NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 14, 2008

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I would ask all assembled to rise and join with me in reciting our Pledge of Allegiance.

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

THE PRESIDENT: Today our invocation will be delivered by Father William J. Pape. He is of the Cathedral of the Immaculate Conception of Albany.

REVEREND PAPE: Let us place ourselves in the presence of God.

Lord God, we stand before You aware of our mortality today, as we remember Barbara "Bobbie" Bruno and give You thanks for her life and her presence in our lives. Her gifts as wife, mother and grandmother sustained her family and brought her joy. May her love of family and life be fulfilled as she now stands in Your presence.

Give her husband and her sons and daughters the comfort that comes from knowing that she is at rest and free from the burdens

of this life.

Lord, we pray also for this Empire State and the members of this Senate. May they work cooperatively to build this great state in greatness of opportunity where all can advance in human progress.

Give them wisdom, vision, skills, knowledge and will, to carry out what is most noble in the human spirit and in government.

We ask this in Your holy name. Amen.

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 13, the Senate met pursuant to adjournment. The Journal of Saturday, January 12, 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.

The Secretary will read.

THE SECRETARY: Senator Leibell, from the Committee on Veterans, Homeland Security and Military Affairs, reports the following bill direct to third reading:

Senate Print 6509, by Senator Leibell, an act to amend the Real Property Tax Law.

THE PRESIDENT: The bill is reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

On behalf of Senator Maltese, I move to amend Senate Bill Number 6495A by striking out the amendments made on January 11th and restoring it to its original print number, 6495.

THE PRESIDENT: So ordered.

SENATOR LITTLE: Thank you.

On behalf of Senator Larkin, I move that the following bills be discharged from

their respective committees and be recommitted with instructions to strike the enacting clause: Bills Number 533, 534, and 646.

THE PRESIDENT: So ordered. Thank you, Senator.

SENATOR LITTLE: On behalf of Senator Robach, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill Number 3096.

THE PRESIDENT: So ordered. Those bills will be recommitted, striking the enacting clause.

SENATOR LITTLE: Thank you.

Mr. President, on behalf of myself, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bills 1103, 1115, 1127, and 4513.

THE PRESIDENT: On behalf of yourself, Senator, it is so ordered.

SENATOR LITTLE: Thank you.

Mr. President, on behalf of

Senator Winner, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill 1719.

THE PRESIDENT: So ordered.

SENATOR LITTLE: Thank you, Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Nozzolio, there's a resolution at the desk, 3261. If we could have the title read and open it up for cosponsorship.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 3261, urging the New York State Congressional delegation to fully support mandated funding for veterans' healthcare services.

THE PRESIDENT: Senator Nozzolio, on the resolution.

SENATOR NOZZOLIO: Thank you, Mr. President and my colleagues.

This resolution before us urges the federal government to do all possible to mandate funding for veterans' healthcare services. As we this very week will see units from Albany to Buffalo, National Guard units deployed to Iraq and Afghanistan, we owe these soldiers, brave men and women, a great deal.

We thank them for their service to our nation. But that service doesn't end with their deployment. It ends with a compact they have with the state and federal governments to continue in supporting their efforts and continue to support and ensure that they have adequate healthcare.

This resolution urges that support. And thank you, Mr. President, for the opportunity to speak in support.

THE PRESIDENT: On the resolution, all those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is carried.

Thank you, Senator Nozzolio.

Senator Nozzolio has offered to open this resolution up to be sponsored by everyone here. Anyone wishing not to be on the resolution please indicate so at the desk. Otherwise, the resolution will be unanimous.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room, and that will be followed by a Rules Committee meeting.

The Senate will stand at ease, please.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room, to be followed immediately by a meeting of the Rules Committee.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:16 p.m.)

(Whereupon, the Senate reconvened at 3:28 p.m.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees for the report of the Rules Committee.

THE PRESIDENT: We'll return to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 6398A, by Senator DeFrancisco, an act to amend Chapter 606 of the Laws of 2007;

6421A, by Senator Libous, an act to amend the Vehicle and Traffic Law;

6422, by Senator Nozzolio, an act to amend the Correction Law;

6423A, by Senator Nozzolio, an act to amend the Correction Law;

6447, by Senator Maziarz, an act to amend Chapter 487 of the Laws of 2007;

6477, by Senator Padavan, an act to amend the General Business Law;

6487B, by Senator Maziarz, an act to amend the Labor Law;

6489A, by Senator Marcellino, an act to amend the Labor Law;

6490, by Senator Nozzolio, an act to amend the Labor Law;

6495, by Senator Maltese, an act to amend the Civil Service Law;

6519A, by Senator Flanagan, an act to amend the Labor Law and others;

And Senate Print 6549, by Senator Fuschillo, an act to amend the Education Law.

All bills ordered directly to third reading.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, I move to accept the report of the Rules Committee.

THE PRESIDENT: All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The motion carries.

SENATOR SKELOS: Mr. President, would you recognize Senator Duane, please.

THE PRESIDENT: The chair recognizes Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Montgomery, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: 2016A, 2116, and 3578.

And, Mr. President, on behalf of Senator Parker, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate 5914.

Thank you, Mr. President.

THE PRESIDENT: So ordered. Thank you, Senator Duane.

SENATOR SKELOS: Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If we could take up Calendar Number 12, Senate 6549.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 12, by Senator Fuschillo, Senate Print 6549,

an act to amend the Education 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, 56.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any further business to come before the Senate?

THE PRESIDENT: There is none, Senator.

SENATOR SKELOS: Mr. President, if I could remind the members that tomorrow is the 15th of January. If any of you have to make estimated payments, please do it, because Governor Spitzer will be giving his budget message shortly, and I'm sure he would appreciate the additional revenue. So if you could make those in a timely fashion.

(Laughter.)

SENATOR SKELOS: There being no further business to come before the Senate -- John, did you get that?

There being no further business to come before the Senate, I move that we stand adjourned until Tuesday, January 15th, at 11:00 a.m.

THE PRESIDENT: Senate is adjourned until Tuesday, January 15th, at 11:00 a.m.

(Whereupon, at 3:32 p.m., the Senate adjourned.)