NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 28, 2005

5:42 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 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, Sunday, March 27, the Senate met pursuant to adjournment. The Journal of Saturday, March 26, 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Maziarz, on page 25 I offer the following amendments to Calendar Number 307, Senate Print 211, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: On behalf of Senator Marcellino, Madam President, on page 14 I offer the following amendments to Calendar Number 62, Senate Print 891, and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Those amendments

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

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Johnson, I wish to call up Senate Print Number 550D, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 269, Senate Budget Bill, Senate Print 550D, an act making appropriations for the support of government.

THE PRESIDENT: Senator Fuschillo.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is restored to its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Madam President, I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered, Senator.

SENATOR FUSCHILLO: Thank you.

Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 551A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 270, Senate Budget Bill, Senate Print 551A, an act making appropriations for the support of government.

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, 40.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 553D, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 277, Senate Budget Bill, Senate Print 553D, an act making appropriations for the support of government.

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, 46.

THE PRESIDENT: Senator.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 554D, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 278, Senate Budget Bill, Senate Print 554D, an act making appropriations for the support of government.

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, 46.

SENATOR FUSCHILLO: Madam President, I now move to recommit the bill to

the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 555D, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 271, Senate Budget Bill, Senate Print 555D, an act making appropriations for the support of government.

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, 46.

SENATOR FUSCHILLO: Madam President, I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam

President, on behalf of Senator Johnson, I wish to recall Senate Print Number 990B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 279, Senate Budget Bill, Senate Print 990B, an act to amend the Penal Law.

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, 47.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 991B, recalled from the Assembly, which is now at

the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 280, Senate Budget Bill, Senate Print 991B, an act to amend the Public Authorities Law.

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, 47.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 992B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 281, Senate Budget Bill, Senate Print 991B, an

act to amend the Public Health Law.

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, 47.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 993B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 272, Senate Budget Bill, Senate Print 993B, an act to amend Chapter 278 of the Laws of 1982.

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, 49.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 994B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 273, Senate Budget Bill, Senate Print 994B, an act to amend the Public Authorities Law.

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, 49.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Johnson, I wish to call up Senate Print Number 995C, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 274, Senate Budget Bill, Senate Print 995C, an act to amend the Tax Law.

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, 49.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

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

of the calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 226, by Senator Rath, Senate Print 2636, an act to adjust certain state aid payments.

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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 243, by Senator Seward, Senate Print 1629, an act to amend the Tax Law, in relation to extending the authorization.

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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 254, by Senator Meier, Senate Print 2487, an act to amend the Domestic Relations Law, in relation to notification.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 284, by Senator Maziarz, Senate Print 3108, an act to amend Part E2 of Chapter 62 of the Laws of 2003.

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, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 287, by Senator Morahan --

SENATOR MORAHAN: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 288, by Senator Golden, Senate Print 2197, an act to amend the General Business Law, in relation to cyber-cafes.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

289, by Senator Skelos, Senate Print 2726, an act to amend the General Business Law, in relation to the sale of laser pointing devices.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 393, by Senator Maziarz, Senate Print 3188, an act to amend Chapter 218 of the Laws of 2004 amending the Tax 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, 51.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

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

THE PRESIDENT: No, there isn't, Senator.

SENATOR SKELOS: Please recognize Senator Gonzalez.

THE PRESIDENT: Senator Gonzalez.

SENATOR GONZALEZ: Yes, Madam President. There will be a Minority conference tomorrow, Tuesday, March 29th, 2:00 p.m., in Room 314.

Thank you.

THE PRESIDENT: There will be a Minority conference tomorrow, Tuesday, March 29th, 2:00 p.m., in the Minority Conference Room, Room 314.

SENATOR SKELOS: Madam President, just as a reminder, there will be a Majority conference tomorrow at 2:00 p.m. also, in the Majority Conference Room.

THE PRESIDENT: There will be a

Majority conference tomorrow, also at 2:00 p.m., in the Majority Conference Room.

Senator Skelos.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Tuesday, March 29th, at 3:00 p.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, March 29th, 3:00 p.m.

(Whereupon, at 5:59 p.m., the Senate adjourned.)