NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 26, 1999

3:07 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

THE PRESIDENT: In the absence of clergy, may we bow our heads in a moment of silence, please.

(Whereupon, a moment of silence was observed.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 25th. The Senate met pursuant to adjournment. The Journal of Saturday, April 24th was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Thank you, Madam President. Madam President, I offer the following amendments. Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Johnson, page 12, Calendar Number 45, Senate Print 978;

Sponsored by Senator Meier, page 19, Calendar 248, Senate Print 3165-A;

Sponsored by Senator Spano, page 25, 371 Calendar Number, Senate Print 1469;

Sponsored by Senator Bonacic, page number 26, Calendar Number 387, Senate Print 3304;

Sponsored by Senator Goodman, page 37, Calendar Number 549, Senate Print 2753;

Sponsored by Senator Bonacic, page number 37, Calendar Number 560, Senate Print 3715;

Sponsored by Senator Johnson, page number 12, Calendar Number 44, Senate Print

Number 977.

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

THE PRESIDENT: The amendments are received, Senator McGee, and the bills will retain their place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Madam President.

THE PRESIDENT: You are welcome. Senator Skelos.

SENATOR SKELOS: Madam President, on behalf of Senator Stafford, the will be an immediate meeting of the Finance Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

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

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution recognizing the White Ribbon Campaign sponsored by Vera House of Syracuse, New York, to take place the week of April 24th to May 2nd, 1999.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President. This is the fifth year that the Vera House has conducted the White Ribbon Campaign throughout the central New York area. And it is basically a campaign to bring people's awareness to this very, very serious issue of domestic violence.

Some of the statistics are actually staggering. That there is an act of physical violence on a woman in a household every three minutes. That at least 25 percent of women who are beaten are pregnant during the course of the beating, and that three million children on an annual basis observe acts of physical violence. We wonder why we see these outrageous activities on behalf of young

people throughout the country when we see this type of activity occurring at home.

Vera House has conducted this campaign for five years and each year we bring this to the Senate so that we can spread this type of message throughout the State of New York. I usually bring with me a hundred white ribbons. This year we tripled the order in view of the great support we have gotten from my colleagues here in the State Senate.

On behalf of all of the Senators we commend Vera House for their outstanding work in our community and the outstanding message that is a message that is being carried throughout the State of New York.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: At this time can

we take up the non-controversial calendar?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 69, by Senator Marcellino, Senate Print 1129-A, an act to amend the Environmental Conservation Law, in relation to providing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 70, by Senator Marcellino, Senate Print 1130-A, an act to amend the Environmental Conservation Law, in relation to specifying.

THE PRESIDENT: Read the last section.

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

January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Farley, Senate Print 1541, an act to amend the Public Health Law, in relation to expanding.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 277, by Senator Seward, Senate Print 2899, an act to amend the Tax Law, in relation to extending the expiration of provisions.

SENATOR PATERSON: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 332, by Senator Bonacic, Senate Print 3661, an act to amend the Private Housing Finance Law, in relation to powers of the New York State Housing Finance Agency.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 352, by Senator Rath, Senate Print 126, an act to amend the Public Health Law, in relation to expanding the network of health care providers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 353, by Senator Trunzo, Senate Print 1708, an act to amend the Public Health Law, in relation to public notification of health hazards.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 389, by Senator Wright, Senate Print 3612-A, an act to direct the State Board of Real Property Services to prepare a study.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar number 451, by Senator Larkin, Senate Print 3035, an act to amend the General Municipal Law, in relation to the operation of games of chance.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar number 461, by Senator Stachowski, Senate Print 1375, an act to amend the General Municipal Law, in relation to general requirements of service award programs.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 487, by Senator Padavan, Senate Print 3771, an act to amend the Private Housing Finance Law, in relation to loans of owners of existing multiple dwellings.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 520, by Senator Seward, Senate Print 3025, an

act to amend the State Finance Law, in relation to permitting.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 548, by Senator Johnson, Senate Print 2401, an act to amend the Penal Law.

SENATOR DUANE: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 550, by Senator Rath, Senate Print 2795, an act to repeal Paragraph F of Subdivision 1 of Section 70.30.

SENATOR DUANE: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 553, by Senator Skelos, Senate Print 3071, an act to amend the Civil Practice Law and Rules, in relation to requiring all applications.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 561, by Senator Bonacic, Senate Print 3719, an act to amend the Criminal Procedure Law.

