NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 24, 2006

11:05 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, May 23, the Senate met pursuant to adjournment. The Journal of Monday, May 22, 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 Robach.

SENATOR ROBACH: Yes, Madam President. I wish to call up Print Number 7179, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 977, by Senator Skelos, Senate Print 7179, an act to authorize.

SENATOR ROBACH: 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, 41.

SENATOR ROBACH: Madam President, I now offer the following amendments.

THE PRESIDENT: The amendments are received.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, on behalf of Senator LaValle, on page number 85 I offer the following amendments to Calendar Number 1223, Senate Print Number 1365C, 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 FUSCHILLO: Madam President.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Winner, please place a sponsor's star on Calendar Number 1234.

THE PRESIDENT: So ordered, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR SKELOS: If you could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 64, Senator Bruno moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10582 and substitute it for the identical Senate Bill Number 7220, Third Reading Calendar 949.

On page 76, Senator Maziarz moves to discharge, from the Committee on Labor, Assembly Bill Number 10548 and substitute it for the identical Senate Bill Number 7849, Third Reading Calendar 1131.

And on page 82, Senator Little moves to discharge, from the Committee on Finance, Assembly Bill Number 10725 and substitute it for the identical Senate Bill Number 7753, Third Reading Calendar 1186.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar.

THE PRESIDENT: All in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The calendar is adopted.

Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 521, by Senator Young, Senate Print 6956, an act to amend the Agriculture and Markets 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, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 590, by Senator LaValle, Senate Print 2620A, an act to amend the Tax Law.

THE PRESIDENT: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect December 1, 2005.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 608, by Senator Skelos, Senate Print 6831B, an act to amend the Limited Liability Company Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 15. This act shall take effect on the same date and in the same manner as Chapter 767 of the Laws of

2005.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 773, by Senator Young, Senate Print 7018, an act to amend the Correction Law.

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, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 911, by Senator DeFrancisco, Senate Print 7218, an act to amend the Penal 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, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 949, substituted earlier today by Member of the Assembly Kolb, Assembly Print Number 10582, an act to amend the Tax Law.

THE PRESIDENT: There is a local fiscal impact note at the desk.

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, 40. Nays, 1. Senator Valesky recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 986, by Senator Fuschillo, Senate Print 7556A, an act to authorize.

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, 40. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 988, by Senator Fuschillo, Senate Print 7563, an act to authorize.

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, 40. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1077, by Senator Little, Senate Print 7751, an act to amend the Civil Service Law.

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, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1078, by Senator Little, Senate Print 7757, an act to amend the Civil Service Law.

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, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1131, substituted earlier today by Member of the Assembly Peralta, Assembly Print Number 10548, an act to amend 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, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator Hannon, Senate Print 2546, an act to amend the Lien Law.

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, 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1143, by Senator Larkin, Senate Print 5616A, an act to amend the Domestic Relations 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, 41. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator LaValle, Senate Print 6726, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 6 of Article 5.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Duane, to explain your vote.

SENATOR DUANE: Thank you, Madam President.

I would be remiss if I didn't point out, while this is an admirable piece of legislation coming before us today, that it does point to the issue that many of those who served in our armed forces either become disabled as a result of their service or that

this is something that happens later on in life.

And one of the disabilities that we know happens to people, particularly if they have served in combat, is that they get posttraumatic syndrome. And whether you are in the military or you are a veteran of the military, chances are in that case you're entitled to get psychological counseling as a result of your veterans benefits.

But unfortunately, New Yorkers who have not been veterans and who do not have coverage for their mental health care if they have been traumatized don't get the counselling that they need.

And that's why we need Timothy's Law, so that every New Yorker and every family in New York is entitled to parity for their mental health services.

And this is the last time that we will be together this month, and yet still Timothy's Law has not come to the floor of the Senate for at least a debate. And this is just plain wrong for the families of New York State.

It behooves us to make sure that Timothy's Law come to the floor of the Senate as soon as we get back in the month of June.

So, Madam President, I'll be voting yes on this, but I also hope that we use the time that we have off to figure out a way to get a good healthy debate on Timothy's Law to the floor of the Senate.

Thank you, Madam President.

THE PRESIDENT: You will be recorded as voting in the affirmative on this resolution.

The Secretary will announce the results.

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 1164, by Senator Little, Senate Print 734A, an act to amend the Real Property 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, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1171, by Senator Maltese, Senate Print 4734, an act to amend the New York State Financial Emergency Act.

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, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1174, by Senator Spano, Senate Print 6662A, an act to authorize.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1175, by Senator Wright, Senate Print 6680, an act to amend the Abandoned Property 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, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1176, by Senator Libous, Senate Print 6697A, an act in relation to excess state aid.

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, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1186, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10725, an act to amend the State Finance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2007.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1211, by Senator Flanagan, Senate Print 2839, an act to amend the Penal Law and the Correction Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1212, by Senator Maziarz, Senate Print 3336, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1218, by Senator Saland, Senate Print 6869, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator Morahan, Senate Print --

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

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

THE SECRETARY: Calendar Number 1241, by Senator Larkin, Senate Print 70, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: There is a home-rule message at the desk.

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, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1262, by Senator Meier, Senate Print 4031, an

act to amend the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1263, by Senator Meier, Senate Print 5241, an act to amend the Family Court Act.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1479, by Senator Fuschillo, Senate Print 7551, an act to amend the Education 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, 44.

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 is not, Senator.

SENATOR SKELOS: There being none, I move we stand adjourned until Monday, June 5th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned until Monday, June 5th, at 3:00 p.m., intervening days being legislative days.

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