NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 7, 2003

11:05 a.m.

REGULAR SESSION

SENATOR PATRICIA K. McGEE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT McGEE: 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 McGEE: In view of we have no clergy with us today, I ask we all join in bowing our heads for a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT McGEE: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 6, the Senate met pursuant to adjournment. The Journal of Monday, May 5, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT McGEE: 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Hoffmann, on page 29 I offer the following amendments to Calendar 350, Senate Print 187A, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Madam President, on page 32, on behalf of Senator Maziarz, I offer the following amendments to Calendar 389, Senate Print 3391, and I ask that that bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

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

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: On page 4, Senator Nozzolio moves to discharge, from the Committee on Health, Assembly Bill Number 501B and substitute it for the identical Senate Bill Number 312A, First Report Calendar 621.

On page 12, Senator Robach moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5104 and substitute it for the identical Senate Bill Number 3911, First Report Calendar 703.

On page 13, Senator Robach moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5916 and substitute it for the identical Senate Bill Number 4197, First Report Calendar 708.

On page 44, Senator Morahan moves to discharge, from the Committee on Elections, Assembly Bill Number 5033 and substitute it for the identical Senate Bill Number 4142A, Third Reading Calendar 588.

And on page 45, Senator Volker moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 8353 and substitute it for the identical Senate Bill Number 3985A, Third Reading Calendar 665.

ACTING PRESIDENT McGEE: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Yes, Madam President, there will be an immediate meeting of the Insurance Committee in the Majority Conference Room.

ACTING PRESIDENT McGEE: Immediate meeting of the Insurance Committee in the Majority Conference Room.

Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 122, by Senator McGee, Senate Print 1262, an act to amend the Vehicle and Traffic Law, in relation to providing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 133, by Senator Alesi, Senate Print 45, an act to amend the Vehicle and Traffic Law, in relation to extending the time of license revocation.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Ayes, 35. Nays, 2. Senators DeFrancisco and Sabini recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 135, by Senator Johnson, Senate Print 495, an act to amend the Vehicle and Traffic Law, in relation to limiting options.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 390, by Senator Marcellino, Senate Print 769A, an act to amend the Navigation Law, in relation to providing an exemption.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 487, by Senator Skelos, Senate Print 2841, an act to amend Chapter 380 of the Laws of 2002 relating to establishing four separate and independent library funding districts.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 492, by Senator McGee, Senate Print 2860A, an act to amend the Vehicle and Traffic Law, in relation to requiring.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 596, by the Senate Committee on Rules, Senate Print Number 4864A, an act to amend the Tax Law, in relation to authorizing the County of

Sullivan.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 620, by Senator McGee, Senate Print 4873, an act to amend Chapter 533 of the Laws of 1993, amending the Vehicle and Traffic Law and the Correction Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: I just rise to explain my vote.

ACTING PRESIDENT McGEE: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

I will be voting yes on this bill, but I also feel it's important to mention that it is today the 30th anniversary of the Rockefeller Drug Laws.

And while this bill is specifically related to driving license suspension and drug use, which I certainly can support, I again highlight for this floor and for this chamber that it is now 30 years since we passed the Rockefeller Drug Laws, and it is way past time for us to get to work to evaluate the fact that these are failed laws, that we are putting people into prison for extended periods of time for low-level, nonviolent drug offenses.

And while I would argue that it is not too strict to take away a driver's license, the right to drive, for people who are guilty of using drugs and driving, I do object to the fact that we are not dealing

with the bigger problems for drug laws in this state.

Thank you very much.

ACTING PRESIDENT McGEE: Senator Krueger will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 665, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8353, an act to amend the Public Authorities Law and the Education Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I may have unanimous consent to be recorded in the negative on Calendar Number 122, 138, 390, and 492.

ACTING PRESIDENT McGEE: There is not a 138, Senator Duane. Would you care to --

SENATOR DUANE: Either that, or I need to get reading glasses.

ACTING PRESIDENT McGEE: Are you suggesting 133, perhaps?

SENATOR DUANE: I am. I am. Thank you, Madam President.

ACTING PRESIDENT McGEE: So 122, 133 --

SENATOR DUANE: 390 and 492.

ACTING PRESIDENT McGEE: -- 390 and 492.

SENATOR DUANE: Bingo.

ACTING PRESIDENT McGEE: The Secretary will record.

Thank you very much, Senator Duane.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I would like unanimous consent to

be recorded in the negative on Calendar 122.

ACTING PRESIDENT McGEE: The Secretary will note.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT McGEE: Senator Skelos, that concludes the reading of the calendar.

SENATOR SKELOS: Thank you, Madam President.

There will be an immediate meeting of the Local Governments Committee in the Majority Conference Room.

ACTING PRESIDENT McGEE: Immediate meeting of the Local Governments Committee in the Majority Conference Room.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: No housekeeping at the desk at the present moment.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we adjourn until Monday, May 12th, at 3:00 p.m., intervening days being

legislative days.

ACTING PRESIDENT McGEE: The Senate will stand adjourned until Monday, May 12th, at 3:00 p.m. The intervening days will be considered legislative days.

(Whereupon, at 11:15 a.m., the Senate adjourned.)