SENATOR BONACIC: That bill is laid aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 608, by Senator Hoffmann, Senate Print 4156, an act to amend the Agriculture and Markets Law, in relation to the agricultural producer security fund.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: Senator Skelos, that completes -- Senator Bonacic, excuse me, Senator.

SENATOR BONACIC: Thank you, Madam President.

May we now have the controversial reading of the calendar, please.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: May I be recorded in the negative on Calendar 451.

THE PRESIDENT: Senate Bill 608, that bill was passed.

Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

May I be recorded in the negative on Calendar 451.

THE PRESIDENT: You are so

recorded, Senator Padavan, as voting in the negative on Calendar 451.

Senator Bonacic.

SENATOR BONACIC: Madam President, I would ask that we now go to Calendar 550, Senate Bill 2795, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar 550, by Senator Rath, Senate Print 2795, an act to repeal Paragraph F of Subdivision 1.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Senator Paterson, why do you rise?

SENATOR PATERSON: Last year Senators Leichter, Mendez, Seabrook, Montgomery, Sampson and Waldon, it just came to me, Madam President, that they voted in the negative and I just wanted to put that on the record for -- if any of them happened to want to know.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Madam President, I ask that we temporarily stand at ease. We are waiting for Senator Johnson and Senator Seward to return from the Finance meeting.

THE PRESIDENT: Upon completion of this bill.

SENATOR BONACIC: Thank you, Madam President.

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 550 are Senators Duane, Mendez, Sampson and Schneiderman. Ayes 47, nays 4.

THE PRESIDENT: The bill is passed and the Senate will stand at ease.

(Whereupon the Senate stood at ease from 3:21 to 3:29 p.m.)

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Madam President, we would like to return to the controversial calendar if we can. And at this time I would like to call Calender Number 277, Senate Bill 2899, Senator Seward.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 277, by Senator Seward, Senate Print 2899, an act to amend the Tax Law, in relation to extending the expiration of provisions.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Madam President, would the sponsor yield to one question, through you?

THE PRESIDENT: Senator Seward, would you yield, please?

SENATOR SEWARD: Yes.

THE PRESIDENT: Yes, he does yield through me, Senator Breslin.

SENATOR BRESLIN: I am only interested in whether or not there was a home

rule message that had been attached to this legislation?

SENATOR SEWARD: Madam President, in fact there is. There is a resolution adopted by the Herkimer County Legislature on the 22nd of March.

SENATOR BRESLIN: I have no further questions, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 2. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed.

SENATOR SEABROOK: I would like with unanimous consent to be recorded in the negative on Calendar Number 550.

THE PRESIDENT: Senator Seabrook, you are so recorded voting in the negative on Calendar 550.

SENATOR WALDON: I request unanimous consent to be considered in the negative for Calendar 550. Most unfortunately I was out of the chamber eating Twizlers.

THE PRESIDENT: Senator, you are so recorded as voting in the negative.

The Secretary will read.

THE SECRETARY: Calendar Number 548, by Senator Johnson, Senator Print 2401, an act to amend the Penal Law, in relation to including sales on controlled substances.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, Senator Johnson has explained this bill quite admirably in the past. I would just like the record to note that Senator Smith and Senator Montgomery voted in the negative along with myself last year, but I am now persuaded by Senator Johnson's explanation and will vote in the affirmative. Senators Sampson, Seabrook and Waldon also voted in the negative.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 548 are Senators Duane, Sampson and Smith. Also Senator Schneiderman.

Ayes 52, nays 4.

THE PRESIDENT: The bill is passed. Senator Bonacic, that completes the reading of the controversial calendar.

SENATOR BONACIC: Madam President, may we please return to reports of standing committees. I believe there is a report of the Finance Committee at the desk.

THE PRESIDENT: Reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Stafford from the Committee on Finance reports the following nominations:

As a member of the State Commission of Corrections, Frederick C. Lamy, of Warrensburg.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

It is certainly a pleasure for me to rise and compliment the Governor and all involved with the appointment of Fred Lamy to the Commission and Corrections.

I could go on and on but, again Madam President, this is an example of the system, a good system we have I might add, our system of government working so well.

Fred has been in law enforcement for over 20 years and I would make three points and make them very clearly and emphasize every one of the points.

In his position of responsibility he has shown professionalism, doing his job in a professional, courteous, effective manner. Also together with that he has shown the temperament, again, to be firm and compassionate but carry out his responsibility as it should be carried out.

