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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 29, 2008

3:11 p.m.

REGULAR SESSION

SENATOR CATHARINE M. YOUNG,, Acting President

STEVEN M. BOGGESS, Secretary

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

2 ACTING PRESIDENT YOUNG: 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 YOUNG: The
10 invocation today will be given by the Reverend
11 Peter G. Young, from Mother Theresa Community
12 in Albany.

13 REVEREND YOUNG: Thank you,
14 Senator.

15 Let us pray.

16 By being a Senator, you have been
17 accepted into the leadership position so that
18 you can more fully serve the people of
19 New York State.

20 In this spirit of community, our
21 prayer today will be to be better able to
22 achieve the goal of dedicated representation
23 in the power that is entrusted to all of our
24 legislative leadership.

25 May you attain your satisfaction in

1 your services to your constituents.

2 Amen.

3 ACTING PRESIDENT YOUNG: Reading
4 of the Journal.

5 THE SECRETARY: In Senate,
6 Monday, April 28, the Senate met pursuant to
7 adjournment. The Journal of Friday, April 25,
8 was read and approved. On motion, Senate
9 adjourned.

10 ACTING PRESIDENT YOUNG: Without
11 objection, the Journal stands approved as
12 read.

13 Presentation of petitions.

14 Messages from the Assembly.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from
19 state officers.

20 Motions and resolutions.

21 Senator Farley.

22 SENATOR FARLEY: Thank you, Madam
23 President.

24 On behalf of Senator Alesi, Madam
25 President, I move that the following bill be

1 discharged from its respective committee and
2 be recommitted with instructions to strike the
3 enacting clause. That's Senate Print 5213.

4 ACTING PRESIDENT YOUNG: So
5 ordered.

6 SENATOR FARLEY: Madam President,
7 on behalf of Senator Libous, I move that the
8 following bill be discharged from its
9 respective committee and be recommitted with
10 instructions to strike the enacting clause.
11 That's Senate Number 4885.

12 ACTING PRESIDENT YOUNG: So
13 ordered.

14 SENATOR FARLEY: Madam President,
15 I offer amendments to the following Third
16 Reading Calendar bills:

17 Senator Morahan, page 13, Calendar
18 64, Senate Print 6491;

19 For Senator Marcellino, page 21,
20 Calendar Number 271, Senate Print 602;

21 For Senator Skelos, on page 27,
22 Calendar Number 394, Senate Print 438;

23 For Senator Fuschillo, on page 29,
24 Calendar Number 444, Senate Print 6799A;

25 For Senator Morahan, on page 30,

1 Calendar Number 470, Senate Print 5184;

2 For Senator Robach, on page 34,

3 Calendar Number 571, Senate Print 3052;

4 On behalf of Senator Seward, Madam

5 President, on page 37, Calendar Number 615,

6 Senate Print 3964B;

7 And on behalf of Senator Morahan,

8 on page 46, Calendar Number 796, Senate Print

9 7183.

10 Madam President, I move that these

11 bills be amended and that they retain their

12 place on the Third Reading Calendar.

13 ACTING PRESIDENT YOUNG: The

14 amendments are received and adopted, and the

15 bills will retain their place on the Third

16 Reading Calendar.

17 Senator Skelos.

18 SENATOR SKELOS: Madam President,

19 I believe there are two substitutions to be

20 made at this time.

21 ACTING PRESIDENT YOUNG: The

22 Secretary will read the substitutions.

23 THE SECRETARY: On page 40,

24 Senator Leibell moves to discharge, from the

25 Committee on Judiciary, Assembly Bill Number

1 9822 and substitute it for the identical
2 Senate Bill Number 6834, Third Reading
3 Calendar 687.

4 And on page 46, Senator Maltese
5 moves to discharge, from the Committee on
6 Higher Education, Assembly Bill Number 995A
7 and substitute it for the identical Senate
8 Bill Number 3593A, Third Reading Calendar 788.

9 ACTING PRESIDENT YOUNG:
10 Substitutions ordered.

11 Senator Skelos.

12 SENATOR SKELOS: Madam President,
13 if we could go to the noncontroversial reading
14 of the calendar.

15 ACTING PRESIDENT YOUNG: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 86, by Senator Farley, Senate Print 2864, an
19 act to amend the Banking Law, in relation to
20 enforcement of provisions.

21 ACTING PRESIDENT YOUNG: Read the
22 last section.

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

25 ACTING PRESIDENT YOUNG: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 48.

4 ACTING PRESIDENT YOUNG: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 119, by Senator Robach, Senate Print 2983A, an
8 act to amend the Retirement and Social
9 Security Law, in relation to providing credit.

