NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 3, 2000

11:15 a.m.

REGULAR SESSION

SENATOR THOMAS P. MORAHAN, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MORAHAN: 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.)

ACTING PRESIDENT MORAHAN: We have today with us Chaplain Ron Fritts, who is the chaplain to the U.S. Corps of Cadets. And he will lead us in a prayer.

Reverend.

CHAPLAIN FRITTS: Let us unite our hearts together in prayer.

Almighty God, our Heavenly Father, as we gather today to recognize the United States Military Academy and its contributions to the great State of New York, we first of all pause to recognize You as the source of all good things.

We thank You for our great nation and for this great state. We thank You for those who govern, and we ask Your blessing upon them, that the great State of New York

would continue to prosper in the hands of faithful men and women.

We ask Your continued blessing upon the mission of the Military Academy. By Your grace, enable us all to show ourselves worthy of whatever honors we receive.

All of this we pray in Your holy name. Amen.

ACTING PRESIDENT MORAHAN: Thank you, Reverend Fritts.

May we have the reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 2nd, the Senate met pursuant to adjournment. The Journal of Monday, May 1st, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MORAHAN: 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 Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privileged resolution at the desk. I would ask that it be read in its entirety -- it's by Senator Larkin -- and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 4030, memorializing Governor George E. Pataki to proclaim May 3, 2000, as "West Point Day" in New York State.

"WHEREAS, This Legislative Body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E. Pataki to proclaim May 3, 2000, as "West Point Day" in New York State; and

"WHEREAS, By an act of Congress on March 16, 1802, the United States Military Academy was established within the borders of

New York State on the banks of the Hudson River; and

"WHEREAS, The Academy and its graduates are an integral part of the proud history of this State and Nation. The leadership and sacrifices of the members of the Long Gray Line have helped this country withstand countless threats to our cherished democratic way of life. The alumni have excelled not only on the battlefield but in many fields of endeavor; and

"WHEREAS, The Academy continues to provide our country with able and dedicated future leaders. Its scenic campus is a mecca each year for thousands of visitors from across our State, continent, and other countries;

"The United States Military Academy is in the forefront of our State's outstanding institutions of higher learning; and

"WHEREAS, 48 years ago, the late James T. McNamara, then a member of the New York State Assembly, and a member of the Academy's class of 1939, was the author of the State Legislature's first "West Point Day"

Resolution;

"For decades, our nation has enjoyed the legacy of freedom, and the United States Military Academy at West Point has played a vitally significant role in the maintenance of peace and freedom; and

"WHEREAS, The members of this Legislative Body are equally proud to commemorate this event, marking May 3, 2000, as "West Point Day" in New York State; now, therefore, be it

"RESOLVED, that this Legislative Body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor George E. Pataki to proclaim May 3, 2000, as "West Point Day" in New York State; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable George E. Pataki, Governor of the State of New York."

ACTING PRESIDENT MORAHAN: Senator Larkin.

SENATOR LARKIN: Thank you, Mr.

President.

I would like to welcome the Superintendent of the United States Military Academy and the First Lady of the Military Academy, Susan Christman; General Christman's staff; the West Point Society that are behind us here; and, most importantly, the cadets, the future leaders of our nation. With the exception of one, my colleagues, they come from our great state of New York, and we inherited the first captain from the state of Florida.

The Long Gray Line began in Orange County 198 years ago. It has been called home by such military leaders as Ulysses Grant, Robert Lee, Dwight David Eisenhower, George Patton, and Norman Schwarzkopf.

These leaders shared in the knowledge that the strength of the United States military must rest on a solid foundation composed of individual honor and integrity.

Mr. President, this lesson was first taught more than 180 years ago by then Colonel Sylvanus Thayer, when he became the

first superintendent of the United States Military Academy at West Point. As an Army engineer, Colonel Thayer knew that you must build both a military foundation and a solid academic foundation. His vision was a class of highly educated, highly trained engineers who could support the rapid westward movement of the United States.

It is appropriate, therefore, that this house give special recognition today to another Army engineer, a very distinguished West Point graduate of the Class of 1965, our current superintendent, Lieutenant General Daniel Christman.

Upon graduating from the academy which he now commands, General Christman served as a decorated combat engineer with some of the Army's most famous units, including the 2nd Infantry Division in Korea and the 101st Airborne in Vietnam. After leading troops in such places as Korea and Vietnam and West Germany, General Christman served our country in the upper echelons of the military command in Washington, D.C.

We also give special recognition

today to the corps of cadets, a special, elite group of men and women who have passed some of the toughest tests in our nation to get there. But we can attest to that because here with us today we have a proud son of Hudson, New York -- Mr. Gardner? Where is he hiding? - who will enter the Academy on July 1st, to be a member of the Class of 2004. Sean, congratulations.

Now I have the privilege of introducing these cadets that are here with us today.