And finally, and it is so important, Madam President, when you have the responsibility Fred has had leading the department, has always set the example, an

example that we all should follow as public servants. And I use the word servants advisedly because that is what Fred Lamy has been, a good solid, I will use the word excellent, public servant, and I certainly move his confirmation.

THE PRESIDENT: The question is on the confirmation of Frederick C. Lamy as a member of the State Commission of Correction.

All, those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: Frederick C. Lamy is hereby confirmed as a member of the State Commission on Corrections.

And I understand that Mr. Lamy is here today. I extend to you as President of the Senate all the courtesies of the Senate, congratulations and best wishes.

The Secretary will read.

THE SECRETARY: As a member of the Waterfront Commission of New York Harbor, Michael C. Axelrod of Roslyn.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: It is a pleasure on this very fine nomination to yield to Senator Balboni.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Thank you, Madam President.

It is with joy and honor that I get a chance to rise on behalf of not only a fine public servant but someone who has been my friend but also political mentor for many a year.

Michael Axelrod brings a great deal to the job of Waterfront Commissioner. And as a matter of fact, this particular day comes at a very apropos time. I just spent two weeks ago a lunch with Mr. Axelrod as he introduced me to the other commissioners of the Waterfront Commission and we spoke at great length about the Port of New York and New Jersey and all the issues surrounding that port and what the future is going to hold for it and how we in New York need to recognize its tremendous contribution to the metropolitan area and get our fair share.

Michael brings a sense of professionalism to whatever he does. He is a fine attorney. He is someone who has learned a great deal about a kind of novel operation in our government very quickly. He has done it very well. He has made friends wherever he has gone, and he is somebody who brings integrity and also a vision of where he wants a job to go whenever he takes on a project.

Madam President, there are many people who come through this chamber and I would dare say that Michael Axelrod is one of those people that we would be proudest to confirm and see his services continue.

On that behalf I would like to move the nomination.

Thank you, Madam President.

THE PRESIDENT: The question is on the confirmation.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If I could very quickly, I would like to start off by congratulating the Governor on this fine nomination, thanking Senator Bruno and Senator

Stafford for moving expeditiously on the confirmation.

Mike has spoken as to Mr. Axelrod's qualifications. I just want to add that he is a dear friend to all of us from Nassau County, and I know Jim Lack knows him well, and Caesar, the Long Island 9. And Mike you are a credit to the position that you are filling. You have done a wonderful, wonderful job. And most all you have been a good friend to me and Gail and your wife Jane, so we congratulate you on your confirmation.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President, thank you, very much.

I also rise to second the nomination of a good friend, Mike Axelrod. I can think of no person if I wanted a difficult job done, if I wanted a job that required intense negotiations and someone who would be willing to sit down and work long and hard hours to get things right, I would think of no other person better than Mike Axelrod to do that job. He is a super person. He is a

great lawyer. And more importantly, he is a good friend.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, it is indeed an honor for me to rise and speak on the nomination of somebody that I have known most of my life, Mike Axelrod.

He is a prominent attorney not only in Nassau County but throughout this great state of ours. He has served the Commission with distinction. Not only is he an asset to the Commission but an asset to all residents of this great state of ours and I proudly move the nomination.

SENATOR LACK: Madam President.

THE PRESIDENT: Yes, Senator Lack.

SENATOR LACK: Thank you, Madam President.

I rise because I wouldn't want the chamber to think that it was just four colleagues from Nassau County that wanted to expound on behalf of one Michael Axelrod.

A lot has been said already, but just let me put it this way. Mike Axelrod is a perfect example of how you can apply merit and politics and put them together and come up with probably the most excellent choice for the Waterfront Commission and a lot of other jobs in this state.

Obviously he is very politically well known. Four colleagues from Nassau County have stood up. And yes, he is a friend of mine, which means his boundaries expand beyond Nassau County.

But he is a fine attorney and is a fine labor attorney and he has a very good sense of issues, of working between employee and employer and he has done a very good job of it, and that alone he has made a reputation throughout this state.

I am very proud to stand up and second the nomination and congratulate the Governor and quite frankly would look for further examples in this state of people just like Michael Axelrod who can become involved in the community, become involved in a party, and yet at the same time on his own merit can

stand next to any one in the field of law in which he practices.

It is a real pleasure to be able to vote for him today.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, the voice of the people is the voice of God. There have been so many who attest to his merits. I would like to say that not withstanding the fact he is not from Staten Island he has been approved by the standing committee which is the committee of first reference on his reappointment, and I certainly want to reflect the sentiment that was expressed in our own committee, including my ranking Minority member Senator Smith on this important renomination. All the best.

