NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 4, 2003

11:07 a.m.

REGULAR SESSION

SENATOR GEORGE D. MAZIARZ, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAZIARZ: The Senate will please 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 MAZIARZ: 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 MAZIARZ: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 3, the Senate met pursuant to adjournment. The Journal of Monday, June 2, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MAZIARZ: 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 Marcellino.

SENATOR MARCELLINO: Mr. President, I wish to call up my bill, Print Number 4131, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 573, by Senator Marcellino, Senate Print 4131, an act to amend Chapter 122 of the Laws of 2000, amending the Environmental Conservation Law.

ACTING PRESIDENT MAZIARZ: Senator Marcellino.

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

ACTING PRESIDENT MAZIARZ: The Secretary will call the roll on

reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MAZIARZ: Senator Marcellino.

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

ACTING PRESIDENT MAZIARZ: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I wish to call up Senator Kuhl's bill, Print Number 2244, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1049, by Senator Kuhl, Senate Print 2244, an act to amend the County Law.

ACTING PRESIDENT MAZIARZ: Senator Marcellino.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MAZIARZ: Senator Marcellino.

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

ACTING PRESIDENT MAZIARZ: The amendments are received and adopted.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT MAZIARZ: Senator Spano.

SENATOR SPANO: Mr. President, on behalf of Senator Wright, on page 42, I offer the following amendments to Calendar 919, Senate Print 4932, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Spano.

SENATOR SPANO: On behalf of Senator Balboni, on page 36, I offer the following amendments to Calendar 820, Senate Print 4159, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there are substitutions at the desk, if we could make them at this time.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: On page 51, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 7972 and substitute it for the identical Senate Bill Number 3426, Third Reading Calendar 1068.

And on page 52, Senator Golden moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7032 and substitute it

for the identical Senate Bill Number 4181, Third Reading Calendar 1077.

ACTING PRESIDENT MAZIARZ: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time in its entirety.

ACTING PRESIDENT MAZIARZ: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could have Resolution 1977, by Senator Bonacic, read. This resolution was passed on June 3rd.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: By Senator

Bonacic, Legislative Resolution Number 1977, commending the Valedictorians, Salutatorians, and honored students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held at the State Capitol on June 4, 2003.

"WHEREAS, It is the sense of this Legislative Body to act in accord with its longstanding traditions, to honor the youth of today -- the leaders of tomorrow -- whose character and achievements best exemplify the ideals and values cherished by this great State and Nation; and

"WHEREAS, This Legislative Body is justly proud to recognize and commend the high achievements of these dedicated students in the 42nd Senate District on the occasion of a special celebratory visit to be held at the State Capitol in Albany, New York, on Wednesday, June 4, 2003; at this time the Valedictorians, Salutatorians, and honored students who have been selected by their school leadership for outstanding community service will receive special recognition from the Senate in the Senate Chamber; lunch will

be served on the third floor terrace of the Legislative Office Building, followed by a tour of the Capitol Building; and

"WHEREAS, These Valedictorians, Salutatorians, and honored students represent the best of developed potential inherent in our most precious resource, our youth, and their achievements have brought enduring honor to their families and communities, and should be recognized and saluted; and

"WHEREAS, The Valedictorians who are being commended today for their outstanding academic performances and exemplary achievements include: Katie Piszczatowski, Desiree Rap, Alison Sluiter, Lindsey Hollenbaugh, Nikki Thiele, Nicole Pomeroy, Brendon Pantel, Rebekah Stalter, Diana K. Joyce, Alfredo Rivera, Joseph Hamburg, Megan Baxter, Brandy Lee Maggio, Heather Fronckowiak, Stephen A. Mulick, Shannon Curd, Timothy M. Billias, Casey L. Berson, Lauren Bayne, Joseph Goldbeck, Bridget Szala, Allison LaPlatney, Cheyenne A. Smith, Kerri Perazone, Cheryl King, Joshua Masland, Kelly Tischmacher, Emily Linhart, Heather

Nober, Jennifer Peters, Kayla Peters, Colleen Carey, Gwendolyn Bugger, and Sarah Hanley; and

"WHEREAS, The Salutatorians who are being commended today for their outstanding academic performances and exemplary achievements include Indea Egnaczak, Jamie Barber, Collin Haight, Meghan Shaw, Peter Meyer, Eric Rabeno, Julianne Porter, Ian Kiraly, Kyle D. Crosby, Leonid Panayed, Anne (Nan) Davis, Corianna Sichel, Maureen Casey, Justin Morse, Michael Cuddy, Michelle Mather, Holly Johnson, Erin Williams, Jonathan Cole, Krista Stokes, Diana Failla, Melanie Mead, Jenna Tiano, Daniel R. Griffith, David Galvin, Tristan Smith, Lydia Vigna, Joseph Hawker, Sarah Nebzydoski, Joanna DiCostanzo, Lisa Altbach, Laura Morris, and Rilke van Buren; and

