NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 26, 2008

3:08 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and repeat with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, today we will begin our session by bowing our heads in a moment of silence.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 25, the Senate met pursuant to adjournment. The Journal of Monday, March 24, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: 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 Young.

SENATOR YOUNG: Thank you, Mr. President.

I wish to call up Print Number 6687B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 323, by Senator Skelos, Senate Print 6687B, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on

reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

SENATOR YOUNG: Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: There are no substitutions presently.

SENATOR SKELOS: If we could adopt the Resolution Calendar, with the exception of Resolution 4860 at this time.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolution 4860, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 4860, by Senator Serrano, have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Serrano, Legislative Resolution 4860, memorializing Governor David A. Paterson to declare 8 p.m. on Saturday, March 29, 2008, as Earth Hour in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

I come before you today to speak about a very important resolution that I am introducing.

In recent years, the scientific community has reached a wide-ranging consensus about global climate change and the effects it will have on our world. Bold action was necessary long ago.

With a huge proportion of our population living near the coast, New York State stands to lose a great deal if sea levels rise as predicted. Warmer temperatures will also mean increasingly hot and possibly deadly summers in our urban areas, along with rapidly changing conditions that will hurt our important agricultural base.

In my district, we have some highest asthma rates in the country. This will only get worse as temperatures rise, leading to an increased smog in urban areas.

The Empire State has long been a leader in this nation, and we must continue in that role today. According to the Environmental Advocates of New York, our state is the eighth largest emitter of global warming emissions in the United States. Our emissions match that of many European nations and, in 2001, were greater than 99 developing countries combined. Obviously, the actions that we take here in the Empire State are important not only to our national context but our global context.

So the question becomes, what can

we do about this? This past year I learned of an innovative course of action taken by our friends Down Under. In 2007, Sydney, Australia held the first-ever Earth Hour. By turning off the lights, Sydneysiders demonstrated how small individual actions, when joined together, can combat global warming.

Landmarks like the iconic Sydney Opera House went dark for an hour, as some 57 percent of Sydney residents, or 2.2 million people, participated. The local power company attributed a 10.2 percent decrease in energy usage over the hour, which was the equivalent of taking 48,000 cars off the road.

Here in New York State, we are home to some of the most loved landmarks in our world, from Niagara Falls to the Statue of Liberty. The effect of our turning off the lights for an hour will be a momentous strike against global climate change.

Although much more remains to be done, I believe that taking part in Earth Hour is an important step in the right direction, and I hope that this will be the first step of

many that we can take every hour on an Earth Hour.

I respectfully request that this house join me in supporting this resolution. Let us join our friends from Tel Aviv to Chicago to Sydney on March 29th, this Saturday, at 8 p.m., in fighting this threat to our planet. It is my hope that we will continue to come together to ensure that New York State remains on the cutting edge in combatting climate change.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Serrano.

The question is on the resolution. All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Again, I remind the members that the resolution is open for cosponsorship. If

you do not wish to be a cosponsor, please notify the desk.

Senator Skelos.

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

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:14 p.m.)

(Whereupon, the Senate reconvened at 3:24 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 105, by Senator Larkin, Senate Print 186A, an

act to amend the Public Health Law, in relation to establishing.

SENATOR SKELOS: Lay it aside temporarily, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 172, by Senator Padavan, Senate Print 65, an act to amend the Real Property Law, in relation to providing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 190, by Senator Lanza, Senate Print 6431A, an act to amend the Lien Law, in relation to the sale of certain motor vehicles.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 269, by Senator Flanagan, Senate Print 3611, an act to amend the Business Corporation Law and others, in relation to service of process.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 279, by Senator Maziarz, Senate Print 106A, an

act to amend the Labor Law, in relation to job protection for emergency service volunteers.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 297, by Senator DeFrancisco, Senate Print 3615A, an act to amend the Uniform Justice Court Act, in relation to justices of criminal courts.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 400, by Senator Young, Senate Print 367, an act to amend the Social Services Law, in relation to directing the Office of Temporary and Disability Assistance.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President. I'd like to explain my vote.

ACTING PRESIDENT GRIFFO: First, the Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

Currently, there are about $640 million in this state of child support in arrears. What that means is that there are

$640 million in parental obligations and responsibilities not being met. That's $640 million of our children being hurt in this state. And we need to do something about it.

This bill amends the Social Services Law to direct the state to prepare and distribute a booklet advising the public of rights and procedures in spousal and child support cases. And that's important because oftentimes parties involved in these cases do not have legal counsel, they may not understand the system. We need to be able to help them get it cleared up so that we can help the children who are being left behind.

So I appreciate my colleagues' affirmative vote on this bill. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

414, by Senator Saland, Senate Print 1086A, an act to amend the Penal Law, the Executive Law, and the Vehicle and Traffic Law, in relation to offenses.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator LaValle, Senate Print 3432A, an act to amend the Penal Law and the Correction Law, in relation to prohibiting sex offenders.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 432, by Senator Marcellino, Senate Print 4368A, an act to amend the Tax Law, in relation to making technical corrections.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 505, by Senator Bonacic, Senate Print 469, an act to amend the Vehicle and Traffic Law, in relation to allowing volunteer firefighters.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 535, by Senator Larkin, Senate Print 644, an act to amend the Penal Law, in relation to forgery.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 543, by Senator Fuschillo, Senate Print 1540,

an act to amend the Penal Law, in relation to criminal impersonation.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Returning to Calendar Number 105, Senate Print 186A, by Senator Larkin, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: If we could just

hold that bill up for a moment.

(Pause.)

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Owen Johnson, from the Committee on Finance,

reports the following bills:

Senate Print 7241, Senate Budget Bill, an act to amend Chapters 53 and 55 of the Laws of 2007;

And Senate Print 7242, Senate Budget Bill, an act to amend Chapter 57 of the Laws of 2007.

Both bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Without objection, both bills reported directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 604, Senate Print 7241.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 604, Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 10199 and substitute it for the identical Senate Bill Number 7241, Third Reading Calendar 604.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 604, by Member of the Assembly Silver, Assembly Print Number 10199, an act to amend Chapters 53 and 55 of the Laws of 2007 making appropriations for the support of government.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 605, Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 10200 and substitute it for the identical Senate Bill Number 7242, Third Reading Calendar 605.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read the last section.

THE SECRETARY: Calendar Number 605, by Member of the Assembly Silver, Assembly Print Number 10200, an act to amend Chapter 57 of the Laws of 2007 relating to providing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: There is no further business at the desk.

SENATOR SKELOS: There being none, I move we stand adjourned until Thursday, March 27th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Thursday, March 27th, at 3:00 p.m.

(Whereupon, at 3:35 p.m., the Senate adjourned.)