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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

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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 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.

1 Messages from the Governor.

2 Reports of standing committees.

3 The Secretary will read.

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

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

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

12 SENATOR SKELOS: Move the  
13 nominations.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:  
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The  
22 nominations are confirmed.

23 Reports of select committees.

24 Communications and reports from  
25 state officers.

1 Motions and resolutions.

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

5 SENATOR SKELOS: Yes, please.

6 ACTING PRESIDENT GRIFFO: The  
7 Secretary will read.

8 THE SECRETARY: On page 12,  
9 Senator Padavan moves to discharge, from the  
10 Committee on Agriculture, Assembly Bill Number  
11 9419 and substitute it for the identical  
12 Senate Bill Number 6497, Third Reading  
13 Calendar 85.

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

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

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

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

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

7                    Senator Skelos.

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

11                   ACTING PRESIDENT GRIFFO:        The  
12          Secretary will read.

13                   THE SECRETARY:        Calendar Number  
14          37, by Senator Volker, Senate Print 2370, an  
15          act to amend the Criminal Procedure Law, in  
16          relation to appeals.

17                   ACTING PRESIDENT GRIFFO:        Read  
18          the last section.

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

21                   ACTING PRESIDENT GRIFFO:        Call  
22          the roll.

23                   (The Secretary called the roll.)

24                   THE SECRETARY:        Those recorded in  
25          the negative on Calendar Number 37 are

1 Senators Duane and Perkins.

2 Ayes, 38. Nays, 2.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 81, by Senator Larkin, Senate Print 540A, an  
7 act to amend the Agriculture and Markets Law,  
8 in relation to establishing.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 40.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 83, by Senator Young, Senate Print 4453, an  
21 act to amend the Agriculture and Markets Law,  
22 in relation to increasing the acreage.

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, 40.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 85, substituted earlier by Member of the  
10 Assembly Glick, Assembly Print Number 9419, an  
11 act to amend the Agriculture and Markets Law,  
12 in relation to prohibiting.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 40.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 93, by Senator Flanagan, Senate Print 3847A,

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

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 40.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 109, by Senator Maziarz, Senate Print 43A, an  
15 act to amend the Vehicle and Traffic Law, in  
16 relation to increasing penalties.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 40.

1                   ACTING PRESIDENT GRIFFO:     The  
2     bill is passed.

3                   THE SECRETARY:     Calendar Number  
4     129, by Senator Farley, Senate Print 6735, an  
5     act to amend the Civil Service Law.

6                   ACTING PRESIDENT GRIFFO:     Read  
7     the last section.

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

10                  ACTING PRESIDENT GRIFFO:     Call  
11     the roll.

12                  (The Secretary called the roll.)

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

16                  ACTING PRESIDENT GRIFFO:     The  
17     bill is passed.

18                  THE SECRETARY:     Calendar Number  
19     142, substituted earlier today by Member of  
20     the Assembly Weprin, Assembly Print Number  
21     8813A, an act to amend the Insurance Law, in  
22     relation to the Fraternal Benefits Society  
23     Modernization Act of 2008.

24                  ACTING PRESIDENT GRIFFO:     Read  
25     the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 41.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 159, by Senator Trunzo, Senate Print 558, an  
11 act to amend the Agriculture and Markets Law,  
12 in relation to fire hazard safety standards.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 41.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 170, by Senator Libous, Senate Print 5978A, an  
25 act to amend Chapter 656 of the Laws of 2002

1 amending the General Business Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 41.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 197, substituted earlier today by Member of  
14 the Assembly Cahill, Assembly Print Number  
15 8925, an act to amend the Executive Law.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 41.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 206, substituted earlier today by Member of  
3 the Assembly Schimminger, Assembly Print  
4 Number 9650, an act to amend the Tax Law.

5 ACTING PRESIDENT GRIFFO: Read  
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call  
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 41.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

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

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

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

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

25 ACTING PRESIDENT GRIFFO: On

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

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