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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 12, 2008

3:21 p.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT WINNER: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and repeat with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT WINNER: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

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

14 ACTING PRESIDENT WINNER: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Monday, February 11, the Senate met pursuant
18 to adjournment. The Journal of Saturday,
19 February 9, was read and approved. On motion,
20 Senate adjourned.

21 ACTING PRESIDENT WINNER: Without
22 objection, the Journal stands approved as
23 read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,
9 if we could adopt the Resolution Calendar,
10 with the exception of Resolutions 4209, 4252,
11 and 4286.

12 ACTING PRESIDENT WINNER: All in
13 favor of adopting the Resolution Calendar,
14 with the exceptions of Resolutions 4209, 4252,
15 and 4286, signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT WINNER:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT WINNER: The
21 Resolution Calendar is adopted.

22 Senator Skelos.

23 SENATOR SKELOS: Mr. President,
24 if we could take up Resolution 4252, by
25 Senator Bruno, have it read in its entirety,

1 and move for its immediate adoption.

2 ACTING PRESIDENT WINNER: The
3 Secretary will read.

4 THE SECRETARY: By Senator Bruno,
5 Legislative Resolution Number 4252,
6 memorializing Governor Eliot Spitzer to
7 declare Tuesday, February 12, 2008, as YMCA
8 Day in the State of New York.

9 "WHEREAS, It is the custom of this
10 Legislative Body to recognize those
11 illustrious organizations within this great
12 state and nation whose focus and intent have
13 made a substantial impact on the quality of
14 life in their communities; and

15 "WHEREAS, Attendant to such
16 concern, and in full accord with its
17 long-standing traditions, it is the sense of
18 this Legislative Body to memorialize Governor
19 Eliot Spitzer to declare Tuesday, February 12,
20 2008, as YMCA Day in the State of New York;
21 and

22 "WHEREAS, The YMCA has touched the
23 lives of virtually all Americans through its
24 support of many endeavors, including camping,
25 public libraries, night schools, group

1 swimming lessons and lifesaving, and teaching
2 English as a second language; and

3 "WHEREAS, With over 120 facilities
4 that exist in communities throughout New York
5 State, the YMCA is dedicated to building
6 strong kids, strong families, and a strong
7 society; and

8 "WHEREAS, The YMCA serves people of
9 all ages, incomes and abilities through a wide
10 variety of programs and services designed to
11 meet changing needs of the community; and

12 "WHEREAS, Volunteer-founded,
13 volunteer-based and volunteer-led, America's
14 2,663 YMCAs serve more than 20.2 million
15 people each year, uniting men, women and
16 children of all ages, races, faiths, and
17 backgrounds. At the heart of community life
18 across America, mission-driven YMCAs are a
19 place to belong and to live the values that
20 guide and unite its members through caring,
21 honesty, respect and responsibility; and

22 "WHEREAS, A true asset to society,
23 the YMCA movement has a long history of
24 partnerships with other community
25 organizations, such as schools, hospitals,

1 police departments, colleges and corporations;
2 and

3 "WHEREAS, From cities to suburbs to
4 small towns, the YMCA's mission is to put
5 Christian principles into practice through
6 programs that build healthy spirit, mind and
7 body for all; and

8 "WHEREAS, It is the sense of this
9 Legislative Body that when organizations of
10 such noble aims and accomplishments are
11 brought to our attention, they should be
12 celebrated and recognized by all the citizens
13 of this great Empire State; now, therefore, be
14 it

15 "RESOLVED, That this Legislative
16 Body pause in its deliberations to memorialize
17 Governor Eliot Spitzer to declare Tuesday,
18 February 12, 2008, as YMCA Day in the State of
19 New York; and be it further

20 "RESOLVED, That copies of this
21 resolution, suitably engrossed, be transmitted
22 to the Honorable Eliot Spitzer, Governor of
23 the State of New York, and to the YMCAs of
24 New York State, Inc."

25 ACTING PRESIDENT WINNER: I'd

1 like to recognize that David Brown, the
2 president of the Capital District YMCA, as
3 well as Kyle Stewart, the executive director
4 of the Capital District YMCA, are in the
5 balcony.

