ALBANY, NEW YORK

June 11, 1998

10:03 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, the staff to find their places. If everybody in the chamber would rise and join me in saying the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

ACTING PRESIDENT KUHL: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 10th. The Senate met pursuant to adjournment. The Journal of Tuesday, June 9th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no 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.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I wish to call up Senator Velella's bill, number 5421, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Velella, Senate Print 5421, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 37.

SENATOR MARCELLINO: I now offer the following amendments, Mr. President.

ACTING PRESIDENT KUHL: The amendments are received.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Holland, I call up his bill, Print Number 5989-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Holland, Senate Print 5989-A, an act to amend the Social Services Law.

SENATOR MARCELLINO: Mr. President, I move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 37.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Stafford, I wish to call up his bill, Print Number 6772, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Stafford, Senate Print 6772, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: Senator

Marcellino.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Saland, I wish to call up his bill, Print Number 3442, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Saland, Senate Print 3442, an act to amend the Domestic Relations Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: On behalf of Senator Volker, Mr. President, I wish to call up his bill, Print Number 6739-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Volker, Senate Print 6739-A, an act to amend the Local Finance Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

Amendments are offered on the following Third Reading Calendar bills:

On behalf of Senator Balboni, page number 25, Calendar Number 833, Senate Print Number 4248-A;

On behalf of Senator Maziarz, page number 29, Calendar Number 919, Senate Print Number 7367;

On behalf of Senator Balboni, page number 31, Calendar Number 953, Senate Print Number 7325;

On behalf of Senator Balboni, page number 37, Calendar Number 1086, Senate Print Number 6709;

On behalf of Senator Spano, on

page number 41, Calendar Number 1195, Senate Print Number 7507;

On behalf of Senator Santiago, on page number 44, Calendar Number 1279, Senate Print Number 4290;

On behalf of Senator DeFrancisco, page number 45, Calendar Number 1295, Senate Print Number 7097;

On behalf of Senator Balboni, page number 47, Calendar Number 1309, Senate Print Number 7589 and, Mr. President, I now move these bills retain their place on the Third Reading Calendar.

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

SENATOR MARCELLINO: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Thank you, Senator Marcellino.

Senator Skelos, we have a couple of substitutions at the desk.

SENATOR SKELOS: Please make the substitutions.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 29, Senator Skelos moves to discharge from the Committee on Rules Assembly Print 9583-E and substitute it for the identical Senate Bill 6427-E.

On page 43, Senator Farley moves to discharge from the Committee on Rules Assembly Bill 1974-B and substitute it for the identical Senate Bill 1276-B.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Skelos.

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

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution by Senator Seward, the title to the privileged resolution.

THE SECRETARY: By Senator Seward, Legislative Resolution honoring the past

and present members of the Summit Fire Department for 50 years of fire protection to the citizens of Summit and its surrounding communities on Saturday, June 13th, 1998.

ACTING PRESIDENT KUHL: 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, there's a privileged resolution at the desk by Senator Lack. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator Lack.

THE SECRETARY: By Senator Lack, Legislative Resolution honoring Peter J. Nolan upon the occasion of his retirement after many years of distinguished service to the village of Northport, New York.

ACTING PRESIDENT KUHL: 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, there's a privileged resolution at the desk by Senator Connor. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator Connor.

THE SECRETARY: By Senator Connor, Legislative Resolution commending John P. Musico, superintendent of Community School District 14 for his distinguished service to Community School District 14 and the community.

ACTING PRESIDENT KUHL: 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, there's a privileged resolution at the desk by Senator Goodman. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator Goodman.

THE SECRETARY: By Senator Goodman, Legislative Resolution honoring Madison Avenue Book Shop upon the occasion of its 25th anniversary.

ACTING PRESIDENT KUHL: 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, there's another privileged resolution at the desk by Senator Goodman. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator Goodman.

THE SECRETARY: By Senator Goodman, Legislative Resolution honoring Dr. Edward G. Kaufman upon the occasion of his retirement after 50 years of distinguished service with the New York University College of Dentistry, the last 13 years as dean.

ACTING PRESIDENT KUHL: 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, that brings us to the calendar.

SENATOR SKELOS: Please proceed with the non-controversial calendar.

