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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

1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

4 I ask that all please rise and join
5 with me in reciting the Pledge of Allegiance
6 to our Flag.

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

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

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

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

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

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

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

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

15 Amen.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Father.

18 The reading of the Journal.

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

24 ACTING PRESIDENT GRIFFO: Having
25 no objections, the Journal stands approved as

1 read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports from
8 state officers.

9 Motions and resolutions.

10 Senator Lanza.

11 SENATOR LANZA: Mr. President, on
12 behalf of Senator Larkin, on page number 15 I
13 offer the following amendments to Calendar
14 Number 175, Print Number 645, and ask that
15 said bill will retain its place on Third
16 Reading Calendar.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received and adopted, and the
19 bill will retain its place on the Third
20 Reading Calendar.

21 Senator Skelos.

22 SENATOR SKELOS: Mr. President, I
23 wish to call up Concurrent Resolution Number
24 4145, having been adopted by both houses and
25 which is now at the desk.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

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

7 ACTING PRESIDENT GRIFFO: Senator
8 Skelos.

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

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

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 45.

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

20 Senator Skelos.

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

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 45.

9 ACTING PRESIDENT GRIFFO: The
10 concurrent resolution is adopted.

11 Senator Skelos.

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

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

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

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

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will call the roll on
2 reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 48.

5 ACTING PRESIDENT GRIFFO: Senator
6 Skelos.

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

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 48.

20 ACTING PRESIDENT GRIFFO: The
21 resolution is adopted.

22 Senator Skelos.

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

1 title read and move for its immediate
2 adoption.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 resolution is carried.

18 Senator Skelos.

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

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

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

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

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO:
9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT GRIFFO: The
12 resolution is adopted.

13 Senator Skelos.

14 SENATOR SKELOS: Mr. President,
15 if we could go to the noncontroversial reading
16 of the calendar.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 311, by Senator Flanagan, Senate Print 832, an
21 act to amend the Penal Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 November.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 52.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 313, by Senator Robach, Senate Print 1696, an
10 act to amend the Penal Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 52.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 319, by Senator Fuschillo, Senate Print 5153,
24 an act to amend the Penal Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 52.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 321, by Senator Lanza, Senate Print 5617, an
13 act to amend the Penal Law.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 52.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 323, by Senator Skelos, Senate Print 6687B, an
2 act to amend the Civil Practice Law and Rules.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

5 THE SECRETARY: Section 4. 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, 52.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 328, by Senator Nozzolio, Senate Print 324, an
15 act authorizing James J. Colacino.

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, 52.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 339, by Senator Saland, Senate Print 1091A, an
3 act to amend the Vehicle and Traffic Law.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

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

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 That concludes the reading of the
17 calendar.

18 Senator Bonacic.

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

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

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

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

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Bonacic.

7 Senator Skelos, that concludes the
8 reading of the calendar.

9 SENATOR SKELOS: Thank you very
10 much.

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

14 Is there any other business at the
15 desk?

16 ACTING PRESIDENT GRIFFO: So
17 noted, Senator Skelos.

18 There is no other business before
19 the desk.

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

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

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

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

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