"WHEREAS, The honored students who are being commended today and who have been selected by their school leadership for outstanding school or community service include: Jesse Hopkins, Szilvia Toth, Craig Dolezel, Kathryn Mattson, Bradley Diuguid, Kristen Figueroa, Sarah Moore, Allison Pinney,

Beth A. Brooking, Wendy Feng, Nicole Sostak, Tammy Greynolds, Michael Friedman, Jackie Rappaport, Rachel Hernandez, John Bavoso, Amanda Schmidt, Helen Rose Miesner, Jason Turken-Stevenson, Seamus Carey, Angela Bofelos, Stephanie Colasuonno, Cheryl Emeigh, Jeremy Hubert, Michelle Peters, Abigail Caskey, Amy Watters, and Meghan Holley; and

"WHEREAS, These Valedictorians, Salutatorians, and honored students may now stand with pride as they assess their achievements, experience the satisfaction of their labors and the joy of their accomplishments, eager to face the new experiences of a challenging world; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the Valedictorians, Salutatorians, and honored students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held at the State Capitol on June 4, 2003; and be it further

"RESOLVED, That copies of this

resolution, suitably engrossed, be transmitted to the aforementioned Valedictorians, Salutatorians, and honored students."

ACTING PRESIDENT MAZIARZ: This resolution was previously adopted by the Senate on June 3rd.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I always said that we live in the greatest country in the world and the reason we're the greatest country in the world is because of the people, the Americans, in our country.

When you look up in both galleries, you will see 96 students from 30 school districts in the 42nd Senate District. They are our valedictorians, our salutatorians, and students that distinguished themselves in community service. They are the best of the best. They represent the future of America.

And we would say to you, congratulations. To the parents that are here, the teachers, the superintendents, we welcome you. We know that you've all been a

part of helping the students achieve the place where they are at.

We wish you well in your future endeavors when you go to college. We ask you to always follow your dreams. We hope that you come back to New York and work here, think of public service. And maybe years from now you will be in this chamber representing the people in the next generation.

I congratulate you, and I welcome you.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Bonacic.

Again, on behalf of Senator Bruno, Senator Bonacic, and the entire New York State Senate, congratulations to all of you.

Thank you.

(Applause.)

ACTING PRESIDENT MAZIARZ: Senator Skelos.

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

And then if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MAZIARZ: Immediate meeting of the Rules Committee in the Majority Conference Room.

The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 461, by Member of the Assembly DelMonte, Assembly Print Number 3936A, an act to amend the Penal Law and the Labor Law, in relation to permitting.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 657, by Senator Volker, Senate Print 4846, an act to amend the Civil Practice Law and Rules,

in relation to authorizing an attorney.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

THE SECRETARY: Calendar Number 730, by Senator Farley, Senate Print 3424, an act to amend the Banking Law, in relation to establishing uniform fines.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 16. This act shall take effect on the 30th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 753, by Senator LaValle, Senate Print 2066, an act to amend the General Municipal Law, in relation to emergency rescue and first aid squads or companies.

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 929, by Senator Maziarz, Senate Print 3016A, an act to amend Chapter 912 of the Laws of 1920, relating to the regulation of boxing.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator Kuhl, Senate Print 2309, an

act to amend the General Municipal Law, in relation to the powers and duties.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1053, by Senator Alesi, Senate Print 44, an act to amend the --

SENATOR VELELLA: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1054, by Senator Fuschillo, Senate Print 1459, an act to authorize the St. Paul's Evangelical Lutheran Church.

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1055, by Senator Bonacic, Senate Print 1520A, an act to give the Town of Thompson authority to contract.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number

1056, by Senator Fuschillo, Senate Print 1571A, an act to authorize the First Methodist Church to file an application.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Senator Larkin, Senate Print 1806A, an act to amend the General Municipal Law, in relation to providing a local government mergers law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1058, by Senator Farley, Senate Print 2059, an act to amend the Environmental Conservation Law, in relation to making technical corrections thereto.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1060, by Senator Trunzo, Senate Print 2527, an act to amend the Real Property Law, in relation to the failure of an owner to make payments.

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1061, by Senator Mendez, Senate Print 2689 --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MAZIARZ: Calendar Number 1061 is laid aside.