10 ACTING PRESIDENT YOUNG: Read the
11 last section.

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

14 ACTING PRESIDENT YOUNG: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 49.

18 ACTING PRESIDENT YOUNG: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 202, by Senator Winner, Senate Print 3669, an
22 act to amend the Tax Law, in relation to
23 penalties.

24 ACTING PRESIDENT YOUNG: Read the
25 last section.

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

3 ACTING PRESIDENT YOUNG: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 49.

7 ACTING PRESIDENT YOUNG: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 232, by Senator Seward, Senate Print 3027, an
11 act to amend the Public Health Law, in
12 relation to the possession of external
13 defibrillators.

14 ACTING PRESIDENT YOUNG: Read the
15 last section.

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

18 ACTING PRESIDENT YOUNG: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 49.

22 ACTING PRESIDENT YOUNG: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 248, by Senator Robach, Senate Print 6830, an

1 acknowledgment to repeal paragraph (e) of
2 subdivision 4 of Section 209 of the Civil
3 Service Law.

4 ACTING PRESIDENT YOUNG: Read the
5 last section.

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

8 ACTING PRESIDENT YOUNG: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 50.

12 ACTING PRESIDENT YOUNG: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 345, by Senator Little, Senate Print 1132, an
16 act to amend the Town Law and the Village Law,
17 in relation to authorizing towns and villages.

18 ACTING PRESIDENT YOUNG: Read the
19 last section.

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

22 ACTING PRESIDENT YOUNG: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 51.

1 ACTING PRESIDENT YOUNG: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 346, by Senator Little, Senate Print 5110, an
5 act to amend the General Municipal Law, in
6 relation to authorizing educational
7 institutions.

8 ACTING PRESIDENT YOUNG: Read the
9 last section.

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

12 ACTING PRESIDENT YOUNG: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 52.

16 ACTING PRESIDENT YOUNG: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 410, by Senator Golden, Senate Print 6965, an
20 act to amend the Elder Law, in relation to the
21 provision of services provided.

22 ACTING PRESIDENT YOUNG: Read the
23 last section.

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

1 ACTING PRESIDENT YOUNG: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 52.

5 ACTING PRESIDENT YOUNG: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 411, by Senator Golden, Senate Print 6966A, an
9 act to amend the Elder Law, in relation to
10 volunteer programs.

11 ACTING PRESIDENT YOUNG: Read the
12 last section.

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

15 ACTING PRESIDENT YOUNG: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 52.

19 ACTING PRESIDENT YOUNG: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 459, by Senator LaValle, Senate Print 6949, an
23 act to amend the Education Law, in relation to
24 the powers granted.

25 ACTING PRESIDENT YOUNG: Read the

1 last section.

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

4 ACTING PRESIDENT YOUNG: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 54.

8 ACTING PRESIDENT YOUNG: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 489, by Senator Skelos, Senate Print 642, an
12 act to amend the Real Property Law, in
13 relation to reverse mortgage loans.

14 ACTING PRESIDENT YOUNG: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the 180th day.

18 ACTING PRESIDENT YOUNG: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 54.

22 ACTING PRESIDENT YOUNG: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 545, by Senator DeFrancisco, Senate Print

1 1829B, an act to amend the Penal Law, in
2 relation to identify theft and unlawful
3 possession.

4 ACTING PRESIDENT YOUNG: Read the
5 last section.

6 THE SECRETARY: Section 4. This
7 act shall take effect on the 120th day.

8 ACTING PRESIDENT YOUNG: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 54.

12 ACTING PRESIDENT YOUNG: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 673, by Senator Volker, Senate Print 1478, an
16 act to amend the General Business Law, in
17 relation to real estate syndication offerings.

18 ACTING PRESIDENT YOUNG: Read the
19 last section.

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

22 ACTING PRESIDENT YOUNG: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 53. Nays,

1 1. Senator Duane recorded in the negative.

2 ACTING PRESIDENT YOUNG: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 687, substituted earlier today by Member of
6 the Assembly Bradley, Assembly Print Number
7 9822, an act to amend Chapter 104 of the Laws
8 of 2007 amending the Domestic Relations Law.

9 ACTING PRESIDENT YOUNG: Read the
10 last section.

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

13 ACTING PRESIDENT YOUNG: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 54.

17 ACTING PRESIDENT YOUNG: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 691, by Senator Farley, Senate Print 917A, an
21 act to amend the Tax Law, in relation to
22 requirement to file.

23 ACTING PRESIDENT YOUNG: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT YOUNG: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 54.

