NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 17, 2004

11:05 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: In the absence of clergy, may we bow our heads in a moment of silence.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 16, the Senate met pursuant to adjournment. The Journal of Monday, March 15, 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 McGee.

SENATOR McGEE: Thank you, Madam President.

On behalf of Senator Wright, on page number 33 I offer the following amendments to Calendar Number 511, Senate Print Number 2428A, 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 McGEE: Thank you, Madam President.

On behalf of Senator Hannon, on page number 34 I offer the following amendments to Calendar Number 519, Senate Print Number 3899, 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 McGEE: Thank you, Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR SKELOS: If we could make them at this time, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 29, Senator Larkin moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 6512 and substitute it for the identical Senate Bill Number 2088, Third Reading Calendar 462.

On page 29, Senator Nozzolio moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 9660 and substitute it for the identical Senate Bill Number 6035, Third Reading Calendar 465.

On page 30, Senator Larkin moves to

discharge, from the Committee on Alcoholism and Drug Abuse, Assembly Bill Number 5118 and substitute it for the identical Senate Bill Number 2576, Third Reading Calendar 470.

On page 33, Senator Robach moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 5039 and substitute it for the identical Senate Bill Number 4294, Third Reading Calendar 497.

And on page 34, Senator Johnson moves to discharge, from the Committee on Health, Assembly Bill Number 9675 and substitute it for the identical Senate Bill Number 6097, Third Reading Calendar 521.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator

Hoffmann, Legislative Resolution Number 3933, honoring John P. Regan, Sr., upon the occasion of his retirement as Mayor of Minoa, New York, on April 5, 2004, and paying tribute to his 22 years of distinguished service to the Village of Minoa.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move the adoption of the resolution.

THE PRESIDENT: All those 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 go to the reading of the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 32, by Senator McGee, Senate Print 2860A, an

act to amend the Vehicle and Traffic Law, in relation to requiring school bus and other motor vehicle drivers.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 69, by Senator Farley, Senate Print 2264, an act to amend the Banking Law, in relation to the confidentiality of records.

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, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 161, by Senator Wright, Senate Print 3800A, an act to amend the Public Authorities Law, in relation to landfill gas power generation projects.

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, 38.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Larkin, Senate Print 5933, an act authorizing the Esopus Library District's board of trustees to temporarily delay.

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, 38.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 275, by Senator Velella, Senate Print 3194A, an act to amend the Labor Law and the State

Finance Law, in relation to discriminatory business practices.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of April, 2006.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 300, by Senator Balboni, Senate Print 5809, an act to amend Chapter 672 of the Laws of 1993 amending the Public Authorities 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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 318, by Senator Spano, Senate Print 5144, an act to amend the Tax Law, in relation to authorizing the disclosure of certain identifying information.

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 426, by Member of the Assembly Tocci, Assembly Print Number 5805, an act to amend the Lien Law, in relation to requiring a payment bond.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 438, by Senator Alesi, Senate Print 129A, an act to amend the Vehicle and Traffic Law, in and the State Finance Law, in relation to creating the "Stop Prostate Cancer" distinctive license plate program.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 459, by Senator Saland, Senate Print 6068, an act to amend Chapter 567 of the Laws of 2003 relating to authorizing and directing the County of Dutchess.

THE PRESIDENT: There is a local fiscal impact statement 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 SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

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

Senator Skelos.

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

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

Senator Skelos.

SENATOR SKELOS: Madam President, if we could just stand at ease before we go to the reading of the controversial calendar.

THE PRESIDENT: The Senate stands at ease.

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

(Whereupon, the Senate reconvened at 11:20 a.m.)

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 32, by Senator McGee, Senate Print 2860A, an act to amend the Vehicle and Traffic Law, in relation to requiring school bus and other motor vehicle drivers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Thank you, Madam President.

We'll stand at ease pending the report of the Finance Committee.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:22 a.m.)

(Whereupon, the Senate reconvened at 11:36 a.m.)

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Senator Saland.

SENATOR SALAND: Thank you, Madam President. I would like to star a bill, my bill, Calendar 350, Senate 5324.

THE PRESIDENT: So ordered, Senator.

Senator Skelos.

SENATOR SKELOS: Madam 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.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following bills:

Senate Print 6523, Senate Budget Bill, an act to amend Chapter 62 of the Laws of 2003;

And Senate Print 6524, Senate Budget Bill, an act to amend Chapters 50, 51, 53, 54 and 55 of the Laws of 2003.

Both bills ordered direct to third reading.

THE PRESIDENT: Without objection, the bills are ordered direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 524.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 524, Senate Budget Bill, Senate Print 6523, an act to amend Chapter 62 of the Laws of 2003,

amending the General Business Law.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept the message.

THE PRESIDENT: All in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 525.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 525, Senate Budget Bill, Senate Print 6524, an act to amend Chapters 50, 51, 53, 54 and 55 of the Laws of 2003, making appropriations for the support of government.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR SKELOS: Move to accept the message.

THE PRESIDENT: All in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: Yes, there is, Senator.

Senator Meier has a motion, I believe.

SENATOR MEIER: Thank you, Madam President.

On page 32 I offer the following amendments to Senator Golden's bill, Calendar Number 491, Senate Print 1504, 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 MEIER: Thank you, Madam

President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Monday, March 22nd, at 3:00 p.m. --

THE PRESIDENT: Senator Maziarz, why do you rise?

SENATOR MAZIARZ: Thank you very much, Madam President.

I'd like unanimous consent to be recorded in the negative on Calendar Number 318, Senate 5144, please.

THE PRESIDENT: Without objection, you will be so recorded.

Excuse us, Senator Skelos. Would you like to proceed again? Go ahead.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Monday, March 22nd, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned until Monday, March 22nd, 3:00 p.m., intervening days being

legislative days.

(Whereupon, at 11:40 a.m., the Senate adjourned.)