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

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.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

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

And the Senate will stand at ease.

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

The Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Marcellino.

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

reading of the calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 42.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

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

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, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 47.

ACTING PRESIDENT GRIFFO: The

bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hannon.

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

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

Announce the results.

THE SECRETARY: Ayes, 46. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Marcellino, that completes

the noncontroversial reading of the calendar.

SENATOR MARCELLINO: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

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

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

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

Senator Marcellino.

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

message, and we'll come back.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

The Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Marcellino.

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

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

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

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

Senate stands adjourned.

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