NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 31, 2008

3:07 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: For today's invocation we have with us Father Peter Young, of the Mother Theresa Community.

Father.

REVEREND YOUNG: Thank you, Senator. Let us pray.

In New York City, at George Washington's inauguration as President, he placed his hand on the Bible on April 30, 1789, to serve with integrity his nation.

Our Senators are likewise called to leadership as Your elected and dedicated public servants. We bless them in Your name so that they can carry out this most important work in the closing of the budget hours for all of our citizens in New York State.

Amen.

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 30, the Senate met pursuant to adjournment. The Journal of Saturday, March 29, 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.

On page 39 I offer the following amendments to Calendar Number 600, Senate Print Number 4660, and ask that the bill will retain its place on the Third Reading

Calendar. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young. The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

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 stands at ease.

(Whereupon, the Senate stood at ease at 3:10 p.m.)

(Whereupon, the Senate reconvened at 3:16 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 286, by Senator Larkin, Senate Print 1882, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to free passes, cards or badges.

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, 54. Nays, 1. Senator Maziarz recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 333, by Senator Bruno, Senate Print 6383, an act authorizing the reinstatement of Eric M. Jukes.

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

Read the last section.

THE SECRETARY: Section 3. 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 420, by Senator LaValle, Senate Print 2949A, an act to amend the Penal Law, in relation to enhancing penalties.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 33. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 420 are Senators Adams, Montgomery and Perkins.

Ayes, 54. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 464, by Senator Little, Senate Print 6969, an act to amend Chapter 719 of the Laws of 1980 amending the Local Finance Law.

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 465, by Senator Maltese, Senate Print 303, an act to amend the Election Law, in relation to military voters.

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 476, by Senator Fuschillo, Senate Print 1531, an act to amend the Real Property Law, in relation to prohibiting sex offenders.

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: Those recorded in the negative on Calendar Number 476 are Senators Adams, Duane, Hassell-Thompson, Montgomery, Perkins and Serrano.

Ayes, 51. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 483, by Senator Volker, Senate Print 4874, an act to amend the Real Property Law, in relation to recording.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January next succeeding.

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 523, by Senator Larkin, Senate Print 6929, an act to amend the Highway Law, in relation to designating a certain portion of State Route 32 in the counties of Ulster and Orange.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. 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 597, by Senator Little, Senate Print 7070, an act making certain findings and determinations relating to bond anticipation notes.

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

Read the last section.

THE SECRETARY: Section 5. 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 617, by Senator Lanza, Senate Print 6851, an act to amend Chapter 759 of the Laws of 1973 relating to the transfer of lands.

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 665, by Senator Little, Senate Print 7300, an act in relation to authorizing the distribution of certain amounts to counties and cities.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 5. 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.

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

SENATOR SKELOS: Thank you, 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 report of the Finance Committee.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following bills direct to third reading:

Senate Print 7323, by the Senate

Committee on Rules, an act to provide for the administration of certain funds and accounts;

And Senate Print 7324, by the Senate Committee on Rules, an act making appropriations for the support of government.

Both bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Both bills are reported direct to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could just stand at ease. We're waiting for messages on those two bills.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

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

(Whereupon, the Senate reconvened at 4:00 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, the Senate will stand in recess until 7:30 p.m.

ACTING PRESIDENT GRIFFO: The Senate will stand in recess until 7:30 p.m.

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

(Whereupon, the Senate reconvened at 7:37 p.m.)

ACTING PRESIDENT GRIFFO: Senate is in session.

Senator Skelos.

SENATOR SKELOS: Mr. President, earlier this evening I believe we accepted the report of the Finance Committee.

So at this time if we could take up Calendar Number 670, Senate 7323, noncontroversial.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 670, Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 10418 and substitute it for the identical Senate Bill Number 7323, Third Reading Calendar 670.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 670, by the Assembly Committee on Rules, Assembly Print Number 10418, an act to provide for the administration of certain funds and accounts.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is, Senator Skelos.

SENATOR SKELOS: Move to accept the message.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could take up Calendar Number 671, Senate 7324.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 671, Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 10419 and substitute it for the identical Senate Bill Number 7324, Third Reading Calendar 671.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 671, by the Assembly Committee on Rules, Assembly Print Number 10419, an act making

appropriations for the support of government.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT GRIFFO: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity and appropriation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message of necessity and appropriation is accepted.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to the order of motions and resolutions and please recognize Senator Little.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

On page 26 I offer the following amendments to Calendar Number 372, Senate Print Number 6281B, and on behalf of Senator Lanza ask that that said bill retain its place on the Third Reading Calendar.

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

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Also on behalf of Senator Lanza, I wish to call up his bill Senate Print Number 7162, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read the title.

THE SECRETARY: Calendar Number 589, by Senator Lanza, Senate Print 7162, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is restored to its place on the Third Reading Calendar.

Senator Little.

SENATOR LITTLE: Mr. President, I

now move to discharge, from the Committee on Finance, Assembly Print Number 10270 and substitute it for his identical bill.

The Senate bill on first passage was voted unanimously, and I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT GRIFFO: So ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 589, by Member of the Assembly Abbate, Assembly Print Number 10270, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of appropriation at the desk?

ACTING PRESIDENT GRIFFO: Yes, Senator Skelos, there is a message of appropriation at the desk.

SENATOR SKELOS: Move to accept, please.

ACTING PRESIDENT GRIFFO: All in

favor of accepting the message of appropriation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could stand at ease at this time.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 7:43 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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 Senate Finance Committee in the Majority Conference Room.

The Senate will continue to stand at ease.

(Whereupon, the Senate reconvened at 9:35 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

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 report

of the Finance Committee.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following bill direct to third reading:

Senate Print 6804D, an act making appropriations for the support of government: Health and Mental Hygiene Budget.

ACTING PRESIDENT GRIFFO: Without objection, the bill is reported to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could take up Calendar 678, Senate Print 6804D.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 678, Senate Budget Bill, Senate Print 6804D, an act making appropriations for the support of government: Health and Mental Hygiene Budget.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President,

is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR SKELOS: Move to accept, please.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

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, 61.

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: We'll be adjourning at the call of the Majority Leader.

So for members of the Majority, as of right now there will not be a conference at 10:30.

There being no further business to come before the Senate, I move we stand adjourned until Tuesday, the first of April, at the call of the Majority Leader.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned, at the call of the Majority Leader, until Tuesday, April 1st.

(Whereupon, at 9:37 p.m., the Senate adjourned.)