NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 23, 2005

3:13 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

May I ask everyone present to please rise and repeat with me the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: 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 MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 22, the Senate met pursuant to adjournment. The Journal of Monday, March 21, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: 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 Seward.

SENATOR SEWARD: Yes, Mr. President. I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And it's a Senator Volker bill, Number 3164.

ACTING PRESIDENT MEIER: So ordered.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT MEIER: Thank you, Senator.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Yes, there is.

The Secretary will read the

substitution.

THE SECRETARY: On page 5, Senator Spano moves to discharge, from the Committee on Judiciary, Assembly Bill Number 1246 and substitute it for the identical Senate Bill Number 3128, First Report Calendar 325.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there are two resolutions at the desk by Senator Saland, 1029 and 1030. Could we have the titles read and move for their immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 1029, honoring Investigator George J. Hoffman upon the occasion of his retirement from the Columbia County Sheriff's Office after 28 years of dedicated service.

And by Senator Saland, Legislative Resolution Number 1030, honoring Deputy

Sheriff Paul Comesanas upon the occasion of his retirement from the Columbia County Sheriff's Office after 23 years of dedicated service.

ACTING PRESIDENT MEIER: The question is on the resolutions. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolutions are adopted.

Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 79, by Senator Little, Senate Print 872, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 14 of the Constitution.

ACTING PRESIDENT MEIER: On the resolution, the Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The resolution is adopted.

THE SECRETARY: Calendar Number 196, by Senator LaValle, Senate Print 2355, an act to amend Chapter 20 of the Laws of 1998 amending the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 215, by Senator Rath, Senate Print 1520, an act to amend the Penal Law, in relation to repeat offender status.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 216, by Senator Volker, Senate Print 1530, an act to amend the Criminal Procedure Law, in relation to appeals.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 237, by Senator Little, Senate Print 728, an act to amend the Tax Law, in relation to the timing of distribution.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 240, by Member of the Assembly Bradley, Assembly Print Number 1877, an act to amend the Tax Law, in relation to extending.

ACTING PRESIDENT MEIER: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Seward, Senate Print 1047, an act to amend the Tax Law, in relation to extending the period.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 242, by Senator Seward, Senate Print 1048, an act to amend the Tax Law, in relation to extending the authorization.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Balboni, Senate Print 1744, an act to amend the Alcoholic Beverage Control Law, in relation to the issuance of temporary carnival licenses.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 45th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 244 are Senators Duane, L. Krueger, LaValle, Meier and Padavan.

Ayes, 48. Nays, 5.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 253, by Senator Meier, Senate Print 2486, an act to amend Chapter 436 of the Laws of 1997, constituting the Welfare Reform Act of 1997.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 302, by Senator Skelos, Senate Print 3089, an act to amend the Vehicle and Traffic Law, in relation to the operation of vehicles.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the calendar.

SENATOR SKELOS: Thank you, Mr. President.

I'd like to announce, on behalf of Senator LaValle, that the Higher Education Joint Conference Committee will be meeting at 3:00 p.m. in Hearing Room C. 3:30, I'm sorry. 3:30 in Hearing Room C.

And, Mr. President, there will be a meeting of the Rules Committee at 3:35 -- the room apparently is not available yet -- and then we'll take the report of the Rules Committee and adjourn. So if we could just stand at ease at this time.

Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No

business, Senator.

So the Senate, then, will stand at ease until the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 3:22 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

The Senate will stand at ease.

(Whereupon, the Senate reconvened at 3:38 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you.

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 MEIER: Reports

of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 3188, by Senator Maziarz, an act to amend Chapter 218 of the Laws of 2004 amending the Tax Law.

ACTING PRESIDENT MEIER: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until

Tuesday, March 29th at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, March 29th, at 3:00 p.m. Intervening days will be legislative days.

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