NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 27, 2004

11:06 a.m.

REGULAR 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 present to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: The Reverend Terry Lee Beckwith is with us this morning to give the invocation. He is pastor of Grace Bible Church in Cohoes.

REVEREND BECKWITH: Let us pray.

Our heavenly Father, we read in the Book of James that You have commanded us to count it all joy. And the Apostle Peter admonishes us to greatly rejoice when experiencing suffering from sinners.

Lord, understanding that You're refining our faith and our patience. It's to that end that I pray this day for the ladies and gentlemen of this Senate that Thou would grant them wisdom and understanding, not only to know but to do Your will, especially in this manner of responding biblically to

suffering.

Heavenly Father, I would ask that You would give to them the ability to both acknowledge and accept that all things, good and bad, even the sufferings that we experience, come from Your sovereign hand. And therefore, Lord, that we would rejoice, we would respond with great faith, love, humility, meekness and patience.

May You bless the ladies and gentlemen here this day with the ability to respond to any and all afflictions with a spirit of great joy and thankfulness, knowing that You are refining them, purifying them, bringing them forth as gold.

It's in the precious name of Jesus that we pray. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 26, the Senate met pursuant to adjournment. The Journal of Sunday, January 25, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without

objection, the Journal stands approved as read.

Senator Skelos.

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

THE PRESIDENT: There will be an immediate meeting of the Energy Committee in the Majority Conference Room.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Rath, from the Committee on Children and Families, reports:

Senate Print 207, by Senator Morahan, an act to amend the Family Court Act;

1015, by Senator Skelos, an act to amend the Family Court Act;

1023A, by Senator Skelos, an act to amend the Domestic Relations Law;

1913A, by Senator Saland, an act to

amend the Social Services Law;

1917, by Senator Saland, an act to amend the Family Court Act;

And Senate Print 3041, by Senator LaValle, an act to amend the Social Services Law.

Senator LaValle, from the Committee on Higher Education, reports:

Senate Print 298, by Senator LaValle, an act to amend the Education Law;

And Senate Print 990, by Senator Trunzo, an act to amend the Education Law.

All bills ordered direct to third reading.

THE PRESIDENT: All bills ordered direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

Madam President, on page number 13 I offer the following amendments to Calendar

Number 128, Senate Print Number 525, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR WRIGHT: Madam President, on behalf of Senator LaValle, on page number 13 I offer the following amendments to Calendar Number 123, Senate Print Number 2027A, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the 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.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 10, Senator Kuhl moves to discharge, from the Committee on Education, Assembly Bill Number 1892A and substitute it for the identical

Senate Bill Number 1487, Third Reading Calendar 95.

On page 10, Senator Farley moves to discharge, from the Committee on Education, Assembly Bill Number 9166 and substitute it for the identical Senate Bill Number 5715, Third Reading Calendar 98.

And on page 11, Senator Saland moves to discharge, from the Committee on Education, Assembly Bill Number 9222 and substitute it for the identical Senate Bill Number 5756, Third Reading Calendar 99.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar, with the exception of Resolutions 3221, 3240, and 3282.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3221, 3240, and 3282, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is so adopted.

Senator Skelos.

SENATOR SKELOS: May we please have the title read on Senator Bruno's resolution, 3282, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 3282, honoring Pope John Paul II upon the occasion of celebrating the 25th Anniversary of his papacy, and commending his lifetime of beneficent work.

THE PRESIDENT: All in favor of the resolution please 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,

if we could open that resolution for sponsorship by the entire membership.

If anybody wishes not to sponsor the resolution, they should contact the desk.

THE PRESIDENT: Any member who does not wish his or her name on the last resolution, please notify the desk.

Senator Skelos.

SENATOR SKELOS: At this time if we could take up Senator Rath's resolution, Number 3221, have the title read, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Rath, Legislative Resolution Number 3221, memorializing Governor George E. Pataki to proclaim October 2004 as New York State Coalition against Domestic Violence Month in the State of New York, and commemorating its 25th Anniversary, to be celebrated February 2 through 3, 2004.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Also with that resolution, if we could open that up for sponsorship by the entire Senate.

If anybody wishes not to sponsor it, they should notify the desk.

THE PRESIDENT: Any member who does not wish to sponsor the last resolution please notify the desk.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could have the title read on Resolution 3240, by Senator Breslin, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 3240, commemorating the 100th Anniversary of the New York State Association of Fire Chiefs.

