NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 22, 1999

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask that everyone present please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: The invocation today will be given by Rabbi Nate Segal from New Springville Jewish Center Congregation.

RABBI SEGAL: Our Father in Heaven, we invoke Your blessings upon this august body. May it be guided by Your commandments and teachings.

We are told in the Book of Genesis that God destroyed the world with a flood. After the flood, Noah sent out a dove to see how much the waters receded. The dove returns with a leaf in its mouth. The rabbis ask, "If the world was destroyed, where was the tree that the leaf came from?" Our rabbi's answer, "That the leaf was from a tree that was growing in the Garden of Eden, in Paradise."

And the message that the Almighty

was giving to Noah was that the world that was just destroyed was corrupt, the world that Noah was about to rebuild can be a paradise.

May Lieutenant Governor Mary Donohue and the New York State Senate, under the leadership of the Honorable Joseph Bruno, President Pro Tem, Minority Leader, the Honorable Martin Connor, never stop dreaming about this ultimate goal. It inspires you, our esteemed legislators to work tirelessly towards its realization, bringing us a little piece of paradise in a place we call New York State.

May God bless this body with the courage and strength you need to be successful in this monumental task.

May the spirit of God prevail on this house forever and ever. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Friday February 19. The Senate met pursuant to adjournment. The Journal of Thursday, February 18, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Tourism, Recreation and Sports Development, reports:

Senate Print 1148, by Senator DeFrancisco, an act to amend the Parks, Recreation and Historic Preservation Law; and

Senate Print 1153, by Senator DeFrancisco, an act to amend the Parks, Recreation and Historic Preservation Law.

Both bills ordered direct for third reading.

THE PRESIDENT: Without objection, all bills reported direct to third reading.

Reports of select committees.

Communications and reports from State officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Yes, Madam President, on page number 9, I offer the following amendments to Calendar Number 98, Senate Print 587, and ask that said bill retains its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received, Senator Skelos, and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Madam President.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

On page number 12, I offer the following amendments to Calendar Number 130, Senate Print Number 821, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received, Senator Marcellino, and the bill

will retain its place at Third Reading Calendar.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there is a privileged resolution at the desk. I would ask the title be read and -- by Senator Holland -- and moved for its immediate passage.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Holland, Legislative Resolution 409, commending the New York State Association of Renewal and Housing Officials upon the occasion of its annual breakfast and Affordable Housing Day in Albany, New York on Tuesday, February 23, 1999.

THE PRESIDENT: On the resolution, all those this favor, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we return to reports of standing committees.

THE PRESIDENT: Yes. We will so return.

The Secretary will read.

THE SECRETARY: Senator Hoffmann, from the Committee on Agriculture, reports the following bills:

Senate Print 697, by Senator Nozzolio, an act to amend the Agriculture and Markets Law;

Senate Print 1888, by Senator Padavan, an act to amend the Agriculture and Markets Law; and

Senate Print 2160, by Senator Hoffmann, an act to amend the Agriculture and Markets Law.

All bills ordered direct for third reading.

THE PRESIDENT: Without objection, all bills reported direct to third reading.

At this time, may we please have

the non-controversial reading of the calendar.

The Secretary will read.

Thank you, Senator Bruno.

THE SECRETARY: Calendar Number 7, by Senator Volker, Senate Print 103, an act to amend the Penal Law in relation to loitering and the unauthorized boarding of school buses.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 38, by Senator Fuschillo, Senate Print 561, an act to amend the Vehicle and Traffic Law in relation to requiring certain information on disabled children.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 39, by Senator Fuschillo, Senate Print 562A, an act to -

SENATOR PATERSON: Lay that aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 40, by Senator Goodman, Senate Print 790, and act to amend the Vehicle and Traffic Law in relation to restricting bus drivers from working with suspended licenses.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 41, by Senator Johnson, Senate Print 864, an act to amend the Vehicle and Traffic Law in relation to vehicle registrations of motor

carriers.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 42, by Senator Bruno, Senate Print 908, an act to amend the Vehicle and Traffic Law in relation to the disqualification of a bus driver in certain instances.

