by  
2 Senator Alesi, page 50, Calendar Number 1032,  
3 Senate Print 7217; sponsored by Senator Alesi,  
4 page 54, Calendar Number 1064, Senate Print 7220;  
5 sponsored by Senator Goodman, page 58, Calendar  
6 Number 1097, Senate Print 756; sponsored by  
7 Senator Skelos, page 62, Calendar Number 1136,  
8 Senate Print 6862; sponsored by Senator Marchi,  
9 page 62, Calendar Number 1137, Senate Print 7331;  
10 sponsored by Senator Leibell, page 65, Calendar  
11 Number 1174, Senate Print 7458; sponsored by  
12 Senator Meier, page 41, Calendar Number 932,  
13 Senate Print 6286; sponsored by Senator Cook,  
14 page 14, Calendar Number 446, Senate Print 899-A.

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

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

21 Senator Marcellino.

22 SENATOR MARCELLINO: Thank you,  
23 Mr. President.

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

1 Resolution Number 3505, 3506 and 3507.

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

5 SENATOR MARCELLINO: Thank you,  
6 Mr. President.

7 ACTING PRESIDENT MEIER: Senator  
8 Skelos.

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

14 ACTING PRESIDENT MEIER: The  
15 Secretary will read.

16 THE SECRETARY: By Senator  
17 Stafford, Legislative Resolution commending the  
18 Delaware and Hudson upon the occasion of its  
19 175th anniversary.

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

23 (Response of "Aye".)

24 Opposed, nay.

25 (There was no response.)

1                   The resolution is adopted.

2                   Senator Skelos.

3                   SENATOR SKELOS: Mr. President,  
4                   could we take up the non-controversial calendar.

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

9                   Senator Fuschillo.

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

17                  ACTING PRESIDENT MEIER: So  
18                  ordered.

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

21                  The Secretary will read the  
22                  non-controversial calendar.

23                  THE SECRETARY: Calendar Number  
24                  116, by Senator Meier, Senate Print 2573, an act  
25                  to amend the Education Law and the Public Health

1 Law.

2 ACTING PRESIDENT MEIER: Read the  
3 last section.

4 THE SECRETARY: Section 9. This  
5 act shall take effect on the 120th day.

6 ACTING PRESIDENT MEIER: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 42.

10 ACTING PRESIDENT MEIER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 254, by Senator Leibell, Senate Print 6153-A, an  
14 act to amend the Private Housing Finance Law.

15 ACTING PRESIDENT MEIER: Read the  
16 last section.

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

19 ACTING PRESIDENT MEIER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 42.

23 ACTING PRESIDENT MEIER: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 255, by Senator Leibell, Senate Print 6154-A, an  
2 act to amend the Private Housing Finance Law.

3 ACTING PRESIDENT MEIER: Read the  
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 42.

11 ACTING PRESIDENT MEIER: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 458, by Senator Leibell, Senate Print 1556-A, an  
15 act to amend the Penal Law, the County Law and  
16 the Executive Law.

17 ACTING PRESIDENT MEIER: Read the  
18 last section.

19 THE SECRETARY: Section 6. This  
20 act shall take effect on the first day of  
21 November.

22 ACTING PRESIDENT MEIER: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 40 -

1                   ACTING PRESIDENT MEIER: The bill  
2                   is passed.

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

5                   ACTING PRESIDENT MEIER: The bill  
6                   is passed.

7                   THE SECRETARY: Calendar Number  
8                   626, by Senator Present, Senate Print 4080-A, an  
9                   act to amend the Executive Law and the General  
10                  Municipal Law.

11                  ACTING PRESIDENT MEIER: Read the  
12                  last section.

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

16                  ACTING PRESIDENT MEIER: Call the  
17                  roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY: Ayes 44, nays 1,  
20                  Senator Leichter recorded in the negative.

21                  ACTING PRESIDENT MEIER: The bill  
22                  is passed.

23                  THE SECRETARY: Calendar Number  
24                  667, by Senator Holland, Senate Print 6368-A, an  
25                  act to amend the Social Service Law, in relation

1 to providing.

2 ACTING PRESIDENT MEIER: Read the  
3 last section.

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

6 ACTING PRESIDENT MEIER: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 45.

10 ACTING PRESIDENT MEIER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 691, by Senator LaValle, Senate Print 4695-A, an  
14 act to amend the Education Law, in relation to  
15 the functions of the chief fiscal officer.

16 ACTING PRESIDENT MEIER: Read the  
17 last section.

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

20 ACTING PRESIDENT MEIER: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 44, nays 1,  
24 Senator Libous recorded in the negative.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 698, by Senator LaValle, Senate Print 6791, an  
4 act to repeal Section 658 of the Education Law.