Cadet Matthew Baideme, from Westfield.

Please stand as I call your name, and then you may also sit down.

Cadet Rafael Camporese, from Brooklyn.

Cadet Joseph Faiella, from Holbrook.

Cadet Jeffrey Hay, of Panama.

Cadet David Iannuccilli, from Warwick.

Cadet Elisa Jones, from West Point.

Cadet Leona Kutsko, from Old Forge.

Cadet Peter Magnetto, from Troy, New York.

Cadet James Stout, from Albany.

Cadet Juliza Ramirez, from Manhattan.

Cadet Dominic Trippodo, from Lake Katrine.

Cadet Michelle Lynn Vargo, from Chemung.

Cadet David Wimbush, from Albany.

Thank you.

Today's cadets represent the bright young faces sitting before us. They will continue to build on the solid foundation of duty, honor, and country started by Colonel Thayer nearly two centuries ago.

Mr. President, we must recognize that the challenges faced by these young members today are vastly different than those encountered by many of their famous predecessors. Today's Army leaders must know how to have the ability to move equipment and troops to far distant areas in a matter of hours -- not, as our previous planners did, in months.

Many of the cadets seated here in this chamber will shortly after graduation be asked to serve in places called Kosovo, Bosnia, and other places around the world to keep the peace.

However, today's Army serves not only abroad but here at home. Mr. President, I must tell you that the cadets at the Military Academy in Orange County are a bright part of our community effort. It is nothing to go around some of our communities in Orange, Rockland, Putnam, Dutchess, and see cadets working on local projects, whether it's for daycare, helping to build parks, to clean up, and be any part of a civilian activity, to show their pride in the community and to show that the Army cares and wants to be a part of our communities.

Duty, honor, and country, and a concern for others -- these are the values of leadership. Mr. President, it is upon this bedrock of values that each cadet builds his or her career. It is an unchanging standard that we in New York must strive to embody. It is upon this bedrock that the future leaders

of the United States Army will lead soldiers, and many times in harm's way, to preserve the freedoms which our nation is founded upon.

We owe a debt of gratitude to the United States Military Academy for bestowing on the State of New York all that is good in our nation. We thank General Christman, his faculty, his staff, and most importantly, as I've said before, the corps of cadets, for continuing to build on that bedrock that was started on the shores of the Hudson almost two centuries ago.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President. And thank you, Senator Larkin.

I'd like to add my welcome to General Christman; to his lovely wife, Susan; to the 15 cadets, and First Captain -- from Florida, now in New York -- Bob Stanton; and to a special cadet in my life, from Troy, Peter Magnetto.

His proud parents are here, Anthony and Linda Magnetto. His dad is in leadership

in the Troy Police Department and distinguishes himself every day. So it's great to have him here with us.

Senator Larkin takes great pride in that he is representative of West Point and the people that are there while they're there. All of us here in this chamber, all of us in this state are especially proud.

We're proud that you would visit us, we're proud that we can recognize you, because you truly -- your General has been a leader in the past and in the present -- you are the leaders that will go forward in these very challenging, uncertain times. A year from now, five years from now, who knows where you will be and what our world will look like.

But we take great pride in you. We take great comfort in you, in that you will follow in a tradition that is a tradition that goes through history of greatness.

And I know that our Adjutant General from the National Guard, our General Fenimore, is here as well, and I welcome him as we welcome you.

We look forward to a great day with

you. And again, we appreciate all the good things you do. And in looking at you, we can be especially proud. You're mentally fit, you're emotionally ready, you're physically fit. You're people that we are proud of.

So we're glad to join with you today.

ACTING PRESIDENT MORAHAN: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I'll be brief, because I know that you have a very busy agenda today, what we're doing for the festivities for West Point.

This is a happy day. This is a day that we look forward to in the Legislature when you, General, and your bride, Susan, and the cadets and all the military personnel from West Point come up here to spend a day with us.

West Point is located in Orange County. Our presiding Senator, Senator Morahan, who is up there working today; Senator Larkin, who prepared the resolution, and myself all represent Orange County.

We're very proud of you. We're proud of the institution. And we're eternally grateful for all of the contributions you have given us in the past and you continue to give this great country. We welcome you today.

And, finally, a particular welcome to a cadet from our Senate district, Dominic Trippodo, who's from Lake Katrine in New York. He's here with his mom Francine and uncle.

Thank you all for coming.

ACTING PRESIDENT MORAHAN: The question is on the resolution. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

I would now just extend the courtesies of the Senate to our visitors, and to recognize my constituent, David Iannuccilli. Welcome to the Senate, and enjoy your day in Albany. Thank you very much.

(Applause.)

ACTING PRESIDENT MORAHAN:

Senator Bruno.

SENATOR BRUNO: Mr. President, is there housekeeping at the desk that we can take up at this time?

