NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 27, 2008

3:08 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.

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

ACTING PRESIDENT MARCELLINO: In the absence of clergy, could we bow our heads for a moment of silence, please.

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

ACTING PRESIDENT MARCELLINO: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 26, the Senate met pursuant to adjournment. The Journal of Tuesday, March 25, 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 Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time.

ACTING PRESIDENT MARCELLINO: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a substitution to be made at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read the substitution, please.

THE SECRETARY: On page 37, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 10052 and substitute it for the identical Senate Bill Number 6999, Third Reading Calendar 562.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 216, by Senator Maziarz, Senate Print 1629A, an act to amend the Labor Law, in relation to appointments.

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. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 314, by Senator Robach, Senate Print 1703A, an act to amend the Criminal Procedure Law and the Vehicle and Traffic Law, in relation to aggravated unlicensed operation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 442, by Senator Golden, Senate Print 6180A, an act to amend the Military Law, in relation to enacting the Public Servant Soldier Salary Act.

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, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 443, by Senator Golden, Senate Print 6772, an act to amend the Military Law, in relation to the salary of certain city employees.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as a chapter of the Laws of 2008.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

451, by Senator Padavan, Senate Print 5868, an act to amend the Education Law, in relation to anniversary day.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 462, by Senator Bruno, Senate Print 6286, an act to authorize the Town of Malta.

ACTING PRESIDENT MARCELLINO: There is a home-rule message at the desk.

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, 41.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 502, by Senator Young, Senate Print 365, an act to amend the Highway Law, in relation to permitting.

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, 42.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 506, by Senator Trunzo, Senate Print 561, an act to amend the Vehicle and Traffic Law, in relation to penalty.

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, 43.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 510, by Senator Rath, Senate Print 1756A, an act to amend the Vehicle and Traffic Law and the Penal Law, in relation to suspension.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42. Nays, 3. Senators Duane, Hassell-Thompson and Sabini recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 512, by Senator DeFrancisco, Senate Print 2051A, an act to amend the Vehicle and Traffic Law, in relation to enacting the "Ambrose-Searles Move Over Act."

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 513, by Senator Griffo, Senate Print 2594, an act to amend the Highway Law, in relation to correcting the designation of a portion of the state highway system.

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, 47.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 516, by Senator Larkin, Senate Print 4040A, an act to amend the Vehicle and Traffic Law, in relation to mandatory suspension of a driver's license.

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, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 522, by Senator Bonacic, Senate Print 6903, an act to amend the Highway Law, in relation to designating.

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, 47.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 541, by Senator Fuschillo, Senate Print 1533A, an act to amend the Penal Law, in relation to false personation.

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: Those recorded in the negative on Calendar Number 541 are Senators Adams, Gonzalez, Hassell-Thompson,

Huntley, Parker and Thompson.

Ayes, 41. Nays, 6.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 548, by Senator Volker, Senate Print 4034, an act to amend the Criminal Procedure Law, in relation to disclosure of certain convictions.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 556, by Senator Morahan, Senate Print 4001, an act to amend the Mental Hygiene Law, in relation to confidentiality.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Nozzolio, to explain your vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, these measures before us today -- and this measure in particular -- hope to expand New York State's interests and make New York State a better state in the future. And our future is for our young students and children who are in New York today.

And I'm very pleased that today a group of those students are here viewing the proceedings of the New York State Senate, that Mary Ann Bender and the class from St. Stephen-St. Francis de Sales are here viewing these proceedings, because they care about our future, as this chamber does in enacting this legislation.

Mr. President, I thank you for

allowing me to explain my support of this legislation and to introduce this fine group of young people who are here today. Thank you very much.

ACTING PRESIDENT MARCELLINO: Senator Nozzolio will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 50. Nays, 0.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 562, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 10052, an act to amend Chapter 426 of the Laws of 1983, amending the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 564, by Senator Hannon, Senate Print 7142, an act to amend Chapter 62 of the Laws of 2003, amending the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 589, by Senator Lanza, Senate Print 7162, an act to amend the Civil Service Law, in relation to compensation benefits.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

SENATOR SKELOS: Mr. President, in consultation with the Minority Leader, Senator Bruno hands up the following changes to the Minority committee assignments and asks that they be filed in the Journal.

ACTING PRESIDENT MARCELLINO: They will be so filed, Senator.

SENATOR SKELOS: Mr. President, is there any further business at the desk?

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

SENATOR SKELOS: There being none, I move we stand adjourned until Friday, March 28th, at 11:00 a.m.

ACTING PRESIDENT MARCELLINO: On motion, the Senate stands adjourned until Friday, March 28th, at 11:00 a.m.

(Whereupon, at 3:21 p.m., the Senate adjourned.)