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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

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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.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Marcellino.

8 SENATOR MARCELLINO: Thank you,
9 Madam President.

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

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

20 SENATOR MARCELLINO: Thank you.
21 Madam President, on behalf of
22 Senator Libous, on page number 45 I offer the
23 following amendments to Calendar Number 1036,
24 Senate Print Number 7646, and ask that said
25 bill retain its place on the Third Reading

1 Calendar.

2 ACTING PRESIDENT LITTLE: Thank
3 you.

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

7 SENATOR MARCELLINO: Thank you,
8 Madam President.

9 ACTING PRESIDENT LITTLE: Thank
10 you, Senator Marcellino.

11 Senator Skelos.

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

15 ACTING PRESIDENT LITTLE: The
16 Secretary will read the substitutions.

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

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

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

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

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

14 ACTING PRESIDENT LITTLE: Thank
15 you.

16 Substitutions are ordered.

17 Senator Skelos.

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

22 ACTING PRESIDENT LITTLE: Thank
23 you.

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

1 Room.

2 The Senate stands at ease.

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

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

7 ACTING PRESIDENT LITTLE: The
8 Senate will come to order.

9 Senator Skelos.

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

13 ACTING PRESIDENT LITTLE: Thank
14 you.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 193, by Senator Hannon, Senate Print 4648, an
18 act to amend the Public Health Law, in
19 relation to promulgation.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 47.

3 ACTING PRESIDENT LITTLE: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 682, by Senator DeFrancisco, Senate Print
7 2879A, an act to amend the Estates, Powers and
8 Trusts Law and others, in relation to
9 renunciation.

10 ACTING PRESIDENT LITTLE: Read
11 the last section.

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

15 ACTING PRESIDENT LITTLE: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 47.

19 ACTING PRESIDENT LITTLE: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 704, by Senator Lanza, Senate Print 3682A, an
23 act to amend the Highway Law, in relation to
24 transferring certain land.

25 ACTING PRESIDENT LITTLE: Read

1 the last section.

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

4 ACTING PRESIDENT LITTLE: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 47.

8 ACTING PRESIDENT LITTLE: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 796, substituted earlier by Member of the
12 Assembly Lupardo, Assembly Print Number 9685A,
13 an act to amend the Mental Hygiene Law, in
14 relation to adding two members.

15 ACTING PRESIDENT LITTLE: Read
16 the last section.

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

19 ACTING PRESIDENT LITTLE: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 47.

23 ACTING PRESIDENT LITTLE: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 886, by Senator Marcellino, Senate Print
2 6940A, an act to amend the Insurance Law, in
3 relation to insuring motor vehicles.

4 ACTING PRESIDENT LITTLE: Read
5 the last section.

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

8 ACTING PRESIDENT LITTLE: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 47.

12 ACTING PRESIDENT LITTLE: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 930, by Senator Bonacic, Senate Print 7363 --

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

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

20 THE SECRETARY: Calendar Number
21 969, by Senator Little, Senate Print 6922A, an
22 act to amend the Agriculture and Markets Law,
23 in relation to including land used.

24 ACTING PRESIDENT LITTLE: Read
25 the last section.

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

3 ACTING PRESIDENT LITTLE: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 50.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1033, by Senator Fuschillo, Senate Print 7559,
11 an act to amend the Education Law, in relation
12 to permitting boards of education.

13 ACTING PRESIDENT LITTLE: Read
14 the last section.

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

17 ACTING PRESIDENT LITTLE: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 50.

21 ACTING PRESIDENT LITTLE: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1079, by Senator LaValle, Senate Print 7019,
25 an act validating, ratifying and confirming

1 the establishment and operations.

2 ACTING PRESIDENT LITTLE: There
3 is a home-rule message at the desk.

4 Read the last section.

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

7 ACTING PRESIDENT LITTLE: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 50.

11 ACTING PRESIDENT LITTLE: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1092, by Senator Morahan, Senate Print 4475B,
15 an act to amend the Mental Hygiene Law, in
16 relation to authorizing a panel.

17 ACTING PRESIDENT LITTLE: Read
18 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 50.

25 ACTING PRESIDENT LITTLE: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1166, by Senator Winner, Senate Print 8165A,
4 an act to amend Chapter 192 of the Laws of
5 2003, amending the Alcoholic Beverage Control
6 Law.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

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

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 50.

15 ACTING PRESIDENT LITTLE: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1193, substituted earlier today by Member of
19 the Assembly Cusick, Assembly Print Number
20 10381, an act to amend the Military Law, in
21 relation to providing members.

