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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 19, 2007

3:55 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: 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 GRIFFO: In the  
absence of clergy, I ask that all bow in a  
moment of silent prayer.

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

ACTING PRESIDENT GRIFFO: The  
reading of the Journal.

THE SECRETARY: In Senate,  
Sunday, March 18, the Senate met pursuant to  
adjournment. The Journal of Saturday,  
March 17, 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.

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 Skelos.

8 SENATOR SKELOS: Mr. President,  
9 there's a privileged resolution at the desk by  
10 Senator Bruno. Could we have the title read  
11 and move for its immediate adoption.

12 ACTING PRESIDENT GRIFFO: The  
13 Secretary will read.

14 THE SECRETARY: By Senator Bruno,  
15 Legislative Resolution Number 1031,  
16 commemorating Good Joes Day, 2007.

17 ACTING PRESIDENT GRIFFO: On the  
18 resolution, all in favor.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:  
21 Opposed.

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The  
24 resolution is adopted.

25 Senator Fuschillo.

1                   SENATOR FUSCHILLO:     Thank you,  
2     Mr. President.

3                   On page number 12 I offer the  
4     following amendments to Calendar Number 136,  
5     Senate Print Number 2360, and ask that said  
6     bill retain its place on Third Reading  
7     Calendar.

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

12                  SENATOR FUSCHILLO:     Mr.  
13    President, on behalf of Senator Little, I move  
14    that the following bill be discharged from its  
15    respective committee and be recommitted with  
16    instructions to strike the enacting clause:  
17    Senate Print Number 1250.

18                  ACTING PRESIDENT GRIFFO:     So  
19    ordered.

20                  SENATOR FUSCHILLO:     Thank you.

21                  ACTING PRESIDENT GRIFFO:     Senator  
22    Skelos.

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

1                   ACTING PRESIDENT GRIFFO:     The  
2     Secretary will read.

3                   THE SECRETARY:     Calendar Number  
4     18, by Senator Maziarz, Senate Print 42A, an  
5     act to amend the Penal Law, in relation to  
6     increased penalties.

7                   ACTING PRESIDENT GRIFFO:     Read  
8     the last section.

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

12                  ACTING PRESIDENT GRIFFO:     Call  
13    the roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY:     Ayes, 51.

16                  ACTING PRESIDENT GRIFFO:     The  
17    bill is passed.

18                  THE SECRETARY:     Calendar Number  
19    55, by Senator Skelos --

20                  SENATOR SKELOS:     Lay it aside  
21    temporarily, please.

22                  ACTING PRESIDENT GRIFFO:     Lay it  
23    aside temporarily.

24                  THE SECRETARY:     Calendar Number  
25    161, by Senator Little, Senate Print 1116B, an

1 act to amend the Penal Law, in relation to  
2 providing.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect on the first of  
7 November.

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 51.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 198, by Senator Volker, Senate Print 2370, an  
16 act to amend the Criminal Procedure Law, in  
17 relation to appeals.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 198 are  
2 Senators Duane and Perkins.

3 Ayes, 53. Nays, 2.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 206, by Senator Young, Senate Print 402, an  
8 act to amend the Vehicle and Traffic Law, in  
9 relation to designating death investigation  
10 vehicles.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 207, by Senator Marcellino, Senate Print 617,  
23 an act to amend the Vehicle and Traffic Law,  
24 in relation to increasing the parameters.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call  
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 54. Nays,  
9 1. Senator Montgomery recorded in the  
10 negative.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 212, by Senator Nozzolio, Senate Print 2079,  
15 an act to amend the Highway Law, in relation  
16 to designating a portion of the state highway  
17 system.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 55.

1                   ACTING PRESIDENT GRIFFO:     The  
2 bill is passed.

3                   THE SECRETARY:     Calendar Number  
4 215, by Senator Robach, Senate Print 2983, an  
5 act to amend the Retirement and Social  
6 Security Law, in relation to providing credit.

7                   ACTING PRESIDENT GRIFFO:     Read  
8 the last section.

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

11                  ACTING PRESIDENT GRIFFO:     Call  
12 the roll.

13                  (The Secretary called the roll.)

14                  THE SECRETARY:     Ayes, 56.

15                  ACTING PRESIDENT GRIFFO:     The  
16 bill is passed.

17                  THE SECRETARY:     Calendar Number  
18 231, by Senator Farley, Senate Print 2746, an  
19 act to amend the Banking Law, in relation to  
20 unauthorized entities.

21                  ACTING PRESIDENT GRIFFO:     Read  
22 the last section.

23                  THE SECRETARY:     Section 5. This  
24 act shall take effect on the 30th day.

25                  ACTING PRESIDENT GRIFFO:     Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 250, by Senator LaValle, Senate Print 2791, an  
8 act to amend the Education Law, in relation to  
9 establishing.

10 ACTING PRESIDENT GRIFFO: Read  
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT GRIFFO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 262, by Senator Rath, Senate Print 2326, an  
22 act to amend the Real Property Tax Law.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 SENATOR SKELOS: Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Skelos.

11 SENATOR SKELOS: Yes, Calendar  
12 Number 55 was laid aside temporarily. If we  
13 could bring it up at this time.

14 ACTING PRESIDENT GRIFFO: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number  
17 55, by Senator Skelos, Senate Print 640, an  
18 act to amend the Penal Law, in relation to  
19 possession.

20 ACTING PRESIDENT GRIFFO: Read  
21 the last section.

22 THE SECRETARY: Section 3. This  
23 act shall take effect on the first of  
24 November.

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 SENATOR MONTGOMERY: To explain  
4 my vote, Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Montgomery, to explain her vote.

7 SENATOR MONTGOMERY: Yes,  
8 Mr. President. I have traditionally -- or at  
9 least I have, in the past, voted no on this  
10 legislation.

11 And the question and concern that I  
12 have is that we are passing a bill which would  
13 create a criminal penalty for possession of a  
14 so-called disguised knife, but we don't  
15 include in this legislation the sale of these  
16 items.

17 Now, interestingly enough, the  
18 sponsor indicates that these items are sold to  
19 youth and adults. So if that is the case and  
20 we are concerned about it, why don't we punish  
21 the people who sell them along with the people  
22 who buy them?

23 So I think that this just does not  
24 go far enough. And if we want to remove these  
25 items from possession by young people and/or

1 adults, we should also punish the people who  
2 sell them.

3 So I'm going to continue to oppose  
4 this legislation.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Montgomery recorded in the negative.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 55 are  
9 Senators Duane, Maziarz, Montgomery, Perkins,  
10 Serrano and Young.

11 Ayes, 54. Nays, 6.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Skelos.

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

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

22 SENATOR SKELOS: There being  
23 none, I move we stand adjourned until Tuesday,  
24 March 20th, at 3:00 p.m.

25 ACTING PRESIDENT GRIFFO: On

1 motion, the Senate stands adjourned until  
2 Tuesday, March 20th, at 3:00 p.m.

3 (Whereupon, at 4:08 p.m., the  
4 Senate adjourned.)

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