NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 8, 2006

11:11 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, February 7, the Senate met pursuant to adjournment. The Journal of Monday, February 6, 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 Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Marcellino, on page number 20 I offer the following amendments to Calendar Number 165, Senate Print Number 1286C, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, there's a Resolution 3440 at the desk by Senator Larkin. Could we have the title read, move for its immediate adoption, and if you would recognize Senator Larkin.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 3440, commemorating National Salute to Hospitalized Veterans Week.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

You know, next week is Hospital Veterans Week across America. And while we're celebrating and saluting the veterans, this is an appropriate time that we remember this celebration is to show our support to the men and women who have served this country with honor, defending our freedom, and to remind us to continue our support for our current soldiers doing their duty with honor while in harm's way.

The American Veterans Administration and military hospitals are caring for a large number of war wounded, and they're doing an outstanding job. And I believe that we owe it to them to honor them in this week of National Veterans Hospital Week.

I'd like to open it up to

everybody, and I'd like to ask that Mr. Wright be the number-two man because of the large contingent he has at Fort Drum.

THE PRESIDENT: That is Senator Wright.

And, Senator Wright, would you like to speak?

SENATOR WRIGHT: Thank you, Madam President.

I join with my colleague on my right in recognizing his resolution but, more importantly, recognizing the service and the sacrifice of the men and women who are serving our nation overseas right now.

I have the honor of representing the Tenth Mountain Division stationed at Fort Drum in northern New York, and there isn't a day goes by I couldn't be prouder of those men and women, the sacrifices they make, the sacrifices their families make on behalf of all of us so that we can enjoy the freedoms that we're enjoying here today.

So without reservation, I want to join my colleague in seconding this resolution and making sure that we not only recognize the

sacrifices and ensure that they have the appropriate support and services when they return home. That is, in fact, the most honorable way of recognizing our veterans and their service.

Thank you, Madam President.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos, no objection to opening up the resolution?

SENATOR SKELOS: If anybody wishes not to sponsor it, they should notify the desk.

Would you please recognize Senator Wright.

THE PRESIDENT: The resolution is adopted.

Any member who does not wish to cosponsor the last resolution, please notify the desk.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

I was absent from the chamber yesterday on personal family business when the vote was taken on Calendar Number 147, Senate Bill Print Number S6481A. Had I been present, I would like the record to reflect that I would have voted in favor of Senate 6481A.

Thank you.

THE PRESIDENT: The record will so reflect, Senator Wright.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 89, by Senator Trunzo, Senate Print 428, an act to amend the Education Law, in relation to scholarships.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of August.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 90, by Senator LaValle, Senate Print 1148 --

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

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

THE SECRETARY: Calendar Number 115, by Senator Alesi, Senate Print 2785, an act to amend Chapter 413 of the Laws of 2003 amending the Labor 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, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 128, by Senator Skelos, Senate Print 486, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to evidence.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 133, by Senator Balboni, Senate Print 935, an act to amend the Civil Rights Law, in relation to confidentiality.

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, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 191, by Senator Rath, Senate Print 1514, an act to amend the Social Services Law, in relation to requiring.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 192, by Senator Robach, Senate Print 4649, an act to amend the Executive Law and the Social Services Law, in relation to authorizing.

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, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 194, by Senator Meier, Senate Print 5393, an act to amend the Family Court Act and the Executive Law, in relation to orders of protection.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Meier, to explain your vote.

SENATOR MEIER: Thank you, Madam President, to explain my vote.

This is one of the positive measures that we were talking about yesterday. And what this bill acknowledges is a shortcoming in the registry, the statewide registry on orders of protection. It is an acknowledgment that domestic violence and the abuse of children often go hand in hand and

are found within the same dysfunctional families and the same households.

What this does is it fixes a glaring error in that registry. It requires that orders of protection issued with regard to child abuse and neglect proceedings be put forth in the registry so that they're there with the protection orders for DV cases.

That is a valuable tool for judges, for child protective service workers, and part of much more that you're going to be seeing as we work our way through this system to protect children. I vote aye.

Thank you, Madam President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 197, by Senator Rath, Senate Print 6525, an act to amend the Social Services Law, in relation to providing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Rath, to explain your vote.

SENATOR RATH: To explain my vote, yes, Madam Chairman.

As Senator Meier said a moment ago, some of the tools that are so necessary for us to protect children are in legislation that will be going through this house as the year progresses. This is yet again another one of those tools that were mentioned so clearly yesterday, and there's so much agreement that we need these tools.

And this bill will help people who are foster and adoptive parents have continuing education. There are many programs at the very beginning of the process, but sometimes then the child is young, the parent does not realize what they are going to need by way of tools to help them as parents. And

this bill would provide those tools to them.

It's yet again another measure to help in the effort to protect children that was so clearly highlighted yesterday.

Thank you.

THE PRESIDENT: Senator Spano, to explain your vote.

SENATOR SPANO: Thank you, Madam President.

A lot was said on this issue yesterday, but I want to just add to the concerns that were raised yesterday as well as to be supportive of Senator Rath's bill, and say that we hope we will continue to see a number of other positive bills on the floor of the Senate talking about the curriculums that exist with regard to training both child protective service workers, the supervisors of those agencies, looking at the people who actually answer the phone at the central registry and making sure that they are properly trained, and then moving into the educational component, to our teachers, as was raised yesterday, as well as our hospital personnel, our emergency room, our forensic

pediatricians that see the kids in the trauma centers on a regular basis, making sure that we take the children and advocacy centers and the multidisciplinary teams and put everything under one roof.

And we're moving forward in Westchester to do all of that.

So I want to just thank Senator Meier for the leadership role he played yesterday, and Senator Rath for moving forward not only on this bill but other bills, such as dual-track, and other ones that will redesign a system that is obviously failing some of our children.

And an educational component has to be a part of that, including a public education program. That was raised yesterday by Senator Schneiderman and others, that the public educational component with regard to child abuse has to be included in anything that we put together as a total package.

So I vote aye.

THE PRESIDENT: Senator Rath and Senator Spano, you will both be recorded as voting in the affirmative on this bill.

The Secretary will announce the results.

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

SENATOR SKELOS: Thank you, Madam President.

There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

SENATOR SKELOS: I believe all we'll be reporting are a couple of nominations to be brought up. And I don't believe any other legislation will be voted upon at this time.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:23 a.m.)

(Whereupon, the Senate reconvened

at 11:35 a.m.)

ACTING PRESIDENT FUSCHILLO: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following nominations:

As members of the Battery Park City Authority, Evelyn Rollins, of New York City, and Andy Keshav Shenoy, of Forest Hills.

ACTING PRESIDENT FUSCHILLO: Senator Johnson.

SENATOR JOHNSON: Move the nominations.

ACTING PRESIDENT FUSCHILLO: The question is on the nominations of Evelyn Rollins, of New York City, and Andy Keshav Shenoy, of Forest Hills, as members of the Battery Park City Authority. All in favor

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The nominations for the Battery Park City Authority are confirmed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I just want to congratulate you on the wonderful job you've done at presiding today.

ACTING PRESIDENT FUSCHILLO: I'm glad you finally recognized that, Senator.

SENATOR SKELOS: Is there any further business at the desk?

ACTING PRESIDENT FUSCHILLO: There is no further business.

SENATOR SKELOS: I move we stand adjourned until Monday, February 13th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT FUSCHILLO: On motion, the Senate stands adjourned until Monday, February 13th, at 3:00 p.m.,

intervening days being legislative days.

(Whereupon, at 11:37 a.m., the Senate adjourned.)