5 ACTING PRESIDENT MEIER: Read the  
6 last section.

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

9 ACTING PRESIDENT MEIER: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 45.

13 ACTING PRESIDENT MEIER: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 732, by Senator Skelos, Senate Print 2640-B, an  
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT MEIER: Read the  
19 last section.

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

22 ACTING PRESIDENT MEIER: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 46.

1                   ACTING PRESIDENT MEIER: The bill  
2                   is passed.

3                   THE SECRETARY: Calendar Number  
4                   737, by Senator Wright, Senate Print 7318 -

5                   SENATOR SKELOS: Lay it aside for  
6                   the day.

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

9                   THE SECRETARY: Calendar Number  
10                  747, by the Assembly Committee on Rules, Assembly  
11                  Print 7613, an act to amend the Real Property  
12                  Actions and Proceedings Law.

13                  ACTING PRESIDENT MEIER: Read the  
14                  last section.

15                  THE SECRETARY: Section 2. This  
16                  act shall take effect on the first day of  
17                  November.

18                  ACTING PRESIDENT MEIER: Call the  
19                  roll.

20                  (The Secretary called the roll.)

21                  THE SECRETARY: Ayes 46.

22                  ACTING PRESIDENT MEIER: The bill  
23                  is passed.

24                  THE SECRETARY: Calendar Number  
25                  748, by Senator DeFrancisco, Senate Print 5980,

1 an act to amend the Real Property Actions and  
2 Proceedings Law.

3 ACTING PRESIDENT MEIER: Read the  
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 46.

11 ACTING PRESIDENT MEIER: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 749, by member of the Assembly Weinstein,  
15 Assembly Print 9992, an act to amend the New York  
16 City Civil Court Act.

17 ACTING PRESIDENT MEIER: Read the  
18 last section.

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

21 ACTING PRESIDENT MEIER: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 46.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 760, by Senator Alesi, Senate Print 6133-A, an  
4 act to amend the General Business Law.

5 ACTING PRESIDENT MEIER: Read the  
6 last section.

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

9 ACTING PRESIDENT MEIER: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 46.

13 ACTING PRESIDENT MEIER: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 782, by Senator Hannon, Senate Print 7347, an act  
17 to amend the Public Health Law and the Education  
18 Law.

19 ACTING PRESIDENT MEIER: Read the  
20 last section.

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

23 ACTING PRESIDENT MEIER: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 46.

2 ACTING PRESIDENT MEIER: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 790, by Senator Spano, Senate Print 6940, an act  
6 to amend the Workers' Compensation Law.

7 ACTING PRESIDENT MEIER: Read the  
8 last section.

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

11 ACTING PRESIDENT MEIER: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 46.

15 ACTING PRESIDENT MEIER: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 792, by Senator Spano, Senate Print 6963, an act  
19 to amend the Labor Law.

20 ACTING PRESIDENT MEIER: Read the  
21 last section.

22 THE SECRETARY: Section 2. This  
23 act shall take effect on the first day of  
24 November.

25 ACTING PRESIDENT MEIER: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 48.

4 ACTING PRESIDENT MEIER: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 793, by Senator Spano, Senate Print 6964, an act  
8 to amend the Labor Law.

9 ACTING PRESIDENT MEIER: Read the  
10 last section.

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

13 ACTING PRESIDENT MEIER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 48.

17 ACTING PRESIDENT MEIER: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 795, by the Assembly Committee on Rules, Assembly  
21 Print 10756, an act to amend Chapter 206 of the  
22 Laws of 1974, amending the Labor Law.

23 ACTING PRESIDENT MEIER: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MEIER: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 48.

6 ACTING PRESIDENT MEIER: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 796, by Senator Marcellino, Senate Print 7014, an  
10 act to amend the Labor Law, in relation to  
11 criminal penalties.

12 ACTING PRESIDENT MEIER: Read the  
13 last section.

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

16 ACTING PRESIDENT MEIER: Call the  
17 roll.

18 (The Secretary called the roll.)

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

21 ACTING PRESIDENT MEIER: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 798, by Senator Spano, Senate Print 7028, an act  
25 to amend the Workers' Compensation Law.

1                   ACTING PRESIDENT MEIER: Read the  
2                   last section.

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

5                   ACTING PRESIDENT MEIER: Call the  
6                   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 49.

9                   ACTING PRESIDENT MEIER: The bill  
10                  is passed.

11                  THE SECRETARY: Calendar Number  
12                  799, by Senator Spano, Senate Print 7029, an act  
13                  to amend the Workers' Compensation Law.

