NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 29, 2008

3:11 p.m.

REGULAR SESSION

SENATOR CATHARINE M. YOUNG,, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT YOUNG: 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 YOUNG: The invocation today will be given by the Reverend Peter G. Young, from Mother Theresa Community in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

By being a Senator, you have been accepted into the leadership position so that you can more fully serve the people of New York State.

In this spirit of community, our prayer today will be to be better able to achieve the goal of dedicated representation in the power that is entrusted to all of our legislative leadership.

May you attain your satisfaction in

your services to your constituents.

Amen.

ACTING PRESIDENT YOUNG: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 28, the Senate met pursuant to adjournment. The Journal of Friday, April 25, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT YOUNG: 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Alesi, Madam President, I move that the following bill be

discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Print 5213.

ACTING PRESIDENT YOUNG: So ordered.

SENATOR FARLEY: Madam President, on behalf of Senator Libous, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Number 4885.

ACTING PRESIDENT YOUNG: So ordered.

SENATOR FARLEY: Madam President, I offer amendments to the following Third Reading Calendar bills:

Senator Morahan, page 13, Calendar 64, Senate Print 6491;

For Senator Marcellino, page 21, Calendar Number 271, Senate Print 602;

For Senator Skelos, on page 27, Calendar Number 394, Senate Print 438;

For Senator Fuschillo, on page 29, Calendar Number 444, Senate Print 6799A;

For Senator Morahan, on page 30,

Calendar Number 470, Senate Print 5184;

For Senator Robach, on page 34, Calendar Number 571, Senate Print 3052;

On behalf of Senator Seward, Madam President, on page 37, Calendar Number 615, Senate Print 3964B;

And on behalf of Senator Morahan, on page 46, Calendar Number 796, Senate Print 7183.

Madam President, I move that these bills be amended and that they retain their place on the Third Reading Calendar.

ACTING PRESIDENT YOUNG: The amendments are received and adopted, and the bills will retain their place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are two substitutions to be made at this time.

ACTING PRESIDENT YOUNG: The Secretary will read the substitutions.

THE SECRETARY: On page 40, Senator Leibell moves to discharge, from the Committee on Judiciary, Assembly Bill Number

9822 and substitute it for the identical Senate Bill Number 6834, Third Reading Calendar 687.

And on page 46, Senator Maltese moves to discharge, from the Committee on Higher Education, Assembly Bill Number 995A and substitute it for the identical Senate Bill Number 3593A, Third Reading Calendar 788.

ACTING PRESIDENT YOUNG: Substitutions ordered.

Senator Skelos.

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

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 86, by Senator Farley, Senate Print 2864, an act to amend the Banking Law, in relation to enforcement of provisions.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Robach, Senate Print 2983A, an act to amend the Retirement and Social Security Law, in relation to providing credit.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 202, by Senator Winner, Senate Print 3669, an act to amend the Tax Law, in relation to penalties.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 232, by Senator Seward, Senate Print 3027, an act to amend the Public Health Law, in relation to the possession of external defibrillators.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 248, by Senator Robach, Senate Print 6830, an

acknowledgment to repeal paragraph (e) of subdivision 4 of Section 209 of the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 345, by Senator Little, Senate Print 1132, an act to amend the Town Law and the Village Law, in relation to authorizing towns and villages.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 346, by Senator Little, Senate Print 5110, an act to amend the General Municipal Law, in relation to authorizing educational institutions.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 410, by Senator Golden, Senate Print 6965, an act to amend the Elder Law, in relation to the provision of services provided.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 411, by Senator Golden, Senate Print 6966A, an act to amend the Elder Law, in relation to volunteer programs.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 459, by Senator LaValle, Senate Print 6949, an act to amend the Education Law, in relation to the powers granted.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 489, by Senator Skelos, Senate Print 642, an act to amend the Real Property Law, in relation to reverse mortgage loans.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 545, by Senator DeFrancisco, Senate Print

1829B, an act to amend the Penal Law, in relation to identify theft and unlawful possession.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 673, by Senator Volker, Senate Print 1478, an act to amend the General Business Law, in relation to real estate syndication offerings.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 687, substituted earlier today by Member of the Assembly Bradley, Assembly Print Number 9822, an act to amend Chapter 104 of the Laws of 2007 amending the Domestic Relations Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 691, by Senator Farley, Senate Print 917A, an act to amend the Tax Law, in relation to requirement to file.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 701, by Senator Trunzo, Senate Print 1320, an act to amend the Vehicle and Traffic Law, in relation to duplicate driver's licenses.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 732, by Senator Morahan, Senate Print 2169, an act to amend the Military Law, in relation to extending certain benefits.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 742, by Senator Flanagan, Senate Print 4112A, an act to amend the Civil Service Law, in relation to making the Iranian Hostage Crisis "time of war" for civil service credit.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 744, by Senator Padavan, Senate Print 81, an act to amend the Penal Law, in relation to making citizenship document fraud in the first degree and second degree.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 744 are Senators Adams, Duane, Gonzalez, Hassell-Thompson, Huntley, Parker, Perkins and Serrano.

Ayes, 47. Nays, 8.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 758, by Senator Volker, Senate Print 4028, an act to amend the Penal Law, in relation to prohibition.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 762, by Senator Larkin, Senate Print 4836A, an act to amend the Penal Law, in relation to cemetery desecration.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 763, by Senator Volker, Senate Print 4954, an act to amend the Penal Law, in relation to the crime of aggravated harassment in the second degree.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 779, by Senator Hassell-Thompson, Senate Print 6705A, an act to authorize the City School District of the City of Mount Vernon, New York, to expend.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 788, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 995A, an act to amend the Education Law, in relation to property of museums.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 791, by Senator Libous, Senate Print 2148, an act to amend the Mental Hygiene Law, in relation to directing the State Commission on Quality of Care.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 802, by Senator Morahan, Senate Print 5162, an act to amend the Election Law, in relation to master ballot layout.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President. Is there any further business at the desk?

ACTING PRESIDENT YOUNG: There is no further business.

THE SECRETARY: There being none, I move we stand adjourned until Wednesday, April 30th, at 11:00 a.m.

ACTING PRESIDENT YOUNG: On motion, the Senate stands adjourned until Wednesday, April 30th, at 11:00 a.m.

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