6 ACTING PRESIDENT YOUNG: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 701, by Senator Trunzo, Senate Print 1320, an
10 act to amend the Vehicle and Traffic Law, in
11 relation to duplicate driver's licenses.

12 ACTING PRESIDENT YOUNG: Read the
13 last section.

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

16 ACTING PRESIDENT YOUNG: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 ACTING PRESIDENT YOUNG: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 732, by Senator Morahan, Senate Print 2169, an
24 act to amend the Military Law, in relation to
25 extending certain benefits.

1 ACTING PRESIDENT YOUNG: Read the
2 last section.

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

5 ACTING PRESIDENT YOUNG: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT YOUNG: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 742, by Senator Flanagan, Senate Print 4112A,
13 an act to amend the Civil Service Law, in
14 relation to making the Iranian Hostage Crisis
15 "time of war" for civil service credit.

16 ACTING PRESIDENT YOUNG: Read the
17 last section.

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

20 ACTING PRESIDENT YOUNG: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 55.

24 ACTING PRESIDENT YOUNG: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 744, by Senator Padavan, Senate Print 81, an
3 act to amend the Penal Law, in relation to
4 making citizenship document fraud in the first
5 degree and second degree.

6 ACTING PRESIDENT YOUNG: Read the
7 last section.

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

11 ACTING PRESIDENT YOUNG: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 744 are
16 Senators Adams, Duane, Gonzalez,
17 Hassell-Thompson, Huntley, Parker, Perkins and
18 Serrano.

19 Ayes, 47. Nays, 8.

20 ACTING PRESIDENT YOUNG: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 758, by Senator Volker, Senate Print 4028, an
24 act to amend the Penal Law, in relation to
25 prohibition.

1 ACTING PRESIDENT YOUNG: Read the
2 last section.

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

6 ACTING PRESIDENT YOUNG: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 55. Nays,
10 2. Senators Duane and Montgomery recorded in
11 the negative.

12 ACTING PRESIDENT YOUNG: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 762, by Senator Larkin, Senate Print 4836A, an
16 act to amend the Penal Law, in relation to
17 cemetery desecration.

18 ACTING PRESIDENT YOUNG: Read the
19 last section.

20 THE SECRETARY: Section 7. This
21 act shall take effect on the 180th day.

22 ACTING PRESIDENT YOUNG: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT YOUNG: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 763, by Senator Volker, Senate Print 4954, an
5 act to amend the Penal Law, in relation to the
6 crime of aggravated harassment in the second
7 degree.

8 ACTING PRESIDENT YOUNG: Read the
9 last section.

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

13 ACTING PRESIDENT YOUNG: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 56. Nays,
17 1. Senator Montgomery recorded in the
18 negative.

19 ACTING PRESIDENT YOUNG: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 779, by Senator Hassell-Thompson, Senate Print
23 6705A, an act to authorize the City School
24 District of the City of Mount Vernon,
25 New York, to expend.

1 ACTING PRESIDENT YOUNG: Read the
2 last section.

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

5 ACTING PRESIDENT YOUNG: Call the
6 roll call.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT YOUNG: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 788, substituted earlier today by Member of
13 the Assembly Brodsky, Assembly Print Number
14 995A, an act to amend the Education Law, in
15 relation to property of museums.

16 ACTING PRESIDENT YOUNG: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 60th day.

20 ACTING PRESIDENT YOUNG: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT YOUNG: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 791, by Senator Libous, Senate Print 2148, an
3 act to amend the Mental Hygiene Law, in
4 relation to directing the State Commission on
5 Quality of Care.

6 ACTING PRESIDENT YOUNG: Read the
7 last section.

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

10 ACTING PRESIDENT YOUNG: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56. Nays,
14 1. Senator Duane recorded in the negative.

15 ACTING PRESIDENT YOUNG: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 802, by Senator Morahan, Senate Print 5162, an
19 act to amend the Election Law, in relation to
20 master ballot layout.

21 ACTING PRESIDENT YOUNG: Read the
22 last section.

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

25 ACTING PRESIDENT YOUNG: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT YOUNG: The bill
5 is passed.

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

8 SENATOR SKELOS: Thank you, Madam
9 President. Is there any further business at
10 the desk?

11 ACTING PRESIDENT YOUNG: There is
12 no further business.

13 THE SECRETARY: There being none,
14 I move we stand adjourned until Wednesday,
15 April 30th, at 11:00 a.m.

16 ACTING PRESIDENT YOUNG: On
17 motion, the Senate stands adjourned until
18 Wednesday, April 30th, at 11:00 a.m.

19 (Whereupon, at 3:28 p.m., the
20 Senate adjourned.)

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