THE SECRETARY: Calendar Number 1062, by Senator Volker, Senate Print 2739, an act to amend the Retirement and Social Security Law, in relation to the method of payment.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1063, by Senator Kuhl, Senate Print 2940, an act to amend the Tax Law, in relation to the hotel and motel tax in Steuben County.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1064, by Senator Nozzolio, Senate Print 3025, an act to permit the reopening of the optional 20-year retirement plan.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1065, by Senator Spano, Senate Print 3222, an act to authorize the Town of Harrison in the County of Westchester to offer.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number

1066, by Senator Little, Senate Print 3386, an act to authorize the County of Clinton to offer an optional 20-year retirement plan.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1067, by Senator Seward, Senate Print 3387, an act to amend the Tax Law, in relation to extending the authorization.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1069, by Senator Marchi, Senate Print 3427, an act in relation to directing the Commissioner of the Department of Environmental Conservation.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1070, by Senator Flanagan, Senate Print 3584, an act to amend the Correction Law, in relation to making the subdirectory of sexually violent predators free of charge.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1071, by Senator Oppenheimer, Senate Print 3664, an act to amend the Penal Law, in relation to making the defense of justification gender-neutral.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1072, by Senator Maziarz, Senate Print 3702A,

an act to amend the Tax Law, in relation to the hotel and motel taxes in Orleans County.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1073, by Senator Morahan, Senate Print 3710, an act authorizing Susan Lettre to file for retroactive membership.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1074, by Senator Rath, Senate Print 3845, an act to amend the Penal Law, in relation to establishing the crimes of attempting to lure or entice a child.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1076, by Senator Marcellino, Senate Print 4130, an act to amend the Environmental Conservation Law, in relation to the leasing of space.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1077, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 7032, an act to amend Chapter 929 of the Laws of 1986 amending the Tax Law and others.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1078, by the Senate Committee on Rules, Senate

Print Number 4807A, an act to amend the Tax Law, in relation to the imposition of sales and compensating use taxes by the County of Monroe.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1079, by Senator DeFrancisco, Senate Print 4905, an act to amend the Surrogate's Court Procedure Act, in relation to filing an objection.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1080, by Senator Wright, Senate Print 4940, an act to amend the Environmental Conservation Law, in relation to continuing the authority.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1082, by the Senate Committee on Rules, Senate Print Number 5095, an act to amend Chapter 272 of the Laws of 1991 amending the Tax Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1083, by Senator Nozzolio, Senate Print 5115, an act to amend the Executive Law, in relation to eliminating the mandatory publication of legal notices.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1084, by Senator Skelos, Senate Print 5135, an act to amend the Correction Law, in relation

to the registration of sex offenders.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1085, by Senator Balboni, Senate Print 5159, an act to amend the Executive Law, in relation to disaster contingencies and preparedness planning.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: The

bill is passed.

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

SENATOR PADAVAN: Mr. President, Calendar Number 1061, will you lay aside that bill for the day.

Now we'll go to controversial, but I think we're going to have to stand at ease for a few minutes.

ACTING PRESIDENT MAZIARZ: Calendar Number 1061 is laid aside for the day.

And the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:34 a.m.)

(Whereupon, the Senate reconvened at 11:40 a.m.)

ACTING PRESIDENT MAZIARZ: The Senate will come to order.

Members please take their seats.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Could we go to the controversial reading of the calendar now and take up Calendar Number 657, by Senator Volker.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 657, by Senator Volker, Senate Print 4846, an act to amend the Civil Practice Law and Rules, in relation to authorizing an attorney.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MAZIARZ: Senator Volker, an explanation has been asked of Calendar Number 657.

SENATOR VOLKER: Thank you.

This is an attorney general's program bill that requires that -- right now the requirement is that any judgment creditor must file a satisfaction within 20 days or face a penalty of $100. And the party to the action must be the one that files the satisfaction.

What this bill says is -- this is an attorney general's program bill -- because the attorney general has so many of these satisfactions to file, and because the agencies that are involved in this would have to sign personally any satisfactions, or the

document of satisfaction, this bill conforms to something which the City of New York got many years ago. And it says that the attorney general in effect can act as a party and file an affidavit or an affidavit of facts in support of a default judgment.

And it changes the penalty from a $100 fine or penalty for failing to file within 30 days to 45 days after a demand is made by someone for satisfaction, and therefore waives that $100 penalty.

That's basically what it is.

ACTING PRESIDENT MAZIARZ: Thank you very much.

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Duane, I'm sorry.

SENATOR DUANE: Thank you, Mr. President.

If I may have unanimous consent to be recorded in the negative on Calendar Number 1050, 1070, 1074, and 1084.

ACTING PRESIDENT MAZIARZ: Without objection, Senator Duane will be recorded in the negative on Calendar Number 1050, 1070, 1074, and 1084. Without objection, so ordered.