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

THE SECRETARY: Calendar Number 141, by Senator Alesi, Senate Print 948-A, an

act to amend the Penal Law.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37 -- ayes 36, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 479, by Senator Hannon, Senate Print 6263-A, an act in relation to permitting the Church of New Life.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 35, nays 2, Senators Cook and Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 514, by Senator Spano, Senate Print 6571-B, an act to amend the Labor Law, in relation to field sanitation.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 638, by Senator Rath, Senate Print 6485-A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Read the

last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 751, by member of the Assembly Destito, Assembly Print 9993, an act to amend the Judiciary Law.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 242 of the Laws of 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

847, by Senator Maziarz, Senate Print 7079, an act to amend the Penal Law, in relation to creating.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 855, by Senator Marcellino, Senate Print 5227-A, an act to amend the Environmental Conservation Law, in relation to hunting, trapping and fishing.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 871, by Senator Farley, Senate Print 7352-B -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 952, by Senator Maziarz, Senate Print 7248-B, an act in relation to authorizing the Finger Lakes Regional Education Center.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 960, by Senator Cook, Senate Print 6514-A, an act to authorize payment of transportation aid.

ACTING PRESIDENT KUHL: There is a local fiscal impact note at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 977, by Senator Marcellino, Senate Print 6289-A, an act to amend the Penal Law, in relation to authorizing.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 995, by Senator Saland, Senate Print 1137, an act to amend the Family Court Act.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 997, by Senator Saland, Senate Print 3424, an act to amend the Family Court Act.

ACTING PRESIDENT KUHL: Read the last section.

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

November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Nozzolio, Senate Print 7298-A, an act to authorize the county of Monroe.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1049, by Senator Marcellino, Senate Print 7404, an act to amend the Environmental Conservation Law, in relation to importation.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 13. This act shall take effect January 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1069, by Senator Fuschillo, Senate Print 6930, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1121, by Senator Kuhl, Senate Print 6828-B, an

act to amend the Agriculture and Markets Law.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Senator Lack, Senate Print 6762, an act to amend the General Obligations Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1188, by Senator Johnson, Senate Print 4556-B, an act to amend the Tax Law, in relation to medical savings.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1217, by Senator Alesi, Senate Print 6773, an act to amend the Tax Law, in relation to exemptions.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Libous, Senate Print 7569, an act to authorize the trustees.

SENATOR SKELOS: Lay it aside for

the day.

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

THE SECRETARY: Calendar Number 1272, by Senator Kuhl, Senate Print 210, an act to amend the Education Law, in relation to optional retirement.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1274, substituted earlier today, by member of the Assembly Luster, Assembly Print 1974-B, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1275, by Senator Rath, Senate Print 2393-A -

SENATOR SKELOS: Lay it aside for the day.

THE SECRETARY: -- an act to amend the Executive Law.

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

THE SECRETARY: Calendar Number 1276, by Senator LaValle, Senate Print 2464-B, an act to amend the General Obligations Law.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 90 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1277, by Senator Saland, Senate Print 3549-B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1278, by Senator Wright, Senate Print 3811 -

SENATOR STACHOWSKI: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1280, by Senator Maziarz, Senate Print 44...

SENATOR MAZIARZ: Lay the bill aside for the day, please.

ACTING PRESIDENT KUHL: Lay the bill aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 1281, by Senator Farley, Senate Print 5029-A, an act to amend the Banking Law, in relation to the protection.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator Montgomery, Senate Print 5446, an act to amend the Emergency Tenant Protection Act.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1283 are Senators Farley, Meier, Seward and Wright, also Senator Saland, also Senator Nozzolio.

ACTING PRESIDENT KUHL: Lay the bill aside -- withdraw the roll call and lay the bill aside.

THE SECRETARY: Calendar Number 1285, by Senator Rath, Senate Print 6509, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Read the last section.

SENATOR DOLLINGER: 1285, Mr. President. Can we lay that bill aside, 1285?

ACTING PRESIDENT KUHL: You want Calendar Number 1285 laid aside, Senator Dollinger?

SENATOR DOLLINGER: Yes, Mr.

President.

ACTING PRESIDENT KUHL: Okay. Lay Calendar Number 1285 aside. We'll go back to Calendar 1284.

