NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 27, 2008

12:14 p.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 that all please rise and join with me in reciting the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: We're pleased to have with us today the Reverend Peter Young, from Mother Theresa Community in Albany, who will lead us in prayer.

REVEREND YOUNG: Thank you, Senator. Let us pray.

As we gather our legislative leadership in a spirit of life and hope, we turn our minds and our hearts toward You, O God. Awaken us to Your creative synergy to answer the hard questions of how can we in New York State continue to lead our citizens to a stronger Empire State.

And we come here on a very cold day in February in search of understanding what we can do together. Let us begin and do this in the Senate session, an opportunity of not only

searching for answers but of wisdom and with, then, solutions.

Let this be a place of not only dialogue but of connection. Let this be a place of teaming together that will foster giving and hope, to bind us together through this session's trials and tribulations, to join our mutual interests and our goals for job growth and needed services.

Help us, O God, to be joined in a common purpose of hope and fulfillment so we will be a circle of expanding, ever-growing New York State commitment that will result with a common benefit for one and all.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 26, the Senate met pursuant to adjournment. The Journal of Monday, February 25, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Having no objections, 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 Lanza.

SENATOR LANZA: Mr. President, on behalf of Senator Larkin, on page number 15 I offer the following amendments to Calendar Number 175, Print Number 645, and ask that said bill will 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 Skelos.

SENATOR SKELOS: Mr. President, I wish to call up Concurrent Resolution Number 4145, having been adopted by both houses and which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 4145, establishing a plan setting forth an itemized list of grantees.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: I move to reconsider the vote by which this concurrent resolution was adopted by voice vote.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The concurrent resolution is restored to its place on the calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, I now ask that said concurrent resolution have its proper reading at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 4145, establishing a plan setting forth an itemized list of grantees.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The concurrent resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I wish to call up Concurrent Resolution 4311, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read the concurrent resolution.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 4311, establishing a plan setting forth an itemized list of grantees for certain appropriations.

SENATOR SKELOS: Mr. President, I move to reconsider the vote by which this concurrent resolution was adopted.

ACTING PRESIDENT GRIFFO: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, I now ask that said concurrent resolution have its final reading at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 4311, establishing a plan setting forth an itemized list of grantees for certain appropriations.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution at the desk by Senator Bonacic, Number 4435. May we please have the

title read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 4435, mourning the death of William L. O'Brien, distinguished citizen and devoted member of his community.

ACTING PRESIDENT GRIFFO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is carried.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution at the desk by Senator Saland, Number 4345. May we have the title read, please, and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 4345, commending Eliza Watson, winner of the Second Annual Art Contest.

ACTING PRESIDENT GRIFFO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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 311, by Senator Flanagan, Senate Print 832, an act to amend the Penal Law.

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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 313, by Senator Robach, Senate Print 1696, an act to amend the Penal Law.

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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 319, by Senator Fuschillo, Senate Print 5153, an act to amend the Penal Law.

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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 321, by Senator Lanza, Senate Print 5617, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

323, by Senator Skelos, Senate Print 6687B, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator Nozzolio, Senate Print 324, an act authorizing James J. Colacino.

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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 339, by Senator Saland, Senate Print 1091A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect nine months after it shall have become law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

That concludes the reading of the calendar.

Senator Bonacic.

SENATOR BONACIC: Yes, thank you, Mr. President.

On behalf of Senator Bruno, Senator Skelos and the rest of our colleagues, we're here to congratulate Senator Aubertine.

The people have bestowed on him a very unique honor, to be a State Senator. We

look forward to working with him in a bipartisan manner to help the people of the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bonacic.

Senator Skelos, that concludes the reading of the calendar.

SENATOR SKELOS: Thank you very much.

If we could remind the members that on Monday, March 3rd, at 3:00 p.m., the Senate official photo will be taken.

Is there any other business at the desk?

ACTING PRESIDENT GRIFFO: So noted, Senator Skelos.

There is no other business before the desk.

SENATOR SKELOS: There being no further business, I move we stand adjourned until Monday, March 3rd, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until

Monday, March 3rd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:24 p.m., the Senate adjourned.)