NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 3, 2004

11:06 a.m.

REGULAR SESSION

SENATOR ELIZABETH O'C. LITTLE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LITTLE: The Senate will 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 LITTLE: 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 LITTLE: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 2, the Senate met pursuant to adjournment. The Journal of Monday, March 1, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LITTLE: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Libous, from the Committee on Mental Health and Developmental Disabilities, reports:

Senate Print 2182, by Senator Libous, an act to amend the Mental Hygiene Law;

2579, by Senator Libous, an act to amend the Mental Hygiene Law;

3403, by Senator Libous, an act to amend the Mental Hygiene Law;

4615, by Senator Libous, an act to amend the Mental Health Law;

4794, by Senator Libous, an act to amend the Mental Hygiene Law;

4835, by Senator Skelos, an act to amend the Mental Hygiene Law;

And Senate Print 5076, by Senator Libous, an act to amend the Mental Hygiene Law.

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

Senate Print 1413B, by Senator

LaValle, an act to amend the Education Law;

1513, by Senator Maziarz, an act to amend the Education Law;

5488, by Senator Maltese, an act to amend the Education Law;

And Senate Print 5824, by Senator Meier, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT LITTLE: All bills reported direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Seward.

SENATOR SEWARD: Yes, Madam President. On behalf of Senator Kuhl, please place a sponsor's star on Calendar Number 226.

ACTING PRESIDENT LITTLE: So ordered.

Senator Skelos.

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

ACTING PRESIDENT LITTLE: Thank you. The Secretary will read.

THE SECRETARY: On page 25, Senator Morahan moves to discharge, from the Committee on Aging, Assembly Bill Number 2822 and substitute it for the identical Senate Bill Number 1348, Third Reading Calendar 360.

ACTING PRESIDENT LITTLE: The substitution is ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, I have a privileged resolution, 3722, at the desk. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 3722, commending Steven McDonald upon the occasion of his designation for special honor by the Friends of Mercy Medical Center at its 38th Annual St. Patrick's Gentlemen's Dinner on March 9, 2004.

ACTING PRESIDENT LITTLE: The question is on the resolution. All in favor

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE:

Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution, 3721, by Senator Sabini. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: By Senator Sabini, Legislative Resolution Number 3721, congratulating John Jedzinak upon the occasion of his receiving the distinguished rank of Eagle Scout, the most prestigious of Scouting honors, on Sunday, March 7, 2004.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE:

Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 28, by Senator Johnson, Senate Print 3782B, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number

70, by Senator Farley, Senate Print 3425, an act to amend the Banking Law, in relation to the requirement for licensure to make mortgage loans.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 115, by Senator Skelos, Senate Print 1735A, an act to amend the Highway Law, in relation to ratifying and confirming certain actions.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 134, by Senator Volker, Senate Print 237, an act to amend the Criminal Procedure Law, in relation to fingerprinting persons.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 156, by Senator Velella, Senate Print 5970A, an act to amend the Labor Law, in relation to state apprenticeship.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 90th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Madam President, to explain my vote.

Although this bill has a lot of good provisions in it, one glaring weakness is that there's no Minority Leader appointment to the training council. And so that because of that glaring omission, it would be a better bill if they had Minority participation.

But it's not enough to stop me from voting for it; I just wanted to point that out to everybody in the chamber.

Thank you. I vote aye.

ACTING PRESIDENT LITTLE: Thank you. You will be recorded in the affirmative.

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 190, by Senator Maltese, Senate Print 3276A,

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

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 236, by Senator Kuhl, Senate Print 2309, an act to amend the General Municipal Law, in relation to the powers and duties.

ACTING PRESIDENT LITTLE: 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 LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 239, by Senator Little, Senate Print 5113, an act to amend the Local Finance Law, in relation to the sale of bonds to the New York State Environmental Facilities Corporation.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 240, by Senator LaValle, Senate Print 5524, an act to amend the Real Property Tax Law, in relation to a special equalization rate.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 252, by Senator Larkin, Senate Print 5934, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 293, by Senator Marchi, Senate Print 3418A, an act to amend the Not-for-Profit Corporation Law, in relation to authorizing.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2005.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

SENATOR SKELOS: Madam President, would you please recognize Senator Montgomery.

ACTING PRESIDENT LITTLE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I would like unanimous consent to be recorded in the negative on Calendar 134.

ACTING PRESIDENT LITTLE: Without objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Is there any

housekeeping at the desk?

ACTING PRESIDENT LITTLE: No, there is not, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Monday, March 8th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT LITTLE: On motion, the Senate stands adjourned until Monday, March 8th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:16 a.m., the Senate adjourned.)