6 And I would like to congratulate
7 the Y and thank them for all their great work,
8 and thank you folks for being here today.

9 (Applause.)

10 ACTING PRESIDENT WINNER: On the
11 resolution, all in favor signify by saying
12 aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT WINNER:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT WINNER: The
18 resolution is adopted.

19 Senator Skelos.

20 SENATOR SKELOS: Mr. President,
21 Resolution Number 4209, by Senator Smith, is
22 at the desk. If we could have the title read
23 and move for its immediate adoption.

24 ACTING PRESIDENT WINNER: The
25 Secretary will read.

1 THE SECRETARY: By Senator Smith,
2 Legislative Resolution Number 4209,
3 commemorating the Centennial Celebration of
4 the Alpha Kappa Alpha Sorority, Inc.

5 ACTING PRESIDENT WINNER: Senator
6 Smith.

7 SENATOR SMITH: Thank you very
8 much, Mr. President.

9 Mr. President, it is my honor
10 before my colleagues to bring forth the
11 resolution that celebrates the Alpha Kappa
12 Alpha sorority. This is their hundred years
13 of existence. In particular, their theme for
14 this year is ESP, and that stands for economic
15 sisterhood and partnership.

16 We have many young ladies, in
17 particular ladies of color, who have been
18 founders of this organization, and they have
19 devoted themselves to the betterment of
20 personkind.

21 It gives me great pleasure on this
22 day to stand on the floor of the Senate for
23 all of the AKA sisters that are in the
24 audience, some of which are my colleagues, to
25 offer this day as a day for AKA to be

1 remembered, that during their 100th year --
2 and I underscore the 100th year of this
3 celebration -- they have done wonders for many
4 people throughout our communities. It is my
5 hope that they will celebrate their 200th
6 year, as I look to Senator Velmanette
7 Montgomery to be what some might consider the
8 baslist [ph] or part thereof.

9 But I also do want to point out one
10 of our staff persons, Sister Meredith
11 Henderson, who is a national -- national? --
12 regional connection person. All I know is
13 she's a big muckety-muck in the AKA.

14 So with that, I give honor to the
15 AKA and for many more years to come. Thank
16 you.

17 ACTING PRESIDENT WINNER: Senator
18 Montgomery.

19 SENATOR MONTGOMERY: Yes, thank
20 you, Mr. President.

21 I'm honored and I want to thank the
22 leader for introducing this resolution, and I
23 know there are many smiles among us.

24 I am an Alpha Kappa Alpha woman,
25 and so I represent one of the hundreds of

1 thousands of women, especially women of
2 African descent, in this nation and across the
3 world who are part of this organization that
4 was founded expressly for the purpose of
5 having an organized approach to dealing with
6 some of the issues in our society -- social,
7 economic, and especially, hopefully,
8 presenting ourselves as role models for future
9 generations.

10 So I'm honored to be part of that.
11 And I want to again say thank you very much
12 for recognizing 100 years. A century is
13 extremely monumental for us. And we would
14 like to hope that in the next century, within
15 the next century, we will be joining the ranks
16 of many men and women of African descent in
17 this nation to begin to project ourselves and
18 interject ourselves even further into this
19 movement to save the next generations to come
20 after us.

21 So thank you, and I appreciate the
22 fact that this body is celebrating 100 years
23 of the Alpha Kappa Alpha Sorority.

24 ACTING PRESIDENT WINNER: Senator
25 Parker.

1 SENATOR PARKER: Thank you,
2 Mr. President.

3 I want to add my voice to those who
4 are celebrating this hundred-year anniversary
5 of Alpha Kappa Alpha. This is an organization
6 that has upheld and really tried to restore in
7 this country the idea of African-American
8 womanhood.

9 It has a number of very notable
10 members, including Coretta Scott King,
11 Dr. Betty Shabazz, and the first black woman
12 astronaut, Mae Jemison. Not to mention
13 members of the Legislature like Velmanette
14 Montgomery, Assemblywoman Michele Titus, and
15 others.