THE SECRETARY: Calendar Number 1284, by Senator Kuhl, Senate Print 6184, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1286, by Senator Skelos, Senate Print 6552-A, an act to amend the State Finance Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator Meier, Senate Print 6636, an act in relation to creation of a fire protection district.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1288, by Senator Seward, Senate Print 6659-A, an act to authorize Robert M. Foster to change the beneficiary.

ACTING PRESIDENT KUHL: Read the

last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative. Announce the results.

THE SECRETARY: Ayes 38, nays 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator Alesi, Senate Print 6675, an act to amend the General Business Law.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 29. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1290, by Senator Balboni, Senate Print 6735, an act to amend the Insurance Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1291, by Senator Saland, Senate Print 6754, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1292, by Senator Volker, Senate Print 6812, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1293, by Senator Maltese, Senate Print 6993, an act to amend the Real Property Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1294, by Senator Volker, Senate Print 7052, an act in relation to allowing Geraldine Memmo to be reclassified.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1296, by Senator Farley, Senate Print 7165-A, an act to authorize the city of Schenectady.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: There is a home

rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1298, by Senator Saland, Senate Print 7310, an act to permit the reopening of the optional 20-year retirement.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative. Announce the results.

THE SECRETARY: Ayes 41, nays 1,

Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Excuse me. Also Senator Cook. Ayes 40, nays 2.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Seward, Senate Print 7420, an act in relation to granting retroactive membership.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

THE SECRETARY: Ayes 41, nays 1, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1300, by Senator Wright, Senate Print 7456, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1301, by Senator Lack, Senate Print 7468-A, an act to amend the Judiciary Law and the State Finance Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1302, by Senator Skelos, Senate Print 7472, an act authorizing the assessor of the county of Nassau.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative. Announce the results.

THE SECRETARY: Ayes 43, nays 2, Senators Cook and Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1304 by Senator Goodman, Senate Print 7514, an act to amend the Tax Law and the Administrative Code of the city of New York.

ACTING PRESIDENT KUHL: There is

a local fiscal impact note at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1305, by Senator Velella, Senate Print 7538, an act to amend the Administrative Code of the city of New York.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1306, by Senator Stafford, Senate Print 7549, an act legalizing and ratifying certain acts.

ACTING PRESIDENT KUHL: There is a local fiscal impact note at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1307, by Senator Skelos, Senate Print 7566, an act to amend the Penal Law, in relation to defenses against a charge.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

THE SECRETARY: Ayes 44, nays 2, Senators LaValle and Padavan recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator Marcellino, Senate Print 7586-A, an act to amend the Town Law, in relation to providing.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1310, by the Senate Committee on Rules, Senate

Print 7594, an act to amend the New York State Printing and Public Documents Law.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1311, by Senator Balboni, Senate Print 7606, an act to amend Chapter 602 of the Laws of 1993.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1312, by Senator Johnson, Senate Print 7612, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1313, by Senator Velella, Senate Print 7616, an act to amend the Insurance Law.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

ACTING PRESIDENT KUHL: Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: Mr. President, please take up the controversial calendar.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook, why do you rise?

SENATOR COOK: I would like to be in the negative on Calendar 514 and in the affirmative on 1298 -- 1298. I inadvertently

voted against it.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Cook will be recorded in the negative on Calendar Number 1298.

Senator Padavan, why do you rise?

SENATOR COOK: Mr. President, that's not correct. The negative -

ACTING PRESIDENT KUHL: I'm just getting a little conversation, Senator Cook, that's disturbing. I'm sorry.

SENATOR COOK: The negative is on 514 and I inadvertently voted in the negative on 1298. I want to be recorded in the affirmative on that.

ACTING PRESIDENT KUHL: Senator Cook will be recorded in the affirmative on Calendar Number 1298. Thank you.

Senator Saland, why do you rise?

SENATOR SALAND: Mr. President, I would request unanimous consent to be recorded in the negative on Calendar Number 1307.

ACTING PRESIDENT KUHL: 1307, without objection, Senator Saland will be

recorded in the negative on Calendar Number 1307.

Senator Padavan, why do you rise?

SENATOR PADAVAN: I would like to be in the negative on Calendar 1295.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Padavan will be recorded in the negative on Calendar - Senator Padavan, Calendar Number 12... Senator Padavan, Calendar Number 1295 was not passed.

SENATOR PADAVAN: Thank you.

