NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 6, 2008

11:01 a.m.

REGULAR SESSION

SENATOR JOSEPH 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 join with me as we recite 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 you join with me in a moment of silent prayer.

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

ACTING PRESIDENT GRIFFO: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 5, the Senate met pursuant to adjournment. The Journal of Monday, February 4, 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.

The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following nominations:

As commissioner of the State Insurance Fund, Denis M. Hughes, of Tappan.

And as commissioner of the State Insurance Fund, Kenneth R. Theobalds, of New Rochelle.

SENATOR SKELOS: Move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the nominations. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominations are confirmed.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos, we have substitutions at the desk. Should we do those?

SENATOR SKELOS: Yes, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 12, Senator Padavan moves to discharge, from the Committee on Agriculture, Assembly Bill Number 9419 and substitute it for the identical Senate Bill Number 6497, Third Reading Calendar 85.

On page 16, Senator Seward moves to discharge, from the Committee on Insurance, Assembly Bill Number 8813A and substitute it for the identical Senate Bill Number 5431B, Third Reading Calendar 142.

On page 20, Senator Bonacic moves to discharge, from the Committee on Finance, Assembly Bill Number 8925 and substitute it for the identical Senate Bill Number 6150, Third Reading Calendar 197.

And on page 21, Senator Volker moves to discharge, from the Committee on

Investigations and Government Operations, Assembly Bill Number 9650 and substitute it for the identical Senate Bill Number 6732, Third Reading Calendar 206.

ACTING PRESIDENT GRIFFO: The substitutions are received and so ordered.

Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 37, 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 37 are

Senators Duane and Perkins.

Ayes, 38. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 81, by Senator Larkin, Senate Print 540A, an act to amend the Agriculture and Markets Law, in relation to establishing.

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, 40.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 83, by Senator Young, Senate Print 4453, an act to amend the Agriculture and Markets Law, in relation to increasing the acreage.

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, 40.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 85, substituted earlier by Member of the Assembly Glick, Assembly Print Number 9419, an act to amend the Agriculture and Markets Law, in relation to prohibiting.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 642 of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 93, by Senator Flanagan, Senate Print 3847A,

an act to amend the Public Authorities Law, in relation to prohibiting.

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, 40.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 109, by Senator Maziarz, Senate Print 43A, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 129, by Senator Farley, Senate Print 6735, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39. Nays, 2. Senators Libous and Saland recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 142, substituted earlier today by Member of the Assembly Weprin, Assembly Print Number 8813A, an act to amend the Insurance Law, in relation to the Fraternal Benefits Society Modernization Act of 2008.

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, 41.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 159, by Senator Trunzo, Senate Print 558, an act to amend the Agriculture and Markets Law, in relation to fire hazard safety standards.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 170, by Senator Libous, Senate Print 5978A, an act to amend Chapter 656 of the Laws of 2002

amending the General Business 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, 41.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 197, substituted earlier today by Member of the Assembly Cahill, Assembly Print Number 8925, an act to amend the Executive 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, 41.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 206, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 9650, an act to amend the 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, 41.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

SENATOR SKELOS: There being none, I move we stand adjourned until Monday, February 11th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On

motion, the Senate stands adjourned until Monday, February 11th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:10 a.m., the Senate adjourned.)