14                  ACTING PRESIDENT MEIER: Read the  
15                  last section.

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

18                  ACTING PRESIDENT MEIER: Call the  
19                  roll.

20                  (The Secretary called the roll.)

21                  THE SECRETARY: Ayes 49.

22                  ACTING PRESIDENT MEIER: The bill  
23                  is passed.

24                  THE SECRETARY: Calendar Number  
25                  800, by Senator Spano, Senate Print 7038, an act

1 to amend Chapter 831 of the Laws of 1981,  
2 amending the Labor Law.

3 ACTING PRESIDENT MEIER: Read the  
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 50.

11 ACTING PRESIDENT MEIER: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 801, by Senator Spano, Senate Print 7046, an act  
15 to amend the Workers' Compensation Law, in  
16 relation to dispute resolution process for  
17 claims.

18 ACTING PRESIDENT MEIER: Read the  
19 last section.

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

22 ACTING PRESIDENT MEIER: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 50.

1                   ACTING PRESIDENT MEIER: The bill  
2                   is passed.

3                   THE SECRETARY: Calendar Number  
4                   806, by Senator Saland, Senate Print 817, an act  
5                   to amend the Family Court Act.

6                   ACTING PRESIDENT MEIER: Read the  
7                   last section.

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

10                  ACTING PRESIDENT MEIER: Call the  
11                  roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY: Ayes 50.

14                  ACTING PRESIDENT MEIER: The bill  
15                  is passed.

16                  THE SECRETARY: Calendar Number  
17                  824, by Senator Johnson, Senate Print 6849, an  
18                  act to amend the Public Authorities Law, in  
19                  relation to changing the date of adoption of  
20                  plans.

21                  ACTING PRESIDENT MEIER: Read the  
22                  last section.

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

25                  ACTING PRESIDENT MEIER: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 50.

4 ACTING PRESIDENT MEIER: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 842, by member of the Assembly Nolan, Assembly  
8 Print 9788-A, an act to amend the Penal Law, in  
9 relation to offering a false instrument.

10 ACTING PRESIDENT MEIER: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect on the first day of  
14 November.

15 ACTING PRESIDENT MEIER: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 50.

19 ACTING PRESIDENT MEIER: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 843, by Senator Volker, Senate Print 6323, an act  
23 to amend the Penal Law, in relation to the  
24 offenses of bail jumping and failing to respond.

25 ACTING PRESIDENT MEIER: Read the

1 last section.

2 THE SECRETARY: Section 7. This  
3 act shall take effect on the first day of  
4 November.

5 ACTING PRESIDENT MEIER: Call the  
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 50.

9 ACTING PRESIDENT MEIER: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 845, by Senator Johnson, Senate Print 6703 -

13 SENATOR SKELOS: Lay it aside.

14 ACTING PRESIDENT MEIER: Lay the  
15 bill aside.

16 THE SECRETARY: Calendar Number  
17 846, by Senator Goodman, Senate Print 7007-B, an  
18 act to amend the Civil Practice Law and Rules, in  
19 relation to personal property exempt.

20 SENATOR LEICHTER: Lay it aside.

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

23 THE SECRETARY: Calendar Number  
24 851, by Senator Farley, Senate Print 7017, an act  
25 to amend the Social Service Law, in relation to

1 requiring.

2 ACTING PRESIDENT MEIER: Read the  
3 last section.

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

6 ACTING PRESIDENT MEIER: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 50.

10 ACTING PRESIDENT MEIER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 852, by Senator Holland, Senate Print 7083, an  
14 act to amend the Social Services Law.

15 ACTING PRESIDENT MEIER: Read the  
16 last section.

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

19 ACTING PRESIDENT MEIER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 50.

23 ACTING PRESIDENT MEIER: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 853, by Senator Holland, Senate Print 7277.

2 SENATOR SKELOS: Lay it aside for  
3 the day.

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

6 THE SECRETARY: Calendar Number  
7 860, by Senator Wright, Senate Print 6629-A, an  
8 act to amend the Environmental Conservation Law.

9 ACTING PRESIDENT MEIER: Read the  
10 last section.

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

13 ACTING PRESIDENT MEIER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 50.

17 ACTING PRESIDENT MEIER: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 865, by Senator Marchi, Senate Print 6665, an act  
21 to amend the Business Corporation Law.

22 ACTING PRESIDENT MEIER: Read the  
23 last section.

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

1                   ACTING PRESIDENT MEIER: Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY: Ayes 51.

5                   ACTING PRESIDENT MEIER: The bill  
6 is passed.

7                   THE SECRETARY: Calendar Number  
8 948, by Senator Present, Senate Print 6889, an  
9 act to amend the Executive Law, in relation to  
10 establishing.