ACTING PRESIDENT KUHL: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I'd just ask for unanimous consent to be recorded in the negative on Calendar Number 1307.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1307.

Senator Marcellino, did you have a motion?

SENATOR MARCELLINO: Yes, Mr.

President. I do.

ACTING PRESIDENT KUHL: Senator Skelos, can we return to the order of motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Skelos, on page number 4, I offer the following amendments to Calendar Number 56, Senate Print Number 308-A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT KUHL: Senator Skelos, that brings us to the controversial calendar.

SENATOR SKELOS: Please proceed with the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar beginning with Calendar Number 1188, by Senator

Johnson.

THE SECRETARY: Calendar Number 1188, by Senator Johnson, Senate Print 4556-B, an act to amend the Tax Law, in relation to medical savings.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator Johnson, an explanation of Calendar Number 1188 has been requested by the Acting Minority Leader, Senator Stachowski.

SENATOR JOHNSON: Mr. President, the 1996 Kennedy-Kassebaum bill reformed health care and provided in that bill another mechanism for small businesses and self-employed individuals to purchase health care. It's a - called their medical savings account. It's a combination of a high deductible health insurance policy and a savings account created in which pretaxed dollars are put aside to pay your medical claims which are under the deductible.

This would provide a state tax credit to complement the federal tax deduction and in this case, the state tax credit would be a maximum of $146 per individual or $337 per

family, and this would essentially give another option to an individual or a small business to buy coverage, another kind of coverage which they might like to buy and this would provide an additional incentive for them to do so in addition to what the incentive provided in the federal law.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, if Senator Johnson would yield to one question.

ACTING PRESIDENT KUHL: Senator Johnson, do you yield to a question from Senator Stachowski?

SENATOR JOHNSON: Yes.

SENATOR STACHOWSKI: The only question we have, Senator, is what would the cost of this program roughly be to the state? Is there an estimated cost?

SENATOR JOHNSON: Well, yeah. We have several estimates and there was an estimate by the Tax and Finance Department that it would be up to $5 million, and I went over the figures and our fiscal analyst went over the figures

with us and thought that it would be most likely no more than 1.5 million since very few people are in the plan in the state so far and it was not predicted to grow that rapidly. So it would be much, much less than $5 million that it might cost altogether but there would be a savings, of course, for people who are now uninsured, they would save -- we would save money on possibly Medicaid claims or others.

SENATOR STACHOWSKI: Thank you, Senator.

ACTING PRESIDENT KUHL: The Secretary -- Senator Dollinger.

SENATOR DOLLINGER: Will the sponsor yield to just one other question?

ACTING PRESIDENT KUHL: Senator Johnson, do you yield to a question from Senator Dollinger?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: I note in the memorandum that accompanies the bill, it talks about paying for the cost of long-term care. Could you just explain to me how the amounts

deposited in the account are withdrawn to pay the premium on long-term care insurance? Can it be used for that purpose as well?

SENATOR JOHNSON: Well, of course, we're talking about the federal law makes that provision and all we're saying is this fund which you set aside to pay annual claims, if you don't use that money, it can accumulate at interest tax-free and it can be drawn out after you're 65 and can be used for various purposes but one of the purposes is purchasing long-term care insurance.

SENATOR DOLLINGER: Again through you, Mr. President, just so I -

ACTING PRESIDENT KUHL: Senator Johnson, do you continue to yield? The Senator continues to yield.

SENATOR JOHNSON: Yes.

SENATOR DOLLINGER: I just want to make sure. If you set up a medical savings account -- I know it's governed by federal law -- and you get a tax credit in New York, can you also use the amount deposited in the account to pay your annual premium for long-term care insurance?

SENATOR JOHNSON: Yes.

SENATOR DOLLINGER: You can.

SENATOR JOHNSON: I understand that's the case.

SENATOR DOLLINGER: Okay. So in essence what we're doing by this is to those who can afford it, we're making long-term care insurance deductible up to ten percent on your income -- on your state income tax return as a credit, is that correct?

SENATOR JOHNSON: Well, we're talking about a maximum credit for our people of $146 or $337. That's the maximum tax credit they would get. So it's not costing us any more than that as a state.

SENATOR DOLLINGER: Okay.

Thank you, Mr. President. Just briefly, on the bill.

