NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

August 9, 2004

3:30 p.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 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: The invocation today will be given by the Reverend Peter G. Young, of Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

As we enjoy our summer vacation time, we have found the time to return to our Senate and state priorities and concerns of government.

O, God, You have called us to assist the needy and provide positive leadership for all of our New York State citizens. You have dedicated Senators here who have been dedicated to respond to their legislative responsibilities, that will

provide and promote the positive agenda for all of our New York State constituents.

We ask You, O, Lord, to bless their efforts and the time, and to give them the strength and the energy to continue this good work. Their presence here in this session confirms their commitment and priority to use their skills and talents for You that You have blessed them with, and for all of the people of our state.

Amen.

ACTING PRESIDENT McGEE: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, August 8th, the Senate met pursuant to adjournment. The Journal of Saturday, August 7th, 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 Kuhl, I wish to call up his bill, Print Number 6473A, which was recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1344, by Senator Kuhl, Senate Print 6473A, an act authorizing the City of Corning.

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

ACTING PRESIDENT McGEE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FARLEY: Madam President, I now move to commit the bill to the Committee

on Rules.

ACTING PRESIDENT McGEE: So ordered.

Senator Skelos.

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

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

SENATOR SKELOS: And if we could stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT McGEE: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 3:33 p.m.)

(Whereupon, the Senate reconvened at 3:40 p.m.)

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing

committees, I believe there's a report of the Rules Committee at the desk.

I ask that it be read at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Assembly Print Number 10057A, by Member of the Assembly Galef, an act to amend the Transportation Law;

Senate Print 6824B, by Senator Morahan, an act to authorize the Town of Stony Point;

7117A, by Senator McGee, an act to amend the Real Property Tax Law;

3277A, by Senator Robach, an act to amend the Retirement and Social Security Law;

4347B, by Senator Sampson, an act to amend Chapter 341 of the Laws of 2002;

6108, by Senator Maltese, an act to make certain widows and children of certain former uniformed employees of New York City police;

7663B, by Senator Maziarz, an act

to amend the Education Law;

7708, by Senator Skelos, an act to amend the General Business Law;

And Senate Print 6666, by Senator Rath, an act to amend Chapter 78 of the Laws of 1989.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT McGEE: All in favor of accepting the report of the Rules Committee will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The report is accepted.

Senator Skelos.

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

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1254, by Member of the Assembly Galef, Assembly Print Number 10057A, an act to amend the Transportation Law, in relation to establishing.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of April next succeeding.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Morahan, Senate Print 6824B, an act to authorize the Town of Stony Point to finance deficits.

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

Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator McGee, Senate Print 7117A, an act to amend the Real Property Tax Law, in relation to residential investment.

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, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1579, by Senator Robach, Senate Print 3277A, an act to amend the Retirement and Social

Security Law, in relation to enhanced pension benefits.

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, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1906, Senator Sampson moves to discharge, from the Committee on Rules, Assembly Bill Number 8433A and substitute it for the identical Senate Bill Number 4347B, Third Reading Calendar 1906.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1906, by the Assembly Committee on Rules, Assembly Print Number 8433A, an act to amend Chapter 341 of the Laws of 2002.

ACTING PRESIDENT McGEE: 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 McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1907, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 7174A and substitute it for the identical Senate Bill Number 6108, Third Reading Calendar 1907.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1907, by Member of the Assembly Abbate, Assembly Print Number 7174A, an act to make certain widows and children of certain former uniformed employees.

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, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1908, by Senator Maziarz, Senate Print 7663B, an act to amend the Education Law, in relation to prohibiting.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2004.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1909, by Senator Skelos, Senate Print 7708, an act to amend the General Business Law, in relation to disclosure requirements.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. Section 1 of this act shall take effect on the same date and in the same manner as a chapter of the Laws of 2004.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1911, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 10843 and substitute it for the identical Senate Bill Number 6666, Third Reading Calendar 1911.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1911, by the Assembly Committee on Rules, Assembly Print Number 10843, an act to amend Chapter 78 of the Laws of 1989.

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, 54.

ACTING PRESIDENT McGEE: The bill is passed.

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

SENATOR SKELOS: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: No, there is none, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Tuesday, August 10th, at 2:00 p.m.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Tuesday, August 10th, at 2:00 p.m.

(Whereupon, at 3:46 p.m., the Senate adjourned.)