11                  ACTING PRESIDENT MEIER: Read the  
12 last section.

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

15                  ACTING PRESIDENT MEIER: Call the  
16 roll.

17                  (The Secretary called the roll.)

18                  THE SECRETARY: Ayes 51.

19                  ACTING PRESIDENT MEIER: The bill  
20 is passed.

21                  THE SECRETARY: Calendar Number  
22 973, by Senator Stavisky, Senate Print 2906, an  
23 act to amend the Penal Law, in relation to  
24 increasing.

25                  ACTING PRESIDENT MEIER: Read the

1 last section.

2 THE SECRETARY: Section 7. This  
3 act shall take effect on the first day of  
4 November.

5 ACTING PRESIDENT MEIER: Call the  
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 51.

9 ACTING PRESIDENT MEIER: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 974, by Senator Present, Senate Print 3296, an  
13 act to amend the Penal Law and the Criminal  
14 Procedure Law.

15 ACTING PRESIDENT MEIER: Read the  
16 last section.

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

19 ACTING PRESIDENT MEIER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 51.

23 ACTING PRESIDENT MEIER: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 975, by Senator Volker, Senate Print 6199, an act  
2 to amend the Civil Practice Law and Rules.

3 ACTING PRESIDENT MEIER: Read the  
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 52 -- excuse  
11 me. Ayes 51, nays 1, Senator Leichter recorded  
12 in the negative.

13 ACTING PRESIDENT MEIER: The bill  
14 is passed.

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

17 ACTING PRESIDENT MEIER: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 976, by Senator Alesi, Senate Print 6243, an act  
21 to amend the Criminal Procedure Law, the Penal  
22 Law and the Family Court Act.

23 ACTING PRESIDENT MEIER: Read the  
24 last section.

25 THE SECRETARY: Section 9. This

1 act shall take effect on the first day of  
2 November.

3 ACTING PRESIDENT MEIER: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 52.

7 ACTING PRESIDENT MEIER: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 978, by Senator Maltese, Senate Print 6299, an  
11 act to amend the Penal Law, in relation to  
12 criminal tampering.

13 ACTING PRESIDENT MEIER: Read the  
14 last section.

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

17 ACTING PRESIDENT MEIER: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 52.

21 ACTING PRESIDENT MEIER: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 980, by Senator Lack, Senate Print 6681, an act  
25 to amend the Penal Law, in relation to

1 definitions.

2 ACTING PRESIDENT MEIER: Read the  
3 last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect on the first day of  
6 November.

7 ACTING PRESIDENT MEIER: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 52.

11 ACTING PRESIDENT MEIER: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 982, by Senator Volker, Senate Print 6747, an act  
15 to amend the Criminal Procedure Law.

16 ACTING PRESIDENT MEIER: Read the  
17 last section.

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

20 ACTING PRESIDENT MEIER: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 52.

24 ACTING PRESIDENT MEIER: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 983, by Senator Volker, Senate Print 6748, an act  
3 to amend the Criminal Procedure Law.

4 ACTING PRESIDENT MEIER: Read the  
5 last section.

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

8 ACTING PRESIDENT MEIER: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 54.

12 ACTING PRESIDENT MEIER: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 985, by Senator DeFrancisco -

16 SENATOR SKELOS: Lay it aside for  
17 the day.

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

20 THE SECRETARY: Calendar Number  
21 988, by Senator Saland, Senate Print 6932, an act  
22 to amend the Penal Law, in relation to assault.

23 ACTING PRESIDENT MEIER: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first day of  
2 November.

3 ACTING PRESIDENT MEIER: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 54.

7 ACTING PRESIDENT MEIER: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 996, by Senator Saland, Senate Print 2726-B -

11 SENATOR SKELOS: Lay it aside for  
12 the day.

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

15 THE SECRETARY: Calendar Number  
16 1048, by Senator Marcellino, Senate Print 7403,  
17 an act to amend the Environmental Conservation  
18 Law, in relation to the sale of products.

19 ACTING PRESIDENT MEIER: Read the  
20 last section.

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

23 ACTING PRESIDENT MEIER: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 54.

2 ACTING PRESIDENT MEIER: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1050, by Senator Alesi, Senate Print 6819-A, an  
6 act to amend the Correction Law, in relation to  
7 making it a Class A misdemeanor.

8 ACTING PRESIDENT MEIER: Read the  
9 last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the first day of  
12 November.