16 This is an important celebration
17 because in a community where much has been
18 taken from us, to be able to celebrate a
19 hundred years of anything is really an
20 accomplishment.

21 So I want to congratulate all of
22 its members. I want to thank them for what
23 they do every single day, the things that are
24 known and unknown, to restore our communities
25 and to make them better than they were when

1 they found them.

2 And I look forward to our continued
3 work together to make sure that the New York
4 community, that the United States community
5 and the world community continues to grow and
6 flourish.

7 Thank you.

8 ACTING PRESIDENT WINNER: Senator
9 Thompson.

10 SENATOR THOMPSON: Thank you,
11 Mr. Chairman. I'd like to echo the sentiments
12 of many of my colleagues who are here today
13 that have previously spoken.

14 I rise today in support of this
15 resolution not only because of the rich
16 tradition of this sorority, but many people
17 may not know Alpha Kappa Alpha began as a
18 result of one of our brothers who was actually
19 married to one of the sisters that -- one of
20 the founders of AKA, Ethel Hedgeman Lyle, at
21 Howard University. And from that rich
22 tradition, it had a long relationship of
23 brotherhood and sisterhood between Alpha Phi
24 Alpha fraternity and Alpha Kappa Alpha
25 sorority.

1 And it's a very progressive
2 organization. They do a lot with education
3 and healthcare. And many people don't know
4 that during the civil rights movement many of
5 the organizations, fraternal organizations,
6 were extremely helpful in breaking down
7 barriers, providing financial support for
8 civil rights. And to this day, many of our
9 college presidents, doctors, lawyers,
10 engineers are members of these historic
11 organizations, particularly of Alpha Kappa
12 Alpha sorority.

13 So I congratulate you on 100 years
14 of service. Yesterday I had on my pink tie,
15 and last week I had on my pink and green tie.
16 God bless you.

17 ACTING PRESIDENT WINNER: The
18 question is on the resolution. All in favor
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT WINNER:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT WINNER: The
25 resolution is adopted.

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President,
3 if we could take up Resolution 4286, by
4 Senator Savino, have it read in its entirety,
5 and move for its immediate adoption.

6 ACTING PRESIDENT WINNER: The
7 Secretary will read.

8 THE SECRETARY: By Senator
9 Savino, Legislative Resolution Number 4286,
10 congratulating the Staten Island Hurricanes
11 upon the occasion of capturing the 2007
12 American Youth Football National Championship.

13 "WHEREAS, Excellence and success in
14 competitive sports can be achieved only
15 through strenuous practice, team play and team
16 spirit, nurtured by dedicated coaching and
17 strategic planning; and

18 "WHEREAS, Athletic competition
19 enhances the moral and physical development of
20 the young people of this state, preparing them
21 for the future by instilling in them the value
22 of teamwork, encouraging a standard of healthy
23 living, imparting a desire for success and
24 developing a sense of fair play and
25 competition; and

1 "WHEREAS, In 2007, the Staten
2 Island Hurricanes Football team compiled a
3 10-2 record and captured the American Youth
4 Football National Championship in Orlando,
5 Florida, by beating the Warwick Steelers 13-6;
6 and

7 "WHEREAS, In 2006, the Staten
8 Island Hurricanes Football Team also won the
9 Pop Warner Championship; and

10 "WHEREAS, Coached by Bali Johnson,
11 Aaron Sullivan and Richard Degroat, the Staten
12 Island Hurricanes are a Brooklyn, Jersey City
13 and Staten Island borough-wide football team
14 owned by Anthony and Sam Barnes. The
15 Hurricanes play their home games at Port
16 Richmond and Curtis High Schools; and

17 "WHEREAS, The athletic talent
18 displayed by this football team is due in
19 great part to the efforts of Coaches Bali
20 Johnson, Aaron Sullivan and Richard Degroat,
21 skilled and inspirational mentors, respected
22 for their ability to develop potential into
23 excellence; and

24 "WHEREAS, The team's overall record
25 is outstanding, and the team members were

