NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 29, 2008

11:04 a.m.

REGULAR SESSION

SENATOR ELIZABETH O'C. LITTLE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LITTLE: 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 LITTLE: 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 LITTLE: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 28, the Senate met pursuant to adjournment. The Journal of Tuesday, May 27, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LITTLE: 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 Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator LaValle, on page number 76 I offer the following amendments to Calendar Number 1434, Senate Print Number 8068, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MARCELLINO: Thank you.

Madam President, on behalf of Senator Libous, on page number 45 I offer the following amendments to Calendar Number 1036, Senate Print Number 7646, and ask that said bill retain its place on the Third Reading

Calendar.

ACTING PRESIDENT LITTLE: Thank you.

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

SENATOR MARCELLINO: Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Marcellino.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are substitutions at the desk, if we could make them at this time.

ACTING PRESIDENT LITTLE: The Secretary will read the substitutions.

THE SECRETARY: On page 31, Senator Morahan moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 9685A and substitute it for the identical Senate Bill Number 7183A, Third Reading Calendar 796.

On page 55, Senator Leibell moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs,

Assembly Bill Number 10381 and substitute it for the identical Senate Bill Number 7792, Third Reading Calendar 1193.

On page 73, Senator Leibell moves to discharge, from the Committee on Codes, Assembly Bill Number 9865 and substitute it for the identical Senate Bill Number 7832, Third Reading Calendar 1398.

And on page 73, Senator Flanagan moves to discharge, from the Committee on Codes, Assembly Bill Number 9813 and substitute it for the identical Senate Bill Number 7942, Third Reading Calendar 1401.

ACTING PRESIDENT LITTLE: Thank you.

Substitutions are ordered.

Senator Skelos.

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

ACTING PRESIDENT LITTLE: Thank you.

There's an immediate meeting of the Rules Committee in the Majority Conference

Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:07 a.m.)

(Whereupon, the Senate reconvened at 11:11 a.m.)

ACTING PRESIDENT LITTLE: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up the noncontroversial reading of the calendar.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 193, by Senator Hannon, Senate Print 4648, an act to amend the Public Health Law, in relation to promulgation.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator DeFrancisco, Senate Print 2879A, an act to amend the Estates, Powers and Trusts Law and others, in relation to renunciation.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 704, by Senator Lanza, Senate Print 3682A, an act to amend the Highway Law, in relation to transferring certain land.

ACTING PRESIDENT LITTLE: Read

the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 796, substituted earlier by Member of the Assembly Lupardo, Assembly Print Number 9685A, an act to amend the Mental Hygiene Law, in relation to adding two members.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number

886, by Senator Marcellino, Senate Print 6940A, an act to amend the Insurance Law, in relation to insuring motor vehicles.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 930, by Senator Bonacic, Senate Print 7363 --

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

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

THE SECRETARY: Calendar Number 969, by Senator Little, Senate Print 6922A, an act to amend the Agriculture and Markets Law, in relation to including land used.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1033, by Senator Fuschillo, Senate Print 7559, an act to amend the Education Law, in relation to permitting boards of education.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1079, by Senator LaValle, Senate Print 7019, an act validating, ratifying and confirming

the establishment and operations.

ACTING PRESIDENT LITTLE: 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 LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1092, by Senator Morahan, Senate Print 4475B, an act to amend the Mental Hygiene Law, in relation to authorizing a panel.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The

bill is passed.

THE SECRETARY: Calendar Number 1166, by Senator Winner, Senate Print 8165A, an act to amend Chapter 192 of the Laws of 2003, amending the Alcoholic Beverage Control Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1193, substituted earlier today by Member of the Assembly Cusick, Assembly Print Number 10381, an act to amend the Military Law, in relation to providing members.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Leibell, to explain his vote.

SENATOR LEIBELL: Thank you, Madam President.

I rose yesterday on a piece of legislation that was part of a veterans package that the Senate Majority introduced last week.

During today's session you will see that there are additional bills that are on here today that are recognizing the tremendous contributions that our veterans have made, only not for New York State but for our great country.

These bills, I'm hopeful that they will receive unanimous support. Our veterans are looking forward to assistance in a wide variety of areas, including civil service -- our state employees, our future public employees, our local government employees -- protection for them when they have left their employment due to military call up, protection

for our veterans' memorials, as well as addressing the issues of Agent Orange during the Vietnam War and extending that statute of limitation.

There will undoubtedly be other legislation as we go throughout the remainder of the general session. Having said that, these bills are most important to all of our veterans who have served us so well.

So, Madam President, I cast my vote aye.

ACTING PRESIDENT LITTLE: Thank you, Senator Leibell.

The Secretary will announce the results.

THE SECRETARY: Ayes 52. Nays, 0.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1194, by Senator Leibell, Senate Print 7830A, an act to amend the Military Law, in relation to expanding paid leave.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1195, by Senator Leibell, Senate Print 7879A, an act to amend the establishing the Veterans' Memorials Preservation Act.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1273, by Senator DeFrancisco, Senate Print 5863, an act to amend the Domestic Relations

Law, in relation to the effect of active United States military.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator Trunzo, Senate Print 882, an act in relation to requiring state agencies to issue a report.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LITTLE: The

bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Flanagan, Senate Print 7956, an act to amend the Retirement and Social Security Law, in relation to military service credit.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1398, substituted earlier today by Member of the Assembly Espaillat, Assembly Print Number 9865, an act to amend Chapter 266 of the Laws of 1981, amending the Civil Practice Law and Rules.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1401, substituted earlier today by Member of the Assembly Lentol, Assembly Print Number 9813, an act to amend the Penal Law, in relation to establishing penalties.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1408, by Senator Young, Senate Print 402, an act to amend the Vehicle and Traffic Law, in

relation to designating.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President.

If we could return to reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT LITTLE: 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 8334, by Senator

Morahan, an act authorizing the state comptroller to distribute.

ACTING PRESIDENT LITTLE: Senator Skelos.

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

ACTING PRESIDENT LITTLE: Thank you.

All those in favor of accepting the Rules Committee report say aye.

ACTING PRESIDENT LITTLE:

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Any opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The Rules Committee report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 1536.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 1536, by Senator Morahan, Senate Print 8334, an act authorizing the state comptroller to

distribute certain funds.

ACTING PRESIDENT LITTLE: Senator Skelos.

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

ACTING PRESIDENT LITTLE: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LITTLE: Thank you.

All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any further business at the desk?

ACTING PRESIDENT LITTLE: No, there is none, Senator.

SENATOR SKELOS: There being none, I move we stand adjourned until Monday, June 2nd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT LITTLE: On motion, the Senate stands adjourned until Monday, June 2nd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:22 a.m., the Senate adjourned.)