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

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will 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.)

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

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

ACTING PRESIDENT WINNER: The reading of the Journal.

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

ACTING PRESIDENT WINNER: 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 Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Resolution Calendar is adopted.

Senator Skelos.

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

and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

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

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

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

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

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

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

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

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

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

police departments, colleges and corporations; and

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

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

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

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

ACTING PRESIDENT WINNER: I'd

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

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

(Applause.)

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

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

ACTING PRESIDENT WINNER: Senator Smith.

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

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

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

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

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

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

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

ACTING PRESIDENT WINNER: Senator Montgomery.

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

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

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

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

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

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

ACTING PRESIDENT WINNER: Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

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

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

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

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

they found them.

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

Thank you.

ACTING PRESIDENT WINNER: Senator Thompson.

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT WINNER: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

proven that youth mentoring can produce amazing results.

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

Congratulations to the 2007 winners. Congratulations to the Staten Island Hurricanes.

(Applause.)

ACTING PRESIDENT WINNER: Senator Smith.

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

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

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

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

(Applause.)

SENATOR SMITH: She has done a wonderful job.

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

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

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

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

Thank you, and God bless.

(Applause.)

ACTING PRESIDENT WINNER: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

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

(Laughter.)

SENATOR ADAMS: Yes, we can.

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

college.

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

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

Yes, we can.

(Applause.)

ACTING PRESIDENT WINNER: The

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

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

Thank you very much.

(Applause.)

ACTING PRESIDENT WINNER: Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Skelos.

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

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

SENATOR SKELOS: If we could just stand at ease.

ACTING PRESIDENT WINNER: The Senate will stand at ease.

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

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

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

ACTING PRESIDENT MAZIARZ: Reports of standing committees.

The Secretary will read.

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

ACTING PRESIDENT MAZIARZ: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The Rules report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the calendar, noncontroversial.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 140, by Senator Seward, Senate Print 4074A, an act to amend the Insurance Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

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

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

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

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ:

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of April.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

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

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Robach, Senate Print 3745A, an act to amend the Education Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 246, by Senator Maziarz, Senate Print 6812, an act to amend the Retirement and Social

Security Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ:

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

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

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

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: To explain my vote.

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

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

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

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

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

Thank you, Mr. President. I vote aye.

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

Senator Volker, to explain his vote.

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

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

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

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

I vote aye.

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

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

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

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

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

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

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

New York and keep up with the modern technology.

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

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

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MAZIARZ: The bill is passed.

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

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

ACTING PRESIDENT MAZIARZ: There is none, Senator Skelos.

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

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

February 13th, at 11:00 a.m.

(Whereupon, at 4:01 p.m., the Senate adjourned.)