13 ACTING PRESIDENT MEIER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 54.

17 ACTING PRESIDENT MEIER: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1061, by Senator Alesi, Senate Print 7045, an act  
21 to amend the General Business Law, in relation to  
22 permitting.

23 ACTING PRESIDENT MEIER: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MEIER: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 54.

6 ACTING PRESIDENT MEIER: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1065, by Senator Alesi, Senate Print 7396, an act  
10 to amend the General Business Law.

11 ACTING PRESIDENT MEIER: Read the  
12 last section.

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

15 ACTING PRESIDENT MEIER: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 54.

19 ACTING PRESIDENT MEIER: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1067, by Senator Larkin, Senate Print 6090, an  
23 act to amend the Real Property Tax Law.

24 ACTING PRESIDENT MEIER: Read the  
25 last section.

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

3 ACTING PRESIDENT MEIER: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 54.

7 ACTING PRESIDENT MEIER: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1068, by Senator Larkin, Senate Print 6424, an  
11 act to amend the Real Property Tax Law.

12 ACTING PRESIDENT MEIER: Read the  
13 last section.

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

16 ACTING PRESIDENT MEIER: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 54.

20 ACTING PRESIDENT MEIER: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1071, by Senator Holland, Senate Print 4123-A, an  
24 act to amend the Social Services Law.

25 ACTING PRESIDENT MEIER: Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act -

4 SENATOR HOLLAND: Star the bill.

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

7 THE SECRETARY: Calendar Number  
8 1073, by Senator Holland, Senate Print 6966, an  
9 act to amend the Social Services Law.

10 ACTING PRESIDENT MEIER: Read the  
11 last section.

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

14 ACTING PRESIDENT MEIER: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 54.

18 ACTING PRESIDENT MEIER: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1084, by Senator Meier, Senate Print 6468-A -

22 SENATOR SKELOS: Lay it aside for  
23 the day.

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

1 THE SECRETARY: Calendar Number  
2 1088, by Senator Goodman, Senate Print 6736, an  
3 act to amend the Tax Law.

4 ACTING PRESIDENT MEIER: Read the  
5 last section.

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

8 ACTING PRESIDENT MEIER: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 54.

12 ACTING PRESIDENT MEIER: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1103, by member of the Assembly Connelly,  
16 Assembly Print 9194, an act to amend the Highway  
17 Law, in relation to the POW/MIA Memorial Highway.

18 ACTING PRESIDENT MEIER: Read the  
19 last section.

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

22 ACTING PRESIDENT MEIER: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 54.

1                   ACTING PRESIDENT MEIER: The bill  
2 is passed.

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

5                   SENATOR SKELOS: Mr. President, if  
6 we could return to motions and resolutions, I  
7 believe there's an amendment for Calendar Number  
8 853.

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

11                   Senator Marcellino.

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

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

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

24                   SENATOR MARCELLINO: Thank you,  
25 Mr. President.

1                   On behalf of Senator DeFrancisco,  
2                   on page number 39, I offer the following  
3                   amendments to Calendar Number 909, Senate Print  
4                   Number 6444, and ask that said bill retain its  
5                   place on the Third Reading Calendar.

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

9                   SENATOR MARCELLINO: Thank you,  
10                  Mr. President.

11                  On behalf of Senator DeFrancisco,  
12                  I -- on page number 59, I offer the following  
13                  amendments to Calendar Number 1110, Senate Print  
14                  Number 6441, and ask that said bill retain its  
15                  place on the Third Reading Calendar.

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

19                  SENATOR MARCELLINO: Thank you,  
20                  Mr. President.

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

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

25                  THE SECRETARY: Calendar Number

1 845, by Senator Johnson, Senate Print 6703, an  
2 act to amend the Penal Law, in relation to  
3 criminal contempt in the first degree.

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

7 The Secretary will read the last  
8 section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the first day of  
11 November.

12 ACTING PRESIDENT MEIER: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 54.

16 ACTING PRESIDENT MEIER: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 846, by Senator Goodman, Senate Print 7007-B, an  
20 act to amend the Civil Practice Law and Rules, in  
21 relation to the personal property exempt from  
22 application.

23 ACTING PRESIDENT MEIER: Read the  
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the first day of  
2 September.

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

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

7 This bill exempts -

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

12 SENATOR LEICHTER: Thank you.

13 ACTING PRESIDENT MEIER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MEIER: Senator  
17 Leichter.

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

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

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

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

20 I vote in the negative, Mr.  
21 President.

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

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

1                   ACTING PRESIDENT MEIER: The bill  
2 is passed.

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

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

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

13                   SENATOR SKELOS: Is there any  
14 housekeeping at the desk?

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

17                   Senator Montgomery.

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

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

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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.)