NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 11, 2008

3:15 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance to our Flag.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT MARCELLINO: In the absence of clergy, can we have a moment of silence, please.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read the Journal.

THE SECRETARY: In Senate, Saturday, February 9, the Senate met pursuant to adjournment. The Journal of Friday, February 8, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MARCELLINO: 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 Seward, could you help us with some motions, please.

SENATOR SEWARD: Certainly, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, sir.

SENATOR SEWARD: I move to amend Senate Bill 6331B by striking out the amendments made on February 6 and restoring it to its previous print number, 6331A. This is on behalf of Senator Maltese.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR SEWARD: On behalf of Senator Maziarz, on page 22 I offer the following amendments to Calendar Number 216, Senate Print Number 1629, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are received and accepted, and the bill will retain its place on the Third Reading Calendar.

SENATOR SEWARD: Also on behalf of Senator Maziarz, Mr. President, on page number 22 I offer the following amendments to Calendar Number 218, Senate Print Number 1890, and ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: Those amendments are received and accepted, and that bill will retain its place on the Third Reading Calendar.

Thank you, Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Hannon.

SENATOR HANNON: Yes, Mr. President, there's a resolution at the desk by Senator Sampson. Could we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 4198, urging the New York State Congressional Delegation to take swift and decisive action to resolve the subprime mortgage crisis in the State of New York and in the United States.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Hannon.

SENATOR HANNON: Mr. President, I wish to call up Senate Print 6418A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read the title.

THE SECRETARY: Calendar Number 45, by the Senate Committee on Rules, Senate

Print 6418A, an act to amend the Public Health Law.

SENATOR HANNON: I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is restored to third reading, Senator Hannon.

SENATOR HANNON: I now offer the following amendments.

ACTING PRESIDENT MARCELLINO: The amendments are received and accepted.

SENATOR HANNON: I now move to discharge, from the Committee on Health, Assembly Print Number 9357A and substitute it for my identical bill. And I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MARCELLINO: The

substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 45, substituted earlier by Member of the Assembly Ortiz, Assembly Print Number 9357A, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: The Secretary will read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Hannon.

SENATOR HANNON: Mr. President, may we now have the noncontroversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 32, by Senator Saland, Senate Print 1073A, an

act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 49, by Senator Maziarz, Senate Print 4786A, an act to amend the Labor Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

123, by Senator Robach, Senate Print 5287A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 148, by Senator Padavan, Senate Print 90, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 150, by Senator Volker, Senate Print 566, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 152, by Senator Marcellino, Senate Print 618, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 154, by Senator Skelos, Senate Print 638, an act to amend the Criminal Procedure Law and the Family Court Act.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 155, by Senator Flanagan, Senate Print 680, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 157, by Senator Little, Senate Print 1117, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 160, by Senator Flanagan, Senate Print 695, an act to amend the General Business Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 165, by Senator Fuschillo, Senate Print 2360C, an act to amend the General Business Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator DeFrancisco, Senate Print

1264, an act to amend the Real Property Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 199, by Senator Larkin, Senate Print 236, an act to amend the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

201, by Senator Trunzo, Senate Print 1321, an act to amend the Public Officers Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 203, by Senator Winner, Senate Print 4426, an act to amend the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 205, by Senator Volker, Senate Print 6631, an act to amend Chapter 185 of the Laws of 2005, amending the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

SENATOR HANNON: Mr. President, is there any other business at the desk?

ACTING PRESIDENT MARCELLINO: No, Senator, the desk is clear.

SENATOR HANNON: All right. Then there being no further business, I move we adjourn until Tuesday, February 12th, at 3:00 p.m.

ACTING PRESIDENT MARCELLINO: On

motion, the Senate stands adjourned until Tuesday, February 12th, at 3:00 p.m.

(Whereupon, at 3:25 p.m., the Senate adjourned.)