ACTING PRESIDENT MORAHAN: Yes, there is.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Saland, please place a sponsor star on Calendar Number 726.

ACTING PRESIDENT MORAHAN: The bill will be starred.

SENATOR LIBOUS: Mr. President, on behalf of Senator Trunzo, on page 48 I offer the following amendments to Calendar Number 736, Senate Print Number 7181, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The amendments are accepted, and the bill will retain its place on the Third Reading Calendar.

Senator Bruno, we have substitutions.

SENATOR BRUNO: Mr. President, can we at this time take up the substitutions.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: On page 4, Senator Balboni moves to discharge, from the Committee on Water Resources, Assembly Bill Number 7387 and substitute it for the identical Senate Bill Number 4778A, Third Reading Calendar 770.

On page 4, Senator Alesi moves to discharge, from the Committee on Alcoholism and Drug Abuse, Assembly Bill Number 1204 and substitute it for the identical Senate Bill Number 1516, Third Reading Calendar 772.

On page 5, Senator McGee moves to discharge, from the Committee on Alcoholism and Drug Abuse, Assembly Bill Number 9528A and substitute it for the identical Senate Bill Number 3946A, Third Reading Calendar 774.

And on page 6, Senator Hannon moves to discharge, from the Committee on Local Government, Assembly Bill Number 2714 and substitute it for the identical Senate Bill Number 7325, Third Reading Calendar 788.

On page 8, Senator Leibell moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 1203 and substitute it for the identical Senate Bill Number 5037, Third Reading Calendar 800.

And on page 11, Senator Stavisky moves to discharge, from the Committee on Codes, Assembly Bill Number 768 and substitute it for the identical Senate Bill Number 6652, Third Reading Calendar 833.

ACTING PRESIDENT MORAHAN: The substitutions are ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we do the noncontroversial reading of the calendar.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 75, by Senator Seward, Senate Print 3516A, an act to amend the Insurance Law, in relation to making various technical corrections.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 23. This

act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 321, by Senator Bonacic, Senate Print -

SENATOR BRUNO: Lay it aside for the day, please.

ACTING PRESIDENT MORAHAN: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 353, by Senator DeFrancisco, Senate Print 4417A, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to the penalty for violations.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 385, by Senator Wright, Senate Print 2426, an act to amend the Public Service Law, the Public Officers Law, and the General Construction Law, in relation to videoconferencing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 388, by Senator Wright, Senate Print 3994, an act to amend the Public Service Law and the State Administrative Procedure Act, in relation to endorsement.

ACTING PRESIDENT MORAHAN: Read

the last section.

THE SECRETARY: Section 4. This act shall take effect in 90 days.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 416, by Senator Volker, Senate Print 2936, an act to amend the Civil Practice Law and Rules, in relation to the fiduciary exemption.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 477, by Senator Velella, Senate Print 6241A -

SENATOR BRUNO: Lay it aside for the day.

ACTING PRESIDENT MORAHAN: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 557, by Member of the Assembly Tocci, Assembly Print Number 9672, an act to amend the Education Law, in relation to developing a program.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 579, by Senator Stafford, Senate Print 7063 -

SENATOR BRUNO: Lay it aside temporarily.

ACTING PRESIDENT MORAHAN: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 586, by Senator Johnson, Senate Print 758, an act to amend the Real Property -

SENATOR BRUNO: Lay it aside temporarily, please.

ACTING PRESIDENT MORAHAN: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 633, by Senator Velella, Senate Print 2530, an act to amend the General Business Law, in relation to the possession of equipment.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator LaValle, Senate Print 1856, an act to amend the Town Law, in relation to exemptions.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 669, by Senator McGee, Senate Print 4313, an act to amend the General Municipal Law, in relation to establishing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 692, by Member of the Assembly Wright, Assembly Print Number -

SENATOR BRUNO: Lay it aside, please.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 696, by Senator Rath, Senate Print 124, an act to amend the General Municipal Law, in relation to alternative methods.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 703, by Senator Balboni, Senate Print 6852 -

SENATOR BRUNO: Lay it aside temporarily.

ACTING PRESIDENT MORAHAN: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 709, by Senator Libous, Senate Print 7139, an act to authorize the City of Norwich.

ACTING PRESIDENT MORAHAN: A home rule message is at the desk.

SENATOR BRUNO: Lay it aside temporarily.

ACTING PRESIDENT MORAHAN: The bill is laid aside temporarily.

Senator Bruno, that completes the reading of the noncontroversial calendar.

SENATOR BRUNO: Mr. President, Calendar Number 477 was laid aside for the day incorrectly. I would ask that it be called up, taken up now.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 477, by Senator Velella, Senate Print 6241A, an act to amend the Education Law, in relation to allowing absentee ballots on school budget votes.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to presently come before the Senate, I'm recommending that we recess until 2 o'clock, 2:00 p.m. today.