THE PRESIDENT: Read the last section.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside, Senator Paterson.

THE SECRETARY: Calendar Number 43, by Senator Bruno, Senate Print 909, an act to amend the Vehicle and Traffic Law in relation to making additional provisions to enhance the safe operation of school buses.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 9, this act shall take effect on the 1st day of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 46, by Senator Skelos, Senate Print 1020, an act to amend the Vehicle and Traffic Law in relation to requiring school bus drivers to ensure all passengers have left the bus prior to exiting.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 47, by Senator Trunzo, Senate Print 1076A, an act to amend the Vehicle and Traffic Law in relation to increasing penalties on motor carriers for violations.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2, this act shall take effect in 90 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

Senator Bruno, that completes the non-controversial reading of the calendar.

SENATOR BRUNO: Thank you, Madam President.

Can we at this time take up the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 7, by Senator Volker, Senate Print 103, an act to amend the Penal Law in relation to loitering and the unauthorized boarding of school buses.

THE PRESIDENT: Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: On the

bill, Madam President.

I think that the provisions of this bill, as I understand them, S103, are - provides an excellent example of updating and modifying our laws to deal with real public safety problems.

I would urge that we undertake a similar effort on a bill that has now has still to see the light of day in the Codes Committee, and I urge the fine chairman of the Codes Committee and our distinguished Majority Leader that we do take up the issue of the clinic access bill before the seven weeks expire and Operation Rescue descends again on Buffalo and Rochester. Updating and modifying the laws as is done here for school bus safety is a critical part of our roll. We have a pressing need. And I once again urge that we take this up as soon as possible in the Codes Committee.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3, this act shall take effect on the 1st day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 39, by Senator Fuschillo, Senate Print 562A, an act to amend the Vehicle and Traffic Law in relation to criminal history checks on school bus attendants.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Fuschillo, an explanation has been requested.

SENATOR FUSCHILLO: Madam President, current law gives school districts the option to have criminal background checks. The laws of 1985 passed by this Legislature and signed into law required criminal background checks for school bus drivers and gave the school districts the option for school bus attendants. I believe it was an oversight. In most cases, school bus attendants have more direct contact with the children on the bus.

This bill would further insure the

safety of the children that we transport.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, do you think it would be possible that the most distinguished Senator from Long Island would yield for a question?

THE PRESIDENT: The most distinguished Senator from Long Island, do you yield?

SENATOR FUSCHILLO: Because he phrased it that way, yes, I do, Madam President.

THE PRESIDENT: Senator Paterson, you may proceed.

SENATOR PATERSON: Senator -

SENATOR FUSCHILLO: Senator Paterson, were you talking about me or Senator Skelos?

SENATOR PATERSON: Oh, I couldn't make a choice with the type of work, the competitive work that both of you do. But in this case, since it's your bill, I thought I'd ask you the question.

A number of the members on this side of the aisle have raised the subject when

we've conferenced on this bill as to the necessity that the applicant pay the fee for the background checks in this particular situation. Perhaps, to some applicants, particularly those that might not be employed, the question is whether or not the fee would actually serve to preempt their participation in being a candidate to work as a bus driver.

SENATOR FUSCHILLO: No, I don't think so, Senator Paterson. As I mentioned, this, the law on the books since 1985 required this for school bus drivers. Most school districts in the State of New York, based on the research that we have done, are also already requiring this for school bus attendants. So, in answer to your question, no, I don't think so.

I think what we have to look at here, Senator Paterson, is that, you know, myself, even as a parent, and many people here and parents throughout the state, we want to know that once our child gets on that bus and is entrusted to the school bus driver or the school bus attendants that would he know that that's a safe haven for the child.

SENATOR PATERSON: Thank you, Senator. As usual, I'm persuaded by your answers and your effort, and so, as I did last year, I'll vote for the bill.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2, this act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50. Nays 2.