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I'm going to vote in favor of this bill. I think we all need to recognize one thing about medical savings accounts, however, that they will be, at least in my judgment, of minimal value to the

uninsured because the reason why they're uninsured is that they can't afford the cost of medical services generally. In many cases they're not filing and individually itemizing their deductions for these type of accounts. I think to some extent this may be a further assistance to the middle class and the upper class in allowing tax-free savings to accumulate to pay for some medical costs. To that extent, I think it's a good idea, but the notion that it will somehow be universally used by the poor or by those who can't afford health insurance is something of a an overestimate of the effect of this bill.

I'm going to vote in favor of it because I think it does some good things in terms of allowing people to accumulate money to pay for certain expenses, but I don't think it will have universal use.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number -

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee, immediate meeting of the Rules Committee in the Majority Conference Room, Room 332. Immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 1278, by Senator Wright, Senate Print 3811, an act to amend the Tax Law, in relation to expanding.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator

Wright, an explanation of Calendar Number 1278 has been requested by the Acting Minority Leader, Senator Stachowski.

SENATOR WRIGHT: Thank you, Mr. President.

This bill amends the Tax Law with regards to small business and the computing of the franchise tax.

Currently new businesses are allowed -- new small businesses are allowed to exclude investment capital. This extends that to existing small businesses.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Will the sponsor yield to just one question?

ACTING PRESIDENT KUHL: Senator Wright, do you yield to a question?

SENATOR WRIGHT: Yes, I will.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: What is - the memo that accompanies the bill indicates

that there will be a reduction, as I recall, in state tax revenue. Do you know what that number will be?

SENATOR WRIGHT: I do not, Mr. President. We do not have a number that has been calculated.

SENATOR DOLLINGER: Do you have any idea of the magnitude of what we're talking about? Is it something in the hundreds of millions or less than that?

SENATOR WRIGHT: No. I would anticipate that it's significantly less than that. I would speculate that we're probably looking at tens of millions as opposed to hundreds of millions. You need a standard to quantify it.

SENATOR DOLLINGER: All right. I think, Mr. President, with that understanding, as -- certainly as we look at all these tax savings or tax reduction, revenue reduction devices -- and we've done a number of them in the chamber the last couple of days -- we have to be aware of the impact on the bottom line to the state, and I'm going to vote in favor of this. I urge my colleagues to do the same, but

I think it's just something we've got to keep in mind, because as we accumulate all these taxes, those tens of millions grow in the hundreds which grow into billions and the next thing you know, our surplus which we're proud to have, and I think pleased to have, this year suddenly melts away. So just to keep it in mind.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR WRIGHT: I would concur with the Senator's assessment and I would only hope that we could grow small business so, in fact, it could become tens of millions.

Thank you.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 31st day of December.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator Montgomery, Senate Print 5446, an act to amend the Emergency Tenant Protection Act.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

THE SECRETARY: Ayes 44, nays 2, Senators Meier and Saland recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1285, by Senator Rath, Senate Print 6509, an act to amend the Real Property Tax Law.

SENATOR MAZIARZ: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

1310, by the Senate Committee on Rules, Senate Print 7594, an act to amend the New York State Printing and Public Documents Law.

SENATOR DOLLINGER: Explanation.

SENATOR MAZIARZ: Lay the bill aside temporarily, please.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1313, by Senator Velella, Senate Print 7616, an act to amend the Insurance Law.

SENATOR DOLLINGER: Explanation, please.

ACTING PRESIDENT KUHL: Senator Velella, an explanation of Calendar Number 1313 has been requested by the Acting Minority Leader.

SENATOR VELELLA: Yes. This is an amendment to a bill that we did last year on service contracts for appliances.

Many of us have bought appliances and buy the service contract from a company for a refrigerator or a stove or an air-conditioner and you buy the service contract along with it from Sears or some other company.

Up until we passed this law last year, you might be buying a five-year contract to service your refrigerator or your air conditioner but there was no guarantee that there would be the money there five years down the road. The company could fold. You pay the five-year premium. Your air-conditioner breaks in two years and there's nobody around to repair it and there's no pool of money to go to to say, well, this company should have been financially -- this provision should have been financially provided for in a guaranteed fund of some nature.