22 ACTING PRESIDENT LITTLE: Read
23 the last section.

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

1 ACTING PRESIDENT LITTLE: Call
2 the roll.

3 (The Secretary called the roll.)

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

6 SENATOR LEIBELL: Thank you,
7 Madam President.

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

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

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

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

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

10 So, Madam President, I cast my vote
11 aye.

12 ACTING PRESIDENT LITTLE: Thank
13 you, Senator Leibell.

14 The Secretary will announce the
15 results.

16 THE SECRETARY: Ayes 52. Nays,
17 0.

18 ACTING PRESIDENT LITTLE: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1194, by Senator Leibell, Senate Print 7830A,
22 an act to amend the Military Law, in relation
23 to expanding paid leave.

24 ACTING PRESIDENT LITTLE: Read
25 the last section.

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

3 ACTING PRESIDENT LITTLE: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 54.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1195, by Senator Leibell, Senate Print 7879A,
11 an act to amend the establishing the Veterans'
12 Memorials Preservation Act.

13 ACTING PRESIDENT LITTLE: Read
14 the last section.

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

17 ACTING PRESIDENT LITTLE: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 54.

21 ACTING PRESIDENT LITTLE: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1273, by Senator DeFrancisco, Senate Print
25 5863, an act to amend the Domestic Relations

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

3 ACTING PRESIDENT LITTLE: Read
4 the last section.

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

7 ACTING PRESIDENT LITTLE: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 54.

11 ACTING PRESIDENT LITTLE: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1358, by Senator Trunzo, Senate Print 882, an
15 act in relation to requiring state agencies to
16 issue a report.

17 ACTING PRESIDENT LITTLE: Read
18 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 54.

25 ACTING PRESIDENT LITTLE: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1365, by Senator Flanagan, Senate Print 7956,
4 an act to amend the Retirement and Social
5 Security Law, in relation to military service
6 credit.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

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

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 55.

15 ACTING PRESIDENT LITTLE: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1398, substituted earlier today by Member of
19 the Assembly Espaillet, Assembly Print Number
20 9865, an act to amend Chapter 266 of the Laws
21 of 1981, amending the Civil Practice Law and
22 Rules.

23 ACTING PRESIDENT LITTLE: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT LITTLE: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 55.

6 ACTING PRESIDENT LITTLE: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1401, substituted earlier today by Member of
10 the Assembly Lentol, Assembly Print Number
11 9813, an act to amend the Penal Law, in
12 relation to establishing penalties.

13 ACTING PRESIDENT LITTLE: Read
14 the last section.

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

17 ACTING PRESIDENT LITTLE: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 55.

21 ACTING PRESIDENT LITTLE: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1408, by Senator Young, Senate Print 402, an
25 act to amend the Vehicle and Traffic Law, in

1 relation to designating.

2 ACTING PRESIDENT LITTLE: Read
3 the last section.

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

6 ACTING PRESIDENT LITTLE: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 55.

10 ACTING PRESIDENT LITTLE: The
11 bill is passed.

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

14 SENATOR SKELOS: Thank you, Madam
15 President.

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

19 ACTING PRESIDENT LITTLE: Reports
20 of standing committees.

21 The Secretary will read.

22 THE SECRETARY: Senator Bruno,
23 from the Committee on Rules, reports the
24 following bill direct to third reading:

25 Senate Print 8334, by Senator

1 Morahan, an act authorizing the state
2 comptroller to distribute.

3 ACTING PRESIDENT LITTLE: Senator
4 Skelos.

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

7 ACTING PRESIDENT LITTLE: Thank
8 you.

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

11 ACTING PRESIDENT LITTLE:

12 (Response of "Aye.")

13 ACTING PRESIDENT LITTLE: Any
14 opposed, nay.

15 (No response.)

16 ACTING PRESIDENT LITTLE: The
17 Rules Committee report is accepted.

18 Senator Skelos.

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

21 ACTING PRESIDENT LITTLE: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 1536, by Senator Morahan, Senate Print 8334,
25 an act authorizing the state comptroller to

1 distribute certain funds.

2 ACTING PRESIDENT LITTLE: Senator
3 Skelos.

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

6 ACTING PRESIDENT LITTLE: Yes,
7 there is.

8 SENATOR SKELOS: Move to accept.

9 ACTING PRESIDENT LITTLE: Thank
10 you.

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

13 (Response of "Aye.")

14 ACTING PRESIDENT LITTLE:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT LITTLE: The
18 message is accepted.

19 Read the last section.

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

22 ACTING PRESIDENT LITTLE: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 55.

1 ACTING PRESIDENT LITTLE: The
2 bill is passed.

3 Senator Skelos.

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

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

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

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

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

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