Senators Duane and Smith recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 42, by Senator Bruno, Senate Print 908, an act to amend the Vehicle and Traffic Law in relation to the disqualification of a bus driver in certain instances.

SENATOR PATERSON: Explanation, please.

THE PRESIDENT: Senator Bruno, an explanation has been requested.

SENATOR BRUNO: Thank you, Madam

President.

Madam President and colleagues, this is a bill that we passed last year, and in this house it passed 57 to 4, and in the previous year it passed unanimously. So I think those of you that were here last year and the year before are somewhat familiar with the necessity of this bill becoming law.

And, basically, what it does is build on a federal law for random testing of bus drivers for alcohol or drugs. And with the federal law, there is no way that a school district, even if someone is tested positive, can take that driver's license. So that, bottom line, what this bill does, if you are found under the influence of drugs or alcohol through the random testing -- and, as you know, you know that the federal law states that a specimen is taken from the person who is found to be under the influence separated into two parts. And the test is done on one part, because the question always gets to be, "How do you take someone's license? You might be doing it in an inadvertent way when the person really wasn't guilty." Well, if you

take the specimen into two parts and a test is performed on one, if it's found to be positive, then the second part is put through another even more sophisticated test. And if that is found to be positive, then the individual is notified. If the individual insists, then another test can be taken. If that test is positive, then the person who is in charge is notified and the person then can lose that person's license because the school district will report the findings to motor vehicle and motor vehicle will revoke the license. And that's what's different about this bill.

The federal law allows the collective bargaining of school districts to keep drivers in place. In my district, in Shenendehowa, a driver was found under the influence. Because of the collective bargaining agreement, it was a short time later the bar-- right back behind the wheel, transporting young people under the influence and found again -- (noise in the speaker system). That's the opposition to this bill. But we're going to overcome that opposition,

Madam President, and go forward.

You didn't do that Madam President. No.

THE PRESIDENT: No, certainly not, Senator.

SENATOR BRUNO: No. Thank you.

But, this is, this is serious legislation. And, as I mentioned, we've done this two years before. This year it has to become law because too many drivers, there are too many tragedies out there. And these are our young people who are entrusted to people who drive buses.

There are a hundred thirty thousand people driving buses in this state, transporting two million children every day. Six hundred nineteen youngsters were injured last year and killed. We've heard some tragic, tragic occurrences early in January of this year where a six-year-old, beautiful young lady was killed by a bus driver who ran over the child after the child got off the bus. And we've had instances where, just inadvertently, people who are under the influence have done things like leaving people

on buses where they could have been hurt or worse. And it's got to stop. So this is the year that we are going to do everything that we can in this chamber to make sure that the nine bills that are being passed here in the Senate today will pass the Assembly, where they haven't passed previously, and become law.

So I'm asking my colleagues in this chamber that support this legislation, to give us your support over in the Assembly, to talk to your colleagues there, many of them on the other side of the aisle from where I am, to pass this legislation and help us make it law.

Thank you very much.

THE PRESIDENT: Thank you, Senator. I believe that was your five minutes.

SENATOR BRUNO: Thank you.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. Would the Majority Leader yield for some questions related to this bill?

THE PRESIDENT: Senator Bruno, do you yield?

SENATOR BRUNO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: First of all, I don't think that -- there may have been a few individuals who voted against the legislation as it was constructed, but there's no one in this chamber that does not recognize the necessity that there be lawmaking on this particular issue. It is without question that there has to be greater protection for young people who are being transported back and forth from school. And I've always gotten up and said that before, Senator Bruno, but in New York City, particularly in the latter three months of last year, there were a rash of situations where young children were left on buses and either fell asleep or weren't noticed by the vehicle driver and woke up hours later. In one case, a small child was, still had the seat belt on and couldn't get out of the vehicle for over a day. These are very sad circumstances. One of them was my daughter. So I think that while I have had

this kind of understanding of the issue, I don't think I could empathize with the feeling any greater than I have in the past few months.