1 loyally and enthusiastically supported by
2 family, fans, friends and the community at
3 large; and

4 "WHEREAS, The hallmarks of the
5 Staten Island Hurricanes Football Team, from
6 the opening game of the season to winning the
7 2007 American Youth Football National
8 Championship, were a brotherhood of athletic
9 ability, of good sportsmanship, of honor and
10 of scholarship, demonstrating that these team
11 players are second to none; and

12 "WHEREAS, Athletically, the team
13 members have proven themselves to be an
14 unbeatable combination of talents, reflecting
15 favorably on their community; and

16 "WHEREAS, Coaches Bali Johnson,
17 Aaron Sullivan and Richard Degroat have done a
18 superb job in guiding, molding and inspiring
19 the team members toward their goals; and

20 "WHEREAS, Sports competition
21 instills the values of teamwork, pride and
22 accomplishment, and coaches Bali Johnson,
23 Aaron Sullivan, and Richard Degroat, and the
24 Staten Island Hurricanes team's outstanding
25 athletes have clearly made a contribution to

1 the spirit of excellence which is a tradition
2 of their community; now, therefore, be it

3 "RESOLVED, That this Legislative
4 Body pause in its deliberations to
5 congratulate the Staten Island Hurricanes
6 Football Team, its members -- Qudus
7 Adelbowale, Jeremy Akyempong, Quran Anderson,
8 Joseph Andino, Hasan Angeuin, Joseph
9 Armstrong, Jamie Boateng, Sayveon Bunkley,
10 Niheem Chavis, Shaquan Coles, Lawrence Coye,
11 Dajuan Dotts, Khyheem Finely, Kahlil Harper,
12 Natalia Lee, Denzell Leitch, Donte Love,
13 Denzel Munroe, Luis Rice, Yusef Robinson,
14 Shawn Scott, Jr., Yenko Francis, Tremon
15 Johnson, and Charles Comara -- its coaches,
16 Bali Johnson, Aaron Sullivan, and Richard
17 Degroat, and its owners, Anthony and Sam
18 Barnes, on their outstanding season, overall
19 team record, and the 2007 American Youth
20 Football National Championship; and be it
21 further

22 "RESOLVED, That copies of this
23 resolution, suitably engrossed, be transmitted
24 to the members, coaches and owners of the
25 Staten Island Hurricanes Football Team."

1 ACTING PRESIDENT WINNER: Senator
2 Savino.

3 SENATOR SAVINO: Thank you,
4 Mr. President.

5 I am very honored and pleased to be
6 able to offer this resolution on behalf of a
7 remarkable group of young men and women --
8 there's even a woman on this team, a young
9 lady -- who are here today in the chamber, the
10 Staten Island Hurricanes.

11 They're remarkable not just because
12 of their scholastic aptitude and their
13 athletic aptitude, they're remarkable not just
14 because they come from Staten Island. They're
15 remarkable because they're an organization
16 that is purely volunteer-driven. The coaches,
17 the owners, the parents, the children receive
18 no special funding, no sponsorship from the
19 Department of Education or any fancy
20 organization.

21 They put this organization together
22 purely out of love for community and for youth
23 development. They put their heart and soul
24 into it. They raise money. They've taken
25 these kids around the country. And they have

1 proven that youth mentoring can produce
2 amazing results.

3 We have not just championship
4 material in football, but these young men and
5 women are champions in every way. They are
6 truly the pride of Staten Island. And on
7 behalf of Senator Lanza and myself, we are so
8 happy and pleased and proud to have you part
9 of our community. We welcome you to Albany.
10 We wish you continued success, both
11 scholastically and in football and in all of
12 your endeavors.

13 Congratulations to the 2007
14 winners. Congratulations to the Staten Island
15 Hurricanes.

16 (Applause.)

17 ACTING PRESIDENT WINNER: Senator
18 Smith.

19 SENATOR SMITH: Thank you very
20 much, Mr. President.

21 And I too want to join my colleague
22 Diane Savino, who has the knack for
23 identifying talent. And the way in which she
24 encourages individuals in her district, young
25 and old, to participate as well as to be the

1 best that they can is obvious by what has
2 happened with the Hurricanes.