So we require them to file with the Insurance Department and be sure that there was adequate financial backing so that when they sell you a five-year contract, the responsibility will be there for the five years.

When we did that, we inadvertently included service contracts such as -- and this was the one group that came to us -- people who sell you the annual service on your boiler, the oil home heating people who will service your home boiler for the year. We

did not intend to include those annual contracts into the bill and this provision that we are doing now will take that group specifically out of that requirement to file with the Insurance Department.

I know there's a question about the reason of the date of the retroactivity and basically what that was, the date that we made this retroactive to was the date that the bill was signed, even though it wasn't the date that it took effect. It was a combination of two factors: One, when we did that, these contracts were in existence and we did not intend to affect existing contracts, nor could we under the Constitution. So we wanted to clear that issue up and in picking the date -- it's basically a draftsman style, went to the date the bill was signed rather than the date it takes effect. We could not affect the law that wasn't in effect or make a change in a law that hadn't taken effect yet because the date was on the date that the Governor signed it.

So the draftsman in doing it chose the date the bill was signed into law rather than the effective date. We're not

changing anything other than the law of the day it took effect. It would have no real impact.

SENATOR DOLLINGER: Through you, Mr. President, just one question of clarification.

ACTING PRESIDENT KUHL: Senator Dollinger. Senator Velella, do you yield to a question?

SENATOR DOLLINGER: Is it my understanding what this bill does is eliminate the home heating contractors who were servicing boilers they were never intend to be in?

SENATOR VELELLA: Correct.

SENATOR DOLLINGER: It cuts them out.

SENATOR DOLLINGER: Cuts them out.

SENATOR VELELLA: And it goes back to -- so again through you, Mr. President, if Senator Velella will yield.

SENATOR VELELLA: Yes.

SENATOR DOLLINGER: Now, you have a contract with your home heating oil supplier to do your boiler. He -- if this law -- if your law passes-- this bill passes and becomes law,

they will no longer have the obligation to file with the Department of Insurance the evidence that they have sufficient financial resources to fund the guarantee.

SENATOR VELELLA: Correct.

SENATOR DOLLINGER: It was never an intention to do that.

SENATOR VELELLA: That was never an intention and basically the reason is most of these oil companies are financially able to withstand a one-year contract.

What we were going after was the company that sort of makes a deal with Sears and says, we'll offer all of the people who buy refrigerators service contracts and then they disappear and two years into it you're looking to have your refrigerator repaired.

SENATOR DOLLINGER: Explanation satisfactory, Mr. President.

ACTING PRESIDENT KUHL: The Secretary -- the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, could we return to motions and resolutions and is there any housekeeping at the desk?

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

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President.

I wish to call up your bill, Senate Print Number 1828-B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Kuhl, Senate Print 1828-B, an act to amend the Judiciary Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, please star the bill.

ACTING PRESIDENT KUHL: The bill will be starred at the request of the sponsor.

SENATOR MARCELLINO: Mr. President, on behalf of Senator -- excuse me - on behalf of Senator Leibell, on page number 38, I offer the following amendments to Calendar Number 1130, Senate Print Number 6641, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1130 are received

and adopted and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you, sir.

ACTING PRESIDENT KUHL: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Could the Senate please stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT KUHL: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Chair recognizes Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I'd ask unanimous consent to be recorded in the negative on Calendar Number 1283.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Nozzolio will be recorded in the negative on

Calendar Number 1283.

The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: Senator Wright, why do you rise?

SENATOR WRIGHT: Request unanimous consent to be recorded in the negative on 1283.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Wright will be recorded in the negative on Calendar Number 1283.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I would also like to be recorded in the negative on that same bill.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator DeFrancisco will be recorded in the negative on Calendar Number 1283.

Senator Larkin, why do you rise?

SENATOR LARKIN: I wish to be

recorded in the negative on Calendar Number 1283.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Larkin will be recorded in the negative on Calendar Number 1283.

The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease from 10:50 a.m. until 11:19 a.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 1310.

ACTING PRESIDENT KUHL: The Senate will come to order. The staff please take their places, the members please take their chairs.

The Secretary will read Calendar Number 310 on the controversial calendar.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Excuse me. 1310.

THE SECRETARY: Calendar Number

1310, by the Senate Committee on Rules, Senate Print 7594, an act to amend the New York State Printing and Public Documents Law.