THE PRESIDENT: Any other Senator who would like to be heard on this nomination?

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

Other than hearing from Senator Smith, I have not met Mr. Axelrod before today, but we confirm a lot of nominees here

and I can't remember the last time there was this almost spontaneous willingness of a number of colleagues to get up and endorse this nomination by the Governor.

It will be very interesting to work with him. I was especially moved by what Senator Balboni said about his ideas about New York's ports and what some of the opportunities can be. Our Port Authority, which was created in 1920, in my opinion has never fully addressed what the ports of New York can actually bring to the city and to the state in terms of economic resources.

Back some 150 to 200 years ago before the establishment of the Erie Canal and the Erie Lackawana Railroad, New York was really just a state just like any other and it was really the economic development through the ports all around the state that brought the type of commerce to our state which took us from having five percent of the country's population in 1820 to having over 40 percent of the county's population by 1830, and we are doing 45 percent of the economic development nationally because people move where the jobs

are. And in this period of high technology still New York's geographic position being the real epicenter of the North American market and the best situated ports in New York City to reaching Europe would put us back into that area, even though other states have built up their ports they still don't have the three hour shipping time advantage that New York has. And so there are so many ways that the whole operation can be utilized so I wish not only Mr. Axelrod my best, but would be happy to work with him in trying to use some innovative procedures as our ancestors did to increase New York's share of our national economic commerce.

THE PRESIDENT: Would any other Senator wish to be heard on this nomination? Hearing no one, the question is on the confirmation of Michael C. Axelrod as a member of the Waterfront Commission of New York Harbor.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: Michael C. Axelrod is hereby confirmed as a member of the Waterfront Commission of New York Harbor.

I would like to acknowledge Michael Axelrod's presence and extend to you as President of the Senate congratulations and best wishes.

The Secretary will read.

THE SECRETARY: As members of the State Council on the Arts; Charles C. Bergman of New York City, Donald A. Capoccia of New York City, Betty Levin of New York City, Richard J. Schwartz of New York, and Laurie Tisch Sussman of New York City.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Charles C. Bergman, Donald A. Capoccia, Betty Levin, Richard J. Schwartz, Laurie Tisch Sussman as members of the State Council on the Arts.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Charles C. Bergman, Donald A. Capoccia, Betty Levin, Richard J. Schwartz and Laurie Tisch Sussman are hereby confirmed as members of the State Council on the Arts.

The Secretary will read.

THE SECRETARY: Also Senator Stafford reports the following Senate bills:

Senate Prints 5530, by the Committee on Rules, an act to amend Chapter 15 of the Laws of 1999 making appropriations for the support of government;

5531, by the Committee on Rules, an act making appropriations for the support of government;

5532, by the Committee on Rules, an act to amend Chapter 83 of the Laws of 1995, amending the State Finance Law.

All bills directly for third reading.

THE PRESIDENT: Without objection, all bills reported direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could would take up Calendar Number 687, Senator 5530.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 687, by the Committee on Rules, Senate Print 5530, and act to amend Chapter 15 of the Laws of 1999, making appropriations for the support of government.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All those in favor of accepting the message of appropriation, signify by saying aye.

(Response of "aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 6, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Could we please take up Calendar Number 688, Senate 5531.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 688, by the Committee on Rules, Senate Print 5531, an act making appropriations for the support of government.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All those in

favor of accepting the message of appropriation, signify by saying aye.

(Response of "aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 31, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Madam President, may be please take up Calendar Number 689, Senate 5532.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 689, by the Committee on Rules, Senate Print 5532, an act to amend Chapter 83 of the Laws of 1995.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1, Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: Yes, Senator, we have two substitutions at the desk.

The Secretary will read.

THE SECRETARY: On page 22, Senator Meier moves to discharge from the Committee on Aging, Assembly Bill Number 445, and substitute it for the identical Third Reading 314.

On page 4, Senator Goodman moves to discharge from the Committee on Higher Ed, Assembly Bill 5704-A and substitute it for the identical first report 674.

THE PRESIDENT: The substitutions

are ordered.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like unanimous consent to be recorded in the negative on Calendars 548 and 550.

THE PRESIDENT: Senator Montgomery, you are so recorded as voting in the negative on Calendars 548 and 550.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business I move we adjourn until Tuesday, April 27th at 3:00 p.m. sharp.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, April 27th at 3:00 p.m.

(Whereupon, at 3:50 p.m., the Senate adjourned.)