NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 13, 2005

11:09 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, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 12, the Senate met pursuant to adjournment. The Journal of Monday, April 11, 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 Bonacic.

SENATOR BONACIC: Thank you, Madam President.

On behalf of Senator Skelos, we'd like to amend the bill on the calendar, the third reading. On page number 26, I offer the following amendments to Calendar Number 441, Print Number 3685A, 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 BONACIC: Also, Madam President, on behalf of Senator Volker, we'd like to vote to reconsider a bill recalled from the Assembly.

I wish to call up Bill Number 1524, recalled from the Assembly, which is now at

the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 451, by Senator Volker, Senate Print 1524, an act to amend the Criminal Procedure Law.

SENATOR BONACIC: 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, 43.

SENATOR BONACIC: Thank you, Madam President.

THE PRESIDENT: The bill is restored to Third Reading Calendar.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there are three resolutions at the desk by Senator Golden. I would ask that the titles be read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 1418, commending Robert Pertsas upon the occasion of being inducted into the Kingsborough Community College Wall of Fame on April 20, 2005.

By Senator Golden, Legislative Resolution Number 1419, commending Maria E. Campanella upon the occasion of being inducted into the Kingsborough Community College Wall of Fame on April 20, 2005.

And by Senator Golden, Legislative Resolution Number 1420, commending Cheryl Ault upon the occasion of being inducted into the Kingsborough Community College Wall of Fame on April 20, 2005.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

Kingsborough Community College is an outstanding institution in the County of Kings where 16,000 students attend this facility. It's on the waterfront. It is a facility that has run down over the years and needed a tremendous amount of work to be able to bring back to focus and to bring back its

mission statement of educating the children and adults of Kings County.

They've done such a great job in going out there and reaching out to some of the student body that has graduated that have made great inroads in the city and state of New York.

And we are very proud of those honorees that are being given a proclamation next week at their honoring, to show the great works that Kingsborough College has done for Kings County and for their student base.

We are proud of that school, and they are on their way of raising real money and being a real partner with the city and state in bringing in dollars privately through these different honored guests.

So we commend Ms. Peruggi, the president of Kingsborough, and we congratulate the three honorees and the mission of CUNY College in the City of New York.

Thank you, Madam President.

THE PRESIDENT: You're welcome.

All in favor of the resolution -- Senator Stavisky.

SENATOR STAVISKY: Thank you, Madam President.

May I just add my congratulations too. Because at the very beginning of Kingsborough Community College, my husband was on the faculty for many years, when it was a college consisting of nothing but quonset huts in South Brooklyn.

So I'm delighted to see it has become so successful and such an important part of the CUNY family. And from this side of the aisle, we congratulate CUNY.

Thank you.

THE PRESIDENT: All in favor of the resolutions, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time have the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 4, by Senator Skelos, Senate Print 85A, an act to amend the Limited Liability Company Law and others.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 24. This act shall take effect on the first day of the first month which commences.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Breslin, to explain your vote.

SENATOR BRESLIN: Madam President, to explain my vote.

The Pro Bono Lawyers Committee on Microenterprise has expressed some concerns about the onerous burden that newspaper publication imposes on microenterprises.

Microenterprise businesses with five or fewer employees and started with fees less than $35,000 in capital are a vital part of New York State's economic fabric, accounting for nearly 19 percent of all

employment in the State of New York.

Microenterprises frequently organize as LLCs because the LLC structure offers a great deal of flexibility, protection for personal assets, and is relatively inexpensive.

While I will vote for this bill, in the future I urge my colleagues to consider the special needs of these small businesses. I hope we can find ways to reduce the burden on this vital and growing part of our state's economy.

I vote yes.

THE PRESIDENT: You will be so recorded as voting in the affirmative, Senator.

The Secretary will announce the results.

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 267, by Senator Golden, Senate Print 1821, an act to amend the Education Law, in relation to authorizing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 364, by Senator Meier, Senate Print 2318, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

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, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

407, by Senator Larkin, Senate Print 2475, an act to amend the General Business Law and others.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 436, by Senator Robach, Senate Print 3331, an act to amend the Civil Service Law, in relation to authorizing.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 444, by Senator Maltese, Senate Print 3597, an act to amend Labor Law and the Civil Service Law, in relation to employees' right.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Maziarz, Senate Print 3748, an act to amend the Workers' Compensation Law, in relation to disqualifying.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 449, by Senator Volker, Senate Print 877, an act to amend the Criminal Procedure Law, in relation to granting.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Marcellino, Senate Print 1310, an act to amend the Vehicle and Traffic Law, in relation to operation of a motor vehicle.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 493, by Senator Farley, Senate Print 946, an act to amend Chapter 489 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, 54.

THE PRESIDENT: The bill is passed.

Senator Bruno, that completes the reading of the calendar.

SENATOR BRUNO: Madam President, is there any other work for the Senate at the desk this morning?

THE PRESIDENT: No work at the desk, Senator.

SENATOR BRUNO: There is nothing else for us to do on this beautiful day?

THE PRESIDENT: I said no work at the desk.

(Laughter.)

SENATOR BRUNO: Oh, thank you. Thank you, Madam President.

Then I would move that there being no further business to come before the Senate on this day, that we stand adjourned until April 18th, Monday, at 3:00 p.m., intervening days being legislative days.

Thank you.

THE PRESIDENT: On motion, there being no further work at the desk, we stand adjourned until Monday, April 18th, at 3:00 p.m., intervening days being legislative days.

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