3 Natalia, the only young lady on the
4 team, she's an offensive end.

5 (Applause.)

6 SENATOR SMITH: She has done a
7 wonderful job.

8 But to Coaches Sullivan, Johnson
9 and Degroat, and especially to the parents --
10 one of the things that falls short in many of
11 our families today is that the parents are not
12 involved with what the children are doing --
13 my hat goes off to each and every one of you.

14 And I also tell you, from my heart,
15 you should continue to stay close to these
16 young men. And I tell you, as you know, there
17 are stereotypes out there about our young
18 African-American men, our Hispanic young men.
19 And these young men right here attended to,
20 the Hurricanes, tell you that clearly they can
21 breeze through any neighborhood, any town, and
22 still be looked at as the number-one
23 individuals that they are.

24 So each and every one of you, you
25 have a purpose in life. And there are other

1 people out there that are looking at you. And
2 I ask you and I say to you, as I said before,
3 when you walk through these halls, you stand
4 with your head tall, you stand with your chest
5 stuck out far, and you let them know that you
6 are champions.

7 Thank you, and God bless.

8 (Applause.)

9 ACTING PRESIDENT WINNER: Senator
10 Adams.

11 SENATOR ADAMS: Thank you,
12 Mr. President.

13 I want to also join my colleague in
14 acknowledging the greatness of this team. In
15 a day and age when an entire country is saying
16 "Yes, we can," you are saying "Yes, we can."

17 (Laughter.)

18 SENATOR ADAMS: Yes, we can.

19 And I just want to -- I want you to
20 embrace the name of your team. I want you to
21 embrace the name of your team. Because you
22 can't be a hurricane on the grass and be a
23 shower in a school. You can't be a hurricane
24 when you're on the football field but just be
25 a mere sprinkle when it's time to go to

1 college.

2 If you're going to be a Hurricane,
3 then take the entire planet by storm. If you
4 are bad on Staten Island, you can be strong in
5 Sweden. If you are strong in Bed-Sty, you can
6 do whatever you want in Belgium. Be a
7 Hurricane throughout the whole planet. Don't
8 be the best that Staten Island has to offer,
9 be the best that the planet has to offer so
10 everyone will say, when they see you play:
11 Yes, we can.

12 And to my young lady, while people
13 are acknowledging individuals are doing things
14 for the first time on a national proportion,
15 you are doing it on a local level. And there
16 are young ladies who will sit on the side
17 lines and realize they don't have to be a
18 detached spectator in a sport that has been
19 monopolized by men, they can be involved
20 participants. Anyone can sit in the stands
21 and complain. Tell them to get on the field
22 and play the game.

23 Yes, we can.

24 (Applause.)

25 ACTING PRESIDENT WINNER: The

1 question is on the resolution. All in favor
2 indicate by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT WINNER:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT WINNER: The
8 resolution is adopted.

9 On behalf of Senator Savino,
10 Senator Smith, and Senator Adams, I
11 congratulate the Staten Island Hurricanes and
12 welcome you to Albany today.

13 Thank you very much.

14 (Applause.)

15 ACTING PRESIDENT WINNER: Senator
16 Skelos.

17 SENATOR SKELOS: Mr. President,
18 Resolution 4311 is at the desk, by Senator
19 Bruno. If we could have the title read and
20 move for its immediate adoption.

21 ACTING PRESIDENT WINNER: The
22 Secretary will read.

23 THE SECRETARY: By Senator Bruno,
24 Concurrent Resolution Number 4311,
25 establishing a plan setting forth an itemized

1 list of guarantees for certain appropriations
2 in the 2007-2008 state fiscal year, as
3 required by subdivision 5 of Section 24 of the
4 State Finance Law.

5 ACTING PRESIDENT WINNER: On the
6 resolution, all in favor signify by saying
7 aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT WINNER:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT WINNER: The
13 resolution is adopted.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,
16 there will be an immediate meeting of the
17 Rules Committee in the Majority Conference
18 Room.