Senator Kuhl.

SENATOR KUHL: Would you recognize Senator Montgomery, please.

ACTING PRESIDENT MAZIARZ: Oh, I'm sorry. Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Mr. President. I would like unanimous consent to be recorded in the negative on Calendar 1084. Thank you.

ACTING PRESIDENT MAZIARZ: Without objection, Senator Montgomery will be recorded in the negative on Calendar Number 1084.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr.

President, thank you very much.

On behalf of Senator LaValle, on page number 10 I offer the following amendments to Calendar Number 212, Senate Print Number 345, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR KUHL: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Could we return to the order of motions and resolutions.

I understand there's a report of the Rules Committee at the desk. I ask that the Secretary read that.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

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

Senate Print 14A, by Senator Seward, an act to amend the County Law;

257A, by Senator Skelos, an act to amend the Vehicle and Traffic Law;

812A, by Senator Farley, an act to amend the County Law;

874, by Senator Rath, an act to amend the Penal Law;

911, by Senator McGee, an act to amend the Real Property Tax Law;

1000, by Senator Trunzo, an act to amend the Education Law;

1206, by Senator Robach, an act to amend the Penal Law;

2070, by Senator Maltese, an act to amend the Administrative Code of the City of New York;

2429, by Senator Wright, an act in relation to granting;

2478A, by Senator Kuhl, an act to amend the Tax Law;

2606A, by Senator McGee, an act to amend the Tax Law;

2838, by Senator Meier, an act in relation to permitting;

2891, by Senator McGee, an act to amend the Tax Law;

2898, by Senator Bonacic, an act to amend the General Municipal Law;

2961, by Senator Fuschillo, an act to authorize the Village of Freeport, Nassau County;

3077, by Senator Seward, an act to amend the Education Law;

3080, by Senator Morahan, an act to authorize;

3134, by Senator Velella, an act to amend the Penal Law;

3203, by Senator Kuhl, an act to authorize;

3207, by Senator McGee, an act to amend the Tax Law;

3268A, by Senator McGee, an act to amend the County Law;

3327, by Senator Kuhl, an act to amend the Tax Law;

3347, by Senator Johnson, an act to authorize;

3350, by Senator McGee, an act to amend the Tax Law;

3366, by Senator Meier, an act to amend the Tax Law;

3415, by Senator Kruger, an act to authorize;

3611, by Senator Larkin, an act to amend the Tax Law;

3733, by Senator Breslin, an act authorizing;

3759, by Senator Balboni, an act to amend the Civil Rights Law;

3786, by Senator Kuhl, an act to amend the Alcoholic Beverage Control Law;

4195, by Senator Maziarz, an act to repeal Title 3 of Article 18A of the General Municipal Law;

4620A, by Senator Little, an act to amend the County Law;

4775, by Senator Flanagan, an act to amend the Correction Law;

4789, by Senator Morahan, an act to amend the General Municipal Law;

5078, by Senator Rath, an act to amend the Social Services Law and the Executive Law;

5099, by Senator Volker, an act to amend the Criminal Procedure Law;

5178, by Senator Kuhl, an act to

amend the Vehicle and Traffic Law;

5179, by Senator Velella, an act to amend the Education Law and the Administrative Code of the City of New York;

5189, by the Senate Committee on Rules, an act to amend the Tax Law;

5202A, by Senator Nozzolio, an act to amend the Executive Law;

5236, by Senator Spano, an act to amend the Vehicle and Traffic Law;

5299, by Senator Johnson, an act to amend the County Law;

5304, by Senator Bruno, an act to amend the Highway Law;

And Senate Print 5344, by the Senate Committee on Rules, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. It should be noted that the last four bills are not back from the printer yet, so they're not on file in the document room.

But with the consent of the Minority, we move to accept the report of the Rules Committee.

ACTING PRESIDENT MAZIARZ: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The Rules report is accepted.

Senator Kuhl.

SENATOR KUHL: While we're on motions and resolutions, would you recognize Senator Meier, please.

ACTING PRESIDENT MAZIARZ: Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator Wright, I wish to call up his bill, Senate Print Number 1068, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The

Secretary will read.

THE SECRETARY: Calendar Number 127, by Senator Wright, Senate Print 1068, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAZIARZ: Senator Meier.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAZIARZ: Senator Meier.

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

ACTING PRESIDENT MAZIARZ: The amendments are received and adopted.

SENATOR MEIER: Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. There being no further business to come before the house today, I move that the Senate stand adjourned until next Monday, June 9th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT MAZIARZ: On motion, the Senate stands adjourned until Monday, June 9th, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:52 a.m., the Senate adjourned.)