THE PRESIDENT: All in favor of

the resolution please 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, if we could open up that resolution for sponsorship.

If anybody wishes not to sponsor it, they should notify the desk.

THE PRESIDENT: Any member who did not wish to sponsor the last resolution, please notify the desk.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 10, by Senator LaValle, Senate Print 2743, an act to amend the Town Law, in relation to exemption.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 29, by Senator Maziarz, Senate Print 729B, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 30, by Senator Marcellino, Senate Print 801,

an act to amend the Vehicle and Traffic Law, in relation to increasing the parameters.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 77, by Senator Alesi, Senate Print 45, an act to amend the Vehicle and Traffic Law, in relation to extending the time of license revocation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 78, by Senator Johnson, Senate Print 495, an act to amend the Vehicle and Traffic Law, in relation to limiting options.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 80, by Senator McGee, Senate Print 3518, an act to amend the Vehicle and Traffic Law, in relation to requiring the revocation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 81, by Senator Alesi, Senate Print 4420A, an act to amend the Vehicle and Traffic Law, in relation to additional penalties.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 88, by Senator Skelos, Senate Print 551, an act to amend the General Business Law, in relation to the sale of laser pointing devices.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 5. This act shall take effect on the first of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

Senator Skelos.

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

THE PRESIDENT: There will be an immediate meeting of the Crime Victims Committee in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: Calendar Number 91, by Senator Nozzolio, Senate Print 5443, an act to amend the General Business Law, in relation to the sale of monuments and memorials.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 98, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 9166, an act to amend Chapter 305 of the Laws of 2003 authorizing the Hamilton Fulton Montgomery Board of Cooperative Educational Services.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 101, by Senator Morahan, Senate Print 1766, an

act to amend the Military Law, in relation to extending certain benefits.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, may I have unanimous consent to be recorded in the negative on Calendar 77, Senate Print S45.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Sabini.

SENATOR SABINI: Madam President, may I ask unanimous consent to be listed in the negative on Calendar Number 77, S45.

THE PRESIDENT: Hearing no

objection, you will be so recorded as voting in the negative.

Senator Skelos.

SENATOR SKELOS: Madam President, the Senate will stand at ease pending the reports of two committees, and then we will adjourn.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:17 a.m.)

(Whereupon, the Senate reconvened at 11:30 a.m.)

ACTING PRESIDENT SEWARD: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we return to reports of standing committees. I believe there are reports at the desk.

ACTING PRESIDENT SEWARD: The Secretary will read.

THE SECRETARY: Senator Nozzolio, from the Committee on Crime Victims, Crime and Correction, reports:

Senate Print 120, by Senator Alesi,

an act to amend the Correction Law;

1016, by Senator Skelos, an act to amend the Correction Law;

3925, by Senator Skelos, an act to amend the Correction Law;

4007, by Senator Skelos, an act to amend the Correction Law;

4168, by Senator Skelos, an act to amend the Correction Law;

4455, by Senator Skelos, an act to amend the Correction Law;

5135, by Senator Skelos, an act to amend the Correction Law;

5408A, by Senator Volker, an act to amend the Correction Law;

And Senate Print 5985, by Senator Nozzolio, an act to amend the Correction Law.

Senator Wright, from the Committee on Energy and Telecommunications, reports:

Senate Print 444, by Senator Hannon, an act to amend the State Technology Law;

2301, by Senator DeFrancisco, an act to amend the Public Service Law;

2758A, by Senator Wright, an act to

amend the Public Service Law;

3800A, by Senator Wright, an act to amend the Public Authorities Law;

And Senate Print 4932A, by Senator Wright, an act to amend the Energy Law.

Senator Velella, from the Committee on Labor, reports:

Senate Print 1996, by Senator Larkin, an act to amend the Labor Law;

3879, by Senator Maltese, an act to amend the Labor Law;

5970, by Senator Velella, an act to amend the Labor Law;

And Senate Print 5973, by Senator Velella, an act to amend the Labor Law.

All bills ordered direct to third reading.

ACTING PRESIDENT SEWARD: All bills reported directly to third reading.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT SEWARD: No.

SENATOR FUSCHILLO: There being

no further business, I move we adjourn until Monday, February 2nd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT SEWARD: On motion, the Senate stands adjourned until Monday, February 2nd, at 3:00 p.m., intervening days being legislative days.

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