19 ACTING PRESIDENT WINNER: There
20 will be an immediate meeting of the Rules
21 Committee in the Majority Conference Room.

22 SENATOR SKELOS: If we could just
23 stand at ease.

24 ACTING PRESIDENT WINNER: The
25 Senate will stand at ease.

1 (Whereupon, the Senate stood at
2 ease at 3:43 p.m.)

3 (Whereupon, the Senate reconvened
4 at 3:49 p.m.)

5 SENATOR SKELOS: Mr. President,
6 if we could return to reports of standing
7 committees, I believe there's a report of the
8 Rules Committee at the desk. I ask that it be
9 read at this time.

10 ACTING PRESIDENT MAZIARZ:
11 Reports of standing committees.

12 The Secretary will read.

13 THE SECRETARY: Senator Bruno,
14 from the Committee on Rules, reports the
15 following bill direct to third reading:
16 Senate Print 1921A, by Senator Robach, an act
17 to amend the Penal Law and the Criminal
18 Procedure Law.

19 ACTING PRESIDENT MAZIARZ:
20 Senator Skelos.

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

23 ACTING PRESIDENT MAZIARZ: All in
24 favor of accepting the report of the Rules
25 Committee signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MAZIARZ:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT MAZIARZ: The

6 Rules report is accepted.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,

9 if we could take up the calendar,

10 noncontroversial.

11 ACTING PRESIDENT MAZIARZ: The

12 Secretary will read.

13 THE SECRETARY: Calendar Number

14 140, by Senator Seward, Senate Print 4074A, an

15 act to amend the Insurance Law.

16 ACTING PRESIDENT MAZIARZ: Read

17 the last section.

18 THE SECRETARY: Section 3. This

19 act shall take effect on the 120th day.

20 ACTING PRESIDENT MAZIARZ: Call

21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAZIARZ:

24 Announce the results.

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT MAZIARZ: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 149, by Senator Padavan, Senate Print 131, an
5 act to amend the Penal Law.

6 ACTING PRESIDENT MAZIARZ: Read
7 the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the first of
10 November.

11 ACTING PRESIDENT MAZIARZ: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAZIARZ:
15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 149 are
18 Senators Montgomery, Parker, Perkins and
19 Thompson. Ayes, 54. Nays, 4.

20 ACTING PRESIDENT MAZIARZ: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 153, by Senator Skelos, Senate Print 637, an
24 act to amend the Penal Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAZIARZ:
9 Announce the results.

10 THE SECRETARY: Ayes, 57. Nays,
11 1. Senator Duane recorded in the negative.

12 ACTING PRESIDENT MAZIARZ: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 221, by Senator Padavan, Senate Print 739, an
16 act to amend the Administrative Code of the
17 City of New York.

18 ACTING PRESIDENT MAZIARZ: Read
19 the last section.

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

22 ACTING PRESIDENT MAZIARZ: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAZIARZ:

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT MAZIARZ: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 223, by Senator Lanza, Senate Print 5801, an
7 act to amend the General Municipal Law.

8 ACTING PRESIDENT MAZIARZ: Read
9 the last section.

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

12 ACTING PRESIDENT MAZIARZ: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAZIARZ:
16 Announce the results.

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 234, by Senator Farley, Senate Print 2510, an
22 act to amend the Education Law.

23 ACTING PRESIDENT MAZIARZ: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of April.

2 ACTING PRESIDENT MAZIARZ: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAZIARZ:
6 Announce the results.

7 THE SECRETARY: Ayes, 57. Nays,
8 1. Senator Duane recorded in the negative.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 235, by Senator Skelos, Senate Print 2042, an
13 act to amend the Domestic Relations Law.

14 ACTING PRESIDENT MAZIARZ: Read
15 the last section.

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

18 ACTING PRESIDENT MAZIARZ: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAZIARZ:
22 Announce the results.

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT MAZIARZ: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 237, by Senator Volker, Senate Print 3175B, an
3 act to amend the Social Services Law and the
4 Family Court Act.

