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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 28, 2008

11:06 a.m.

REGULAR SESSION

SENATOR JOSEPH A. 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 all present to 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: In the
absence of clergy, I ask that we all bow our
heads in a moment of silent prayer.

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

ACTING PRESIDENT GRIFFO: The
reading of the Journal.

THE SECRETARY: In Senate,
Thursday, March 27, the Senate met pursuant to
adjournment. The Journal of Wednesday,
March 26, 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 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Marcellino.

8 SENATOR MARCELLINO: Yes,
9 Mr. President. Can we please have an
10 immediate meeting of the Finance Committee in
11 Room 332.

12 And the Senate will stand at ease.

13 ACTING PRESIDENT GRIFFO: There
14 will be an immediate meeting of the Finance
15 Committee in Room 332.

16 The Senate will stand at ease.

17 (Whereupon, the Senate stood at
18 ease at 11:07 a.m.)

19 (Whereupon, the Senate reconvened
20 at 11:17 a.m.)

21 ACTING PRESIDENT GRIFFO: The
22 Senate will come to order.

23 Senator Marcellino.

24 SENATOR MARCELLINO: Mr.
25 President, can we have the noncontroversial

1 reading of the calendar, please.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 228, by Senator Alesi, Senate Print 295, an
6 act to amend the Public Health Law, in
7 relation to procurement.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

10 THE SECRETARY: Section 3. This
11 act shall take effect on the 180th day.

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 42.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 274, by Senator Lanza, Senate Print 6472, an
20 act to amend the Executive Law, in relation to
21 establishing.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 42.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 395, by Senator DeFrancisco, Senate Print
9 912A, an act to amend the Correction Law, in
10 relation to establishing.

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, 43.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 448, by Senator Larkin, Senate Print 2082, an
24 act to amend the Education Law, in relation to
25 authorizing boards.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 43.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 503, by Senator Young, Senate Print 386, an
13 act to amend the Vehicle and Traffic Law, in
14 relation to operating.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 180th day.

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 43.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 509, by Senator Trunzo, Senate Print 1485, an
2 act to amend the Vehicle and Traffic Law, in
3 relation to civil penalties.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 43.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 521, by Senator Morahan, Senate Print 6217, an
16 act to amend the Highway Law, in relation to
17 designating a portion of the state highway
18 system.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 44.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 539, by Senator Farley, Senate Print 1295, an
6 act to amend the Civil Rights Law, in relation
7 to confidentiality.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 45. Nays,
16 1. Senator Duane recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 544, by Senator Fuschillo, Senate Print 1542,
21 an act to amend the Penal Law, in relation to
22 identification.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of
2 November.

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 46. Nays,
7 1. Senator Duane recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 549, by Senator Volker, Senate Print 4146, an
12 act to amend the Criminal Procedure Law, in
13 relation to final orders.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect on the 30th day.

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 47.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 565, by Senator Hannon, Senate Print 7143, an

1 act to amend Chapter 753 of the Laws of 1989,
2 amending the Public Health Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

5 THE SECRETARY: Section 3. 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, 47.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 566, by Senator Hannon, Senate Print 7144, an
15 act to amend Chapter 600 of the Laws of 1986,
16 amending the Public Health Law.

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: Ayes, 47.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 588, by Senator O. Johnson, Senate Print 7136,
4 an act to amend Chapter 303 of the Laws of
5 1988 relating to the extension.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Hannon.

15 SENATOR HANNON: Mr. President, I
16 wish to abstain from voting on this bill.

17 ACTING PRESIDENT GRIFFO: Without
18 objection, Senator Hannon will abstain on
19 Senate Print 7136.

20 Announce the results.

21 THE SECRETARY: Ayes, 46. Nays,
22 0.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 Senator Marcellino, that completes

1 the noncontroversial reading of the calendar.

2 SENATOR MARCELLINO: Thank you,
3 Mr. President.

4 Can we please return to the order
5 of reports of standing committees. I believe
6 you have a report of the Finance Committee at
7 the desk.

8 ACTING PRESIDENT GRIFFO: Reports
9 of standing committees.

10 The Secretary will read.

11 THE SECRETARY: Senator O.
12 Johnson, from the Committee on Finance,
13 reports the following bill direct to third
14 reading:

15 Senate Print 7300, by Senator
16 Little, an act in relation to authorization.

17 ACTING PRESIDENT GRIFFO: Without
18 objection, the bill is reported direct to
19 third reading.

20 Senator Marcellino.

21 SENATOR MARCELLINO: Mr.
22 President, we are awaiting a message of
23 necessity from the Governor's office. And
24 until we get that, we can't proceed. So the
25 Senate will stand at ease until we receive the

1 message, and we'll come back.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Marcellino.

4 The Senate will stand at ease.

5 (Whereupon, the Senate stood at
6 ease at 11:24 a.m.)

7 (Whereupon, the Senate reconvened
8 at 11:33 a.m.)

9 ACTING PRESIDENT GRIFFO: The
10 Senate will come to order.

11 Senator Marcellino.

12 SENATOR MARCELLINO: Mr.
13 President, there being no further business
14 before the chamber, I move we adjourn at the
15 call of the Majority Leader, intervening days
16 being legislative days.

17 And there will be an immediate
18 conference of the Majority in the Majority
19 Conference Room, 332.

20 ACTING PRESIDENT GRIFFO: There
21 will be an immediate meeting of the Majority
22 Conference in Room 332.

23 On motion, the Senate will stand
24 adjourned at the call of the Majority Leader,
25 intervening days being legislative days.

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Senate stands adjourned.
(Whereupon, at 11:34 a.m., the
Senate adjourned.)