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

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.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On page number 12 I offer the following amendments to Calendar Number 136, Senate Print Number 2360, and ask that said bill retain its place on 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 FUSCHILLO: Mr. President, on behalf of Senator Little, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 1250.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: 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 18, by Senator Maziarz, Senate Print 42A, an act to amend the Penal Law, in relation to increased penalties.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR SKELOS: Lay it aside temporarily, please.

ACTING PRESIDENT GRIFFO: Lay it aside temporarily.

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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: Those recorded in

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

Ayes, 53. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Montgomery recorded in the negative.

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

Ayes, 54. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

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

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

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

ACTING PRESIDENT GRIFFO: On

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

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