5 ACTING PRESIDENT MAZIARZ: Read
6 the last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect January 1, 2010.

9 ACTING PRESIDENT MAZIARZ: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAZIARZ:
13 Announce the results.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT MAZIARZ: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 238, by Senator C. Kruger, Senate Print 4541,
19 an act to amend the Family Court Act and the
20 Domestic Relations Law.

21 ACTING PRESIDENT MAZIARZ: Read
22 the last section.

23 THE SECRETARY: Section 8. This
24 act shall take effect on the 90th day.

25 ACTING PRESIDENT MAZIARZ: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAZIARZ:

4 Announce the results.

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT MAZIARZ: The

7 bill is passed.

8 THE SECRETARY: Calendar Number

9 244, by Senator Robach, Senate Print 3745A, an
10 act to amend the Education Law.

11 ACTING PRESIDENT MAZIARZ: Read

12 the last section.

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

15 ACTING PRESIDENT MAZIARZ: Call

16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAZIARZ:

19 Announce the results.

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT MAZIARZ: The

22 bill is passed.

23 THE SECRETARY: Calendar Number

24 246, by Senator Maziarz, Senate Print 6812, an
25 act to amend the Retirement and Social

1 Security Law.

2 ACTING PRESIDENT MAZIARZ: Read
3 the last section.

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

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAZIARZ:
10 Announce the results.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT MAZIARZ: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 254, by Senator Bonacic, Senate Print 669, an
16 act to establish the Hudson School of Math,
17 Science and Engineering.

18 ACTING PRESIDENT MAZIARZ: Read
19 the last section.

20 THE SECRETARY: Section 12. This
21 act shall take effect immediately.

22 ACTING PRESIDENT MAZIARZ: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAZIARZ:

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT MAZIARZ: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 255, by Senator Saland --

7 SENATOR SKELOS: Lay it aside for
8 the day, please.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is laid aside for the day.

11 THE SECRETARY: Calendar Number
12 256, by Senator Little, Senate Print 1101, an
13 act to legalize, validate, ratify and confirm.

14 ACTING PRESIDENT MAZIARZ: Read
15 the last section.

16 THE SECRETARY: Section 5. This
17 act shall take effect immediately.

18 ACTING PRESIDENT MAZIARZ: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAZIARZ:
22 Announce the results.

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT MAZIARZ: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 258, by Senator Golden, Senate Print 6641, an
3 act to amend the Education Law.

4 ACTING PRESIDENT MAZIARZ: Read
5 the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the same date as
8 Chapter 672 of the Laws of 2007.

9 ACTING PRESIDENT MAZIARZ: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAZIARZ:
13 Announce the results.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT MAZIARZ: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 259, by Senator Skelos, Senate Print 6875A, an
19 act to amend the Correction Law, the Penal
20 Law, the Executive Law, and the State Finance
21 Law.

22 ACTING PRESIDENT MAZIARZ: Read
23 the last section.

24 THE SECRETARY: Section 11. This
25 act shall take effect immediately.

1 ACTING PRESIDENT MAZIARZ: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAZIARZ:
5 Senator Skelos.

6 SENATOR SKELOS: To explain my
7 vote.

8 ACTING PRESIDENT MAZIARZ:
9 Senator Skelos, to explain his vote.

10 SENATOR SKELOS: Mr. President,
11 this bill is Attorney General Cuomo's program
12 bill which enacts the Electronic Security and
13 Targeting of Online Predators Act. We call it
14 e-STOP.

15 E-STOP would enable Internet
16 entities to prescreen or remove sex offenders
17 from using services of the Internet provider.
18 The courts would be able to impose reasonable
19 limitations of Internet use by sex offenders
20 as a sentencing provision. This bill would
21 protect Internet users from convicted sex
22 offenders.

23 This is a continuation of the
24 improvements of Megan's Law, as we have
25 throughout the last 13 years.

1 And I just want to congratulate
2 Attorney General Cuomo on a fine job, on very
3 quietly but very quickly bringing the Assembly
4 and the Senate together to pass this
5 legislation.