And I'm going to call an immediate conference of the Senate Majority in the small conference room. The big conference room is being set up for the West Point luncheon.

Immediate conference, short conference. It will be short, because you'll be standing.

(Laughter.)

ACTING PRESIDENT MORAHAN: The Senate will stand in recess until 2 o'clock.

And there will be an immediate

meeting of the Majority Conference in the small conference room.

(Whereupon, the Senate recessed at 11:43 a.m.)

(Whereupon, the Senate reconvened at 2:09 p.m.)

ACTING PRESIDENT MORAHAN: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the supplemental active list.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 281, by Senator LaValle, Senate Print 1969, an act to amend the Public Health Law, in relation to authorizing and directing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 346, by Senator Marchi, Senate Print 2618A, an act to amend the Education Law, in relation to the establishment.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 407, by Senator Velella, Senate Print 1518, an act to amend the Penal Law, in relation to multiple convictions.

ACTING PRESIDENT MORAHAN: Read the last section.

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

November.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 419, by Senator Volker, Senate Print 3508, an act to amend the Civil Practice Law and Rules, in relation to requiring.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 60 days.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 608, by Senator Maltese, Senate Print 6873, an act to amend the Public Authorities Law, in relation to fingerprinting.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 611, by Senator Marchi, Senate Print 7130, an act to amend the Public Authorities Law, in relation to the provision.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

647, by Senator Volker, Senate Print 2059, an act to amend the Civil Practice Law and Rules, in relation to confidential communications.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 648, by Senator Volker, Senate Print 2139, an act to amend the Penal Law and the Criminal Procedure Law, in relation to the term of imprisonment.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 649, by Senator Rath, Senate Print 2795, an act to repeal Paragraph F of Subdivision 1 of Section 70.30.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Kuhl, Senate Print 2402, an act to amend the Correction Law, in relation to requiring.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 664, by Senator Morahan, Senate Print 6942, an act to amend the Executive Law and the Penal Law, in relation to payment.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 214.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 214, by Senator Skelos, Senate Print 1023A, an act to establish a Business Trust Law constituting Chapter 4A of the consolidated laws.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 2:15 p.m.)

(Whereupon, the Senate reconvened

at 2:18 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 420, by Senator Fuschillo.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 420, by Senator Fuschillo, Senate Print 4210, an act to amend the Penal Law, in relation to the offense of assault.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The bill is passed.

SENATOR SKELOS: Mr. President,

would you call up Calendar Number 499, by Senator Skelos.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 499, by Senator Skelos, Senate Print 114, an act to amend the Domestic Relations Law and the Penal Law, in relation to the suspension and revocation.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: The Senate will stand at ease.

(Whereupon, the Senate stood at

ease at 2:20 p.m.)

(Whereupon, the Senate reconvened at 2:50 p.m.)

ACTING PRESIDENT MORAHAN: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: If we could now go to noncontroversial Supplemental Active List Number 2.

ACTING PRESIDENT MORAHAN: Yes, sir.

The Secretary will read.

THE SECRETARY: Calendar Number 48, by Senator Marcellino, Senate Print 830A, an act to amend the Labor Law, in relation to criminal penalties.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The

bill is passed.

THE SECRETARY: Calendar Number 88, by Senator Morahan, Senate Print 5799, an act to amend the Education Law, in relation to allowing boards of cooperative educational services.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Wright, Senate Print 1223, an act to amend the Penal Law, in relation to assault.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator Kuhl, Senate Print 1839, an act to amend the Education Law, in relation to optional retirement programs.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 651, by Senator McGee, Senate Print 3337, an act to amend the Criminal Procedure Law, in relation to eligibility.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36.

ACTING PRESIDENT MORAHAN: Senator McGee, why do you rise?

The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MORAHAN: Yes.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Bonacic, on page number 26 I offer the following amendments to Calendar Number 321, Senate Print Number 3906, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The

amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator McGee, why do you rise?

SENATOR McGEE: I was speaking with one of my colleagues. Thank you, Senator.

ACTING PRESIDENT MORAHAN: You're welcome.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Spano, I'd like to commit Calendar 853, Print Number 6436A, to the Finance Committee, please.

ACTING PRESIDENT MORAHAN: The bill is committed.

There's no other housekeeping at the desk, Senator Skelos.

Senator Skelos.

SENATOR SKELOS: Mr. President, tomorrow there will be a conference of the Majority at 1:00 p.m.

And there being no further business, I move we adjourn until tomorrow,

May 4th, at 2:00 p.m.

ACTING PRESIDENT MORAHAN: There will be a Majority conference at 1 o'clock tomorrow in the Majority Conference Room.

And we stand adjourned until tomorrow, May 4th, at 2:00 p.m.

(Whereupon, at 2:57 p.m., the Senate adjourned.)