NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

September 4, 2001

3:33 p.m.

EXTRAORDINARY SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

I ask everyone to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: With us this afternoon to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: If I may take the liberty of presenting again the same prayer that I gave in the last extraordinary session just five years ago.

Dear Senators, we pray for all of our New York State people that their wealth and power might become a force for peace rather than conflict, a source of hope rather than discontent, as an agent of change, of friendship rather than enmity.

May the actions of this Senate be that example. We ask You this in Your name forever and ever.

Amen.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message from the Governor at the desk?

THE PRESIDENT: Yes, there is. There is a proclamation announcing the session which I now will ask the Secretary to read.

SENATOR SKELOS: If we could waive the reading of the proclamation, Madam President.

THE PRESIDENT: The reading is so waived.

SENATOR SKELOS: At this time if we could call the roll to ascertain a quorum.

THE PRESIDENT: The Secretary will call the roll.

THE SECRETARY: Senator Alesi.

(No response.)

THE PRESIDENT: Senator Balboni.

(No response.)

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Here.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Here.

THE SECRETARY: Senator Brown.

SENATOR BROWN: Here.

THE SECRETARY: Senator Bruno.

(Senator Bruno was indicated as present.)

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator DeFrancisco.

(No response.)

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Here.

THE SECRETARY: Senator Duane, excused.

Senator Espada.

(No response.)

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Present.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: Present.

THE SECRETARY: Senator Gonzalez.

(No response.)

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Present.

THE SECRETARY: Senator Hannon.

(No response.)

THE SECRETARY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Here.

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: Here.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Present.

THE SECRETARY: Senator Johnson.

(No response.)

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: Here.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Present.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Present.

THE SECRETARY: Senator Lack.

SENATOR LACK: Present.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Present.

THE SECRETARY: Senator LaValle.

(No response.)

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Libous.

(No response.)

THE SECRETARY: Senator Maltese.

(No response.)

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Present.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Present.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: Here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Present.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Present.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: Here.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Present.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Present.

THE SECRETARY: Senator Nozzolio.

(No response.)

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Here.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Present.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Here.

THE PRESIDENT: Senator Skelos, a quorum is present.

SENATOR SKELOS: Thank you, Madam President.

On behalf of Senator Bruno, I'd like to hand up Resolution Number 1, appointing the committee of two to inform the Governor that the Senate has convened an extraordinary session. I ask that the title be read and move for its adoption.

THE PRESIDENT: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 1, appointing a

committee to inform the Governor that the Senate has convened an extraordinary session.

THE PRESIDENT: All those in favor of the resolution so indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, Senator Volker and Senator Brown will perform that extraordinary duty.

On behalf of Senator Bruno, I hand up Resolution Number 2, appointing a committee of two to inform the Assembly that the Senate has convened an extraordinary session. We ask that the title be read.

THE PRESIDENT: Thank you, Senator. The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 2, appointing a committee to inform the Assembly that the Senate has convened an extraordinary session.

THE PRESIDENT: All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Senators Bonacic and Stavisky will perform that extraordinary duty also.

THE PRESIDENT: The record will so reflect the appointments of all four Senators.

SENATOR SKELOS: Madam President, on behalf of Senator Bruno, I hand up Resolution Number 3, empowering the Temporary President to appoint officers and employees necessary for the extraordinary session, ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 3, empowering the

Temporary President to appoint officers and employees necessary for the extraordinary session.

THE PRESIDENT: All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, on behalf of Senator Bruno, I hand up Resolution Number 4, providing for the introduction of bills in the Senate during the extraordinary session. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 4, providing for the introduction of bills in the Senate during the extraordinary session.

THE PRESIDENT: All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

SENATOR SKELOS: Madam President, if the Senate could stand at ease at this time.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:40 p.m.)

(Whereupon, the Senate reconvened at 4:08 p.m.)

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Madam President, I know that the members have many things to do today, so why don't we stand at ease until 5:30, at which time the members should return to the chamber. And it is expected that we will be taking up bills at that time.

ACTING PRESIDENT McGEE: The Senate will stand at ease until 5:30, at which time the session will move on. Thank you.

At ease.

(Whereupon, the Senate stood at ease at 4:10 p.m.)

(Whereupon, the Senate reconvened at 6:02 p.m.)

SENATOR SKELOS: Madam President.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: There will be a meeting of the Senate Finance Committee at 6:10, in the Majority Conference Room.

ACTING PRESIDENT RATH: Meeting of the Finance Committee at 6:10 in the Majority Conference Room.

SENATOR SKELOS: And if we could continue to stand at ease.

ACTING PRESIDENT RATH: The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 6:03 p.m.)

(Whereupon, the Senate reconvened at 6:25 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members

to take their chairs, staff to find their places.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Finance 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 Finance Committee at the desk. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill direct to third reading:

Extraordinary session, Senate Print Number 2, Budget Bill, an act making reappropriations for the State University of New York multiyear capital investment program and for the state Superfund program.

ACTING PRESIDENT KUHL: Without objection, the bill is ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Senate 2-Assembly 2 in extraordinary session.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Calendar Number 1, Budget Bill, Extraordinary Session, Senate Print 2, an act making reappropriations for the State University of New York multiyear capital investment program and for the state Superfund program.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message 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. 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 2. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, on behalf of Senator Bruno, I'd like to hand up Resolution Number 5, appointing the committee to inform the Governor that the Senate has completed business and is ready to adjourn. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno,

Senate Resolution Number 5, appointing a committee to inform the Governor that the Senate has completed business and is ready to adjourn.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe Senators Rath and Malcolm Smith have that extraordinary privilege, of going to the second floor.

ACTING PRESIDENT KUHL: The record will so reflect their appointment and the carrying out of their duties.

SENATOR SKELOS: On behalf of Senator Bruno, I hand up Resolution Number 6, appointing a committee to inform the Assembly that the Senate has completed business and is

ready to adjourn.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 6, appointing a committee to inform the Assembly that the Senate has completed business and is ready to adjourn.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe that Senators McGee and Hassell-Thompson have that privilege.

ACTING PRESIDENT KUHL: The record will reflect their appointment and their carrying out of their duties.

Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, I hand up Concurrent Resolution Number 7, adjourning the extraordinary session.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 7, relative to the adjournment of the extraordinary session of the Legislature sine die.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted, and the extraordinary session is adjourned.

(Whereupon, at 6:31 p.m., the Senate adjourned.)