SENATOR SKELOS: Explanation has been requested.

This bill authorizes the maximum length of a contract for legislative printing to be increased from 26 months to 50 months. It's expected to increase the number of bids received and decrease the cost from increased competition.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Just one question for the Deputy Majority Leader on the bill.

ACTING PRESIDENT KUHL: Senator Skelos, do you yield to a question?

SENATOR SKELOS: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: What is the anticipated savings because of this?

SENATOR SKELOS: That's a very good question. It's estimated that it will save about $100,000 out of a million.

SENATOR DOLLINGER: And one other question, Mr. President. What happens to those savings? I assume they would go back to the surplus at the end of the year and then either be reappropriated or back into the general fund.

SENATOR SKELOS: Basically the Legislative Budget would not have to spend an additional $100,000. It's not like we're going to get a refund. It's just that your budget in that area would be $100,000.

SENATOR DOLLINGER: Thank you, Mr. President.

Explanation satisfactory.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees.

I'll ask the Secretary to read the report of the Rules Committee which is at the desk.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Print 500-A, by Senator Johnson, an act to amend the Real Property Tax Law;

2034, by Senator Rath, concurrent resolution of the Senate and Assembly;

3059-A, by Senator Trunzo, an act to amend the Administrative Code of the city of New York;

4352, by Senator Maltese, an act

to amend the Criminal Procedure Law;

4888, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

5263-B, by Senator Libous, an act to amend the Insurance Law;

5338, by Senator DeFrancisco, an act to amend the Public Health Law;

5374-B, by Senator Montgomery, an act to amend the Penal Law;

5505-A, by Senator Stachowski, an act to amend Chapter 276 of the Laws of 1993;

5688, by Senator Stafford, an act to amend the Tax Law;

6004-B, by Senator Holland, an act to amend the Education Law;

6385-A, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

6404, by Senators Kuhl and others, an act to amend the Retirement and Social Security Law;

6495-A, by Senator Rath, an act to amend the Real Property Tax Law;

6664, by Senator Kuhl, an act to amend the Tax Law;

6767, by Senator Kuhl, an act to

amend the Town Law;

6874-A, by Senator Larkin, an act to amend the Retirement and Social Security Law;

6990, by Senator Marchi, an act to amend Chapter 741 of the Laws of 1985;

7035-A, by Senator Alesi, an act to amend the Public Authorities Law;

7101, by Senator Johnson, an act to amend the Transportation Law;

7190-A, by Senator Leibell and others, an act to amend the Executive Law;

7224-A, by Senator Farley, an act to adjust certain state aid payments;

7297, by Senator Marcellino, an act to amend the Education Law;

7401, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

7411, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

7415, by Senator Nozzolio, an act to amend the Tax Law;

7463-A, by Senator Leichter, an act to authorize the city of New York;

7473, by Senator Spano, an act to amend the Local Finance Law;

7482, by Senator Leibell, an act to amend the Private Housing Finance Law;

7578, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

7579, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

7602, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

7605, by Senator Padavan, an act to amend the State Finance Law;

7621, by Senator Saland, an act to amend the Domestic Relations Law;

7622, by Senator Stafford, an act to amend Chapter 814 of the Laws of 1987;

7625, by Senator Velella, an act to amend the Public Authorities Law;

7635, by Senator Meier, an act to amend the Civil Rights Law; and

7650, by Senators DeFrancisco and others, an act to adjust certain state aid payments.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at the desk?

ACTING PRESIDENT KUHL: The motion is to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Rules report is accepted.

The bills are ordered directly to third reading.

We do have some housekeeping, Senator Skelos. We can go to motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on page number 6, on behalf of Senator Hannon, I offer the following amendments to Calendar Number 167, Senate Print Number 4973-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 167 are received

and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos -- Senator Seward.

SENATOR SEWARD: Mr. President, if I could have unanimous consent, I would like to be recorded in the negative on Calendar 1283.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Seward will be recorded in the negative on Calendar Number 1283.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: The housekeeping is clean at the desk, Senator Seward.

SENATOR SEWARD: In that case, Mr. President, there being no further business, I move we adjourn until Monday, June 15, at 3:00 p.m., intervening days being legislative.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, June 15th, 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:29 a.m., the Senate adjourned.)