6 Thank you, Mr. President. I vote
7 aye.

8 ACTING PRESIDENT MAZIARZ:
9 Senator Skelos will be recorded in the
10 affirmative.

11 Senator Volker, to explain his
12 vote.

13 SENATOR VOLKER: Mr. President, I
14 want to thank Senator Skelos for his work on
15 this bill, as well as Assemblyman Lentol, and
16 of course Attorney General Cuomo, who worked
17 with me and others for some time to make sure
18 that early in this session we could get this
19 bill done.

20 I also want to say that earlier
21 today we passed a bill called the Safe Harbor
22 bill, which Assemblyman Scarborough and I hope
23 to agree to fairly shortly. And I think we
24 will, since the disagreement is one word. But
25 I think we'll work it out.

1 But I want to thank everybody
2 involved. This is a historic move toward
3 dealing with Internet sex problems. We just
4 had a hearing in Buffalo where a great many
5 law enforcement people and other people
6 testified.

7 This frankly, I think, is a tribute
8 to the fact that this Legislature and the
9 Governor can move quickly when a serious issue
10 like this is brought up.

11 I vote aye.

12 ACTING PRESIDENT MAZIARZ:
13 Senator Volker will be recorded in the
14 affirmative.

15 Senator Seward.

16 SENATOR SEWARD: Thank you,
17 Mr. President.

18 I rise to support this legislation.
19 The fact is that the Internet and some of
20 these social networking sites that appear on
21 the Internet, they're very, very popular among
22 our young people in particular. But
23 unfortunately, they're also very popular by
24 sex offenders and sexual predators. And when
25 they get on there, they're anonymous and they

1 can lure our young people into situations
2 which are not healthy for them, to say the
3 least.

4 Current law in the state of
5 New York just simply does not adequately
6 protect our children from these sexual
7 predators on the Internet, and they fail to
8 keep these offenders from misusing the
9 Internet.

10 And the passage of this
11 legislation, which will strengthen the laws of
12 the State of New York, is very, very important
13 because it will require these sex offenders to
14 register their online identities so that we
15 will know who these people are, just as we do
16 under Megan's Law when they move into our
17 communities. It's the same concept, but using
18 the Internet.

19 And with these sex offenders
20 registering their Internet identities, the
21 social networking sites will be able to ban
22 these sex offenders from actually going on
23 there and having access to our young people.
24 Very, very important that we keep up with the
25 times in terms of the laws of the State of

1 New York and keep up with the modern
2 technology.

3 I'm also very pleased that we are
4 creating a new crime of computer sex crimes,
5 which will allow our law enforcement and our
6 prosecutors and our judicial system to come
7 down harder on these sex offenders once they
8 are convicted of a crime using a computer.
9 And that will also provide additional
10 protection for our children.

11 Mr. President, I'm very pleased to
12 vote aye on this very important piece of
13 legislation.

14 ACTING PRESIDENT MAZIARZ:
15 Senator Seward will be recorded in the
16 affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 58. Nays,
19 0.

20 ACTING PRESIDENT MAZIARZ: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 343, by Senator Robach, Senate Print 1921A, an
24 act to amend the Penal Law and the Criminal
25 Procedure Law.

1 ACTING PRESIDENT MAZIARZ: Read
2 the last section.

3 THE SECRETARY: Section 18. This
4 act shall take effect on the first of
5 November.

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAZIARZ:
10 Announce the results.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT MAZIARZ: The
13 bill is passed.

14 Senator Skelos, that concludes the
15 reading of the noncontroversial calendar.

16 SENATOR SKELOS: Mr. President,
17 is there any further business at the desk?

18 ACTING PRESIDENT MAZIARZ: There
19 is none, Senator Skelos.

20 SENATOR SKELOS: There being
21 none, I move we stand adjourned until
22 Wednesday, February 13th, at 11:00 a.m.

23 ACTING PRESIDENT MAZIARZ: The
24 Senate will stand adjourned, on motion by
25 Senator Skelos, until Wednesday,

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February 13th, at 11:00 a.m.
(Whereupon, at 4:01 p.m., the
Senate adjourned.)