NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

August 3, 2001

12:15 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.

I ask the members to take their chairs, staff to find their places.

I ask everybody in the chamber to rise and join 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, the assemblage respected a moment of silence.)

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Thursday, August 2nd, the Senate met pursuant to adjournment. The Journal of Wednesday, August 1st, was read and approved. On motion, 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.

That brings us to the calendar, Senator Bruno.

SENATOR BRUNO: Mr. President, can we continue with Calendar 59, starting with 1468.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 59, on the members' desks, Calendar 1468.

THE SECRETARY: Calendar Number 1468, by the Senate Committee on Rules, Senate Print Number 5755A, an act making an appropriation.

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.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1469, by the Senate Committee on Rules, Senate Print Number 5758, an act making an appropriation.

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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1470, by the Senate Committee on Rules, Senate Print Number 5759, an act making an appropriation.

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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1471, by the Senate Committee on Rules, Senate Print Number 5760, an act making an appropriation.

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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1472, by the Senate Committee on Rules, Senate Print Number 5761, an act to authorize and

direct.

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.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1473, by the Senate Committee on Rules, Senate Print Number 5762, an act making an appropriation.

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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1474, by the Senate Committee on Rules, Senate Print Number 5763, an act allowing the transfer.

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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we have an immediate meeting of the Rules Committee in Room 332.

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.

The Senate will come to order. I ask the members to find their chairs, staff to

take their places.

The chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1219.

ACTING PRESIDENT KUHL: For the benefit of the members, on Calendar Number 58A, which was taken up earlier, Calendar Number 1219, by Senator Libous.

The Secretary will read.

THE SECRETARY: Calendar Number 1219, by Senator Libous, Senate Print 5492A, an act authorizing the Commissioner of Transportation.

ACTING PRESIDENT KUHL: 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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1411.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1411, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8902A, an act to authorize the Bronx.

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.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1415.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1415, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 9222, an act to authorize the Commissioner of General Services.

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.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we 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 at this time.

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

There is a report of 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 2675A, by Senator Seward, an act to amend the Vehicle and Traffic Law.

3985, by Senator Velella, an act to amend the General Business Law.

5632, by Senator Gonzalez, an act authorizing the City of New York.

And 5768, by the Senate Committee on Rules, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT KUHL: The motion is to accept the report of the Rules Committee.

SENATOR BRUNO: Move to accept the report of the Rules Committee.

ACTING PRESIDENT KUHL: All those in favor of accepting the report of the Rules Committee 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.

The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1432.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1432.

THE SECRETARY: In relation to Calendar Number 1432, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 6572A and substitute it for the identical Senate Bill Number 2675A, Third Reading Calendar 1432.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number

1432, by Member of the Assembly Gantt, Assembly Print Number 6572A, an act to amend the Vehicle and Traffic Law and the Insurance 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, 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1433.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1433.

THE SECRETARY: In relation to Calendar Number 1433, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 7739 and substitute it for the identical Senate Bill Number 3985,

Third Reading Calendar 1433.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1433, by Member of the Assembly Pheffer, Assembly Print Number 7739, an act to amend the General Business Law and others.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 6. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 2. Senators Alesi and Libous recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1478.

ACTING PRESIDENT KUHL: The

Secretary will read Calendar Number 1478.

THE SECRETARY: In relation to Calendar Number 1478, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 9333 and substitute it for the identical Senate Bill Number 5768, Third Reading Calendar 1478.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1478, by the Assembly Committee on Rules, Assembly Print Number 9333, an act to amend the Education Law and others.

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: Record the negatives and announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1478 are

Senators Duane, Hassell-Thompson, and Montgomery. Ayes, 52. Nays, 3.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR DUANE: Mr. President.

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

SENATOR DUANE: I'm confused. What calendar are we on, Mr. President?

ACTING PRESIDENT KUHL: There is no printed calendar per se which has a listing of all the bills. We're calling up individual bills that were just reported out from one of the committees. So the bills are actually on your desk with a calendar number on them.

If you're looking at your bills, Senator Duane, and you're finding a bill that says 1475 on it, and 1476, they were incorrectly marked, I'm informed by the desk. They should have read 1432 and 1433, respectively.

If you wish to change your vote - Senator Duane, if you wish to change your vote on any of those bills, certainly now would be the time to do that, we would entertain that.

Senator Bruno.

SENATOR BRUNO: Mr. President, I would move that we at this time recommit all outstanding bills on the calendar to Rules.

ACTING PRESIDENT KUHL: Without objection, all bills, outstanding bills on the calendar are recommitted to Rules.

SENATOR BRUNO: And there being no further business to come before the Senate, I would move that we stand adjourned, subject to the call of the Majority Leader, with intervening days being legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned, subject to the call of the Majority Leader, intervening days to be legislative days.

(Whereupon, at 12:44 a.m., the Senate adjourned.)