NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 15, 2004

3:14 p.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 to please stand and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: With us once again to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: Let us pray.

Dear God, we pray for the families in Spain that have suffered in their terrorism attack, so that they will be supported by our concern here in New York State.

As a state that has felt the pain of the 9/11 atrocity, we understand how we can compassionately identify with their loss. We extend our love to all of those codependently who have been affected by such a dastardly violation of human respect for life.

We thank You, O God, for the democracy that we exhibit here in the Senate of New York State.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, March 13, the Senate met pursuant to adjournment. The Journal of Friday, March 12, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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 Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Hoffmann, I wish to call up Senate Print Number 5297, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 174, by Senator Hoffmann, Senate Print 5297A, an act to amend the Agriculture and Markets Law.

THE PRESIDENT: Senator Fuschillo.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

SENATOR FUSCHILLO: Madam President, I now offer the following amendments.

THE PRESIDENT: The amendments are received.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Larkin, I wish to call up Senate Print Number 5659, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 15, by Senator Larkin, Senate Print 5659, an act to amend the Real Property Tax Law.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received, Senator.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Velella, on page number 21 I offer the following amendments to Calendar Number 345, Senate Print Number 3444, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Madam President, on behalf of Senator Marcellino, on page number 16 I offer the following amendments to Calendar Number 286, Senate Print Number 883, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Madam President, on behalf of Senator Kuhl, on page number 7 I offer the following amendments to Calendar Number 117, Senate Print Number 2974A, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Madam President, on behalf of Senator DeFrancisco, on page number 4 I offer the following amendments to Calendar Number 1, Senate Print Number 1144, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments

are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: I'm here for you, John.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's a substitution at the desk, if we can make it at this time.

THE PRESIDENT: Yes, there is Senator.

The Secretary will read.

THE SECRETARY: On page 18, Senator Spano moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 1448 and substitute it for the identical Senate Bill Number 1606, Third Reading Calendar 306.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If you could make the substitution.

THE PRESIDENT: The substitution is ordered.

SENATOR SKELOS: Thank you.

If we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 201, by Senator Wright, Senate Print 4857, an act to amend the Uniform Justice Court Act, in relation to arraignments.

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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 211, by Senator Johnson, Senate Print 3996, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to the regulation of vessels.

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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 215, by Senator Maziarz, Senate Print 508, an act to amend the Penal Law, in relation to creating definitions with respect to larceny.

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, 40.

THE PRESIDENT: The bill is passed.

Senator Skelos.

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

THE PRESIDENT: There will be an immediate meeting of the Crime Victims, Crime

and Corrections Committee in the Majority Conference Room.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 235, by Senator Nozzolio, Senate Print 1934, an act to amend the Real Property Tax Law, in relation to exempting certain real property.

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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 374, by Senator Volker, Senate Print 4171, an act to repeal Subdivision 6 of Section 60.35 of the Penal Law.

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, 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 396, by Senator Bonacic, Senate Print 2898, an act to amend the General Municipal Law, in relation to creating and establishing.

THE PRESIDENT: There is a home-rule message at the desk.

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 PRESIDENT: Senator Krueger, to explain your vote.

SENATOR LIZ KRUEGER: Thank you very much, Madam President.

While I did vote for this bill last year, I have done more homework into IDAs and what they mean. And I have to say adding one more for a town with only 6,000 people does not seem to be in the best interests of

planning for the State of New York. So I will be voting no on this bill this year.

Thank you.

THE PRESIDENT: You will be so recorded as voting in the negative on this bill.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 396 are Senators Duane, L. Krueger, and Stachowski. Ayes, 45. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 429, by Senator DeFrancisco, Senate Print 6308, an act to amend the Estates, Powers and Trusts Law, in relation to restrictions.

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, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 435, by Senator Spano, Senate Print 5876, an act to amend the State Finance Law, in relation to payment of emergency financial aid.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 436, by Senator Alesi, Senate Print 6098, an act in relation to redistributing 2003 bond volume allocations.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 437, by Senator Marchi, Senate Print 6169, an act to amend Chapter 759 of the Laws of 1973 relating to the transfer of lands.

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, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 444, by Senator Saland, Senate Print 5941, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Little, Senate Print 6067, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: No, there isn't,

Senator.

SENATOR SKELOS: We won't ask if anybody wants to say anything.

So there being no further business to come before the Senate, I move we stand adjourned until Tuesday, March 16th, at 3:00 p.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, March 16th, 3:00 p.m.

(Whereupon, at 3:25 p.m., the Senate adjourned.)