NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 23, 1999

4:20 p.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. I ask the members to take their chairs, staff to find their places. I would ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the flag.

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

ACTING PRESIDENT KUHL: In the absence of clergy may we bow our heads in a moment of silence.

(Whereupon a moment of silence was observed.)

ACTING PRESIDENT KUHL: Reading of the journal.

THE SECRETARY: In Senate, Thursday, July 22nd. The Senate met pursuant to adjournment. The Journal of Wednesday, July 21 was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Message from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from State Officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: At this time may we please adopt the Resolution Calendar, if there is one, in its entirety?

ACTING PRESIDENT KUHL: Motion is to adopt the Resolution Calendar which is on the Members' desks.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Finance Committee in

the Majority Conference Room.

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

Senator Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Rath I wish to call up her bill, Print Number 5258-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1162, by Senator Rath, Senator Print 5258-A, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: 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.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to recommit the bill.

ACTING PRESIDENT KUHL: The bill is recommitted.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT KUHL: Senator McGee.

SENATOR McGEE: Mr. President, I wish to call up on behalf of Senate Seward, Bill Number 5208-B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1547, by Senator Seward, Senate Print 5208-B, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Senator McGee.

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

ACTING PRESIDENT KUHL: The

Secretary will call the role on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT KUHL: Senator McGee.

SENATOR McGEE: Mr. President, I now to recommit the bill to the committee.

ACTING PRESIDENT KUHL: The bill will be recommitted to the committee.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the Resolution Calendar, 2168 by Senator Nozzolio, which would memorialize the Governor to proclaim the week of September 19th to the 25th as National Death Awareness Week in New York State, Senator Nozzolio has offered to open sponsorship to all the Members, so with the consent of the Minority, why don't we just put everybody on it unless somebody wishes not to be on the resolution.

ACTING PRESIDENT KUHL: At the direction of the Acting Majority Leader I'll direct the Secretary to place all members as cosponsors on Resolution Number 2168 by

Senator Nozzolio unless the members indicate to the desk directly that they do not wish to be cosponsors.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could just stand at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease momentarily.

(Whereupon the Senate stood at ease from 4:23 p.m. to 4:37 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

SENATOR SKELOS: Mr. President, if we could return to reports of Standing Committees, I believe there is a report of the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: Return to the order of reports of Standing Committees. There is a report from the Finance Committee at the desk. I will direct the Secretary to read.

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

Senate Print 6086, by the Senator Committee on Rules, an act making appropriations for the support of government;

6087, by the Senate Committee on Rules, an making an appropriation to the Department of Health;

6088, by the Senate Committee on Rules, an act to amend Chapter 15 of the Laws of 1999; and

Senate 6089, by the Senate Committee on Rules, an act to amend the Tax Law.

All bills ordered direct for third reading.

SENATOR SKELOS: If we could stand at ease.

ACTING PRESIDENT KUHL: The

motion is to accept the report of the Rules Committee. All those in favor signify by saying aye. Excuse me, the Finance Committee. Without objection. Hearing no objection, the report is accepted and the bills are ordered directly to third reading.

The Senate will stand at ease.

(Whereupon the Senate stood at ease from 4:38 p.m. to 4:45 p.m.)

ACTING PRESIDENT KUHL: Senator Skelos.

The Senate will come to order.

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

ACTING PRESIDENT KUHL: Return to the order of reports of Standing Committees. There is a report from the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Bruno from the Committee on Rules reports the following bills:

Senate Print 6084, by the Senate Committee on Rules, an act to amend the Public Authorities Law; and

Senate 6085, by the Senate Committee on Rules, an act to amend the Mental Hygiene Law.

Both bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move to accept the report.

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.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Rules report is accepted. The bills are ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President,

can we please take up Calendar Number 1641, Senate 6086.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1641.

THE SECRETARY: Calendar Number 1641, by the Senate Committee on Rules, Senate Print 6086, an act making appropriations for the support of government.

SENATOR SKELOS: Is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity and appropriation on Calendar Number 1641. All those in favor, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the House. The Secretary will read the last section.

THE SECRETARY: Section 53, this act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51, nays one. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calender Number 1642, Senate Print 6087.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1642, by the Senate Committee on Rules, Senate Print 6087, an act making an appropriation to the Department of Health.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity and appropriation on Calendar Number 1642. All those in favor, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the House. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51, nays one. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 1643, Senate 6088.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1643, by the Senate Committee on Rules, Senate Print 6088, an act to amend Chapter 15 of the Laws of 1999.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity and appropriation on Calendar Number 1643. All those in favor, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The

message is accepted. The bill is before the House. 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 51, nays one. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 1644, Senate 6089.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1644, by the Senate Committee on Rules, Senate Print 6089, an act to amend the Tax Law in relation to establishing.

SENATOR SKELOS: Is there a message of necessity and appropriation at the

desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity and appropriation on Calendar Number 1644. All those in favor, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the House. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1644 are Senators Dollinger, Duane and Padavan.

Ayes 49, nays three.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, will you please call up Calendar Number 1637, Senate 6084.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1637, by the Senate Committee on Rules, Senate Prints 6084, an act to amend the Public Authorities Law and Chapter 738 of the Laws of 1988.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1637. All those in favor, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the House. 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 51, nays one. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please take up Calendar Number 1640, Senate 6085.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1640, by the Senate Committee on Rules, Senate Print 6085, an act to amend the Mental Hygiene Law and Chapter 560 of the Laws of 1994.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1640. All those in favor, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the House. 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 51, nays one. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: Not at the time.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until the call of the Majority Leader but no later than August 3rd, intervening days being legislative days.

ACTING PRESIDENT KUHL: Without objection the Senate stands adjourned subject to the call of the Majority Leader, not later than August 3rd, intervening days to be legislative days.

(Whereupon, at 4:51 p.m., the Senate adjourned.)