In spite of that fact, there is, there has not been the ability to pass this legislation in both houses and perhaps the discussion that we have today might shed a greater light on the issue that would provide those of us on this side of the aisle with what would be the information and the data that we would need to persuade our colleagues.

Therefore, if the Senator has yield, my question, Madam President, is that where the federal government provides for two tests of the specimen, I don't see in the legislation where there is the provision for the second test. What I see is that there are two specimens that come from the same, from the same reading -- which is what I think the medical term -- and then, if one of them tests positive, they test the other, they test them from different laboratories. That would certainly establish the integrity of the laboratory tests, since we're using two

different laboratories on the same specimen.

However, there's even an individual situation where a former senator, at a certain point, was tested, and because of the consumption of poppy seeds, it registered a false positive. And regardless of how many specimens there had been and how many laboratories that had tested it, there would have been a false positive not because of the integrity of the laboratory but because of the nature of the substance that was allowing for the reading to be positive.

So, my question simply is, Senator, would it be more foresighted to engender the kind of support that would make this law, so that we don't have to have this discussion every year, to put into the legislation an allowance for a second test?

SENATOR BRUNO: Senator, I appreciate your concern and I also appreciate your support for this legislation, and I know you voted for it last year with some concern.

The federal law is rather clear, and I would mention that, if there's any question on an individual's right for due

process, we don't interfere with that in any way. If an individual wasn't content with the findings, they could take remedy through the courts because we don't touch that in any way. So that remedy is still there through the court process.

As relates to the poppy seed incident, if that had been related with a positive test to the individuals that were monitoring the situation, that could be taken into consideration. And if the person that had been accused could prove that that was of consequence, or even some prescription medication that they might have taken could have been of some consequence in the testing, that would be taken under consideration and it could negate the entire process and they would be held harmless. So we think that there's adequate safeguards.

We can't change the federal law, so that if you felt that the federal laws should be changed, I would contact Senator Schumer immediately and employ him to introduce legislation to initiate the process. I think you're related.

SENATOR PATERSON: Thank you.

Actually, we'll wait for Mrs. Clinton, Senator.

(Laughter.)

THE PRESIDENT: Senator Paterson, are you on the bill now?

SENATOR PATERSON: No, I wasn't even on the subject, Madam President.

But if the Senator would yield for another question.

THE PRESIDENT: Senator, do you yield?

SENATOR BRUNO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: What I don't understand, Senator, is there anything in the federal regulations now that allow for a second test?

SENATOR BRUNO: Well, it's my understanding that the federal law is very clear that you separate the specimen into two parts and that there are -- if one part is tested to be positive, then the other part,

the second part is tested before the individual is accused or, or convicted of anything. And that test is even more sophisticated than the first test. So there are two tests, two parts, totally separate, different laboratories. So we think that all of the safety that's necessary has been built into the federal law.

Now, Senator, you can appreciate that if a person is randomly tested for drugs and found to be under the influence of alcohol or drugs, that the reason for taking the two separate parcels from the same specimen is time, because after a person sleeps it off for a couple days, if they were to require another test and you took a specimen days later or weeks later, it would be totally inappropriate and, of course, inconclusive. So that's what the federal law deals with and that's what we deal with.

SENATOR PATERSON: Thank you, Senator.

All right, Madam President, I'll leave Hillary. I'll be on bill now, on the bill.

I think that what we have got to consider when this legislation comes before us is the value of protection, and I think that that should be favored over the distinction as to what the federal law allows and what it does not. There are many who feel the way Senator Bruno just described, which is that the federal law, in a sense, establishes very clear regulations that allow for the two specimen tests which really comes from one apparent reading. There are others who feel that the federal law preempts itself and does not overreach into the state law and makes it very specific what the test should be for federal employees. We'll leave to the United States Senators and House of Representative members, whoever they may be, to determine that, because it's something that we've discussed here for a few years and I honestly don't know what the answer is. It's, in a sense, where I might differ from Senator Bruno. I just think it's almost vague on the subject but inconsequential to this discussion.

The fact is that we do have school

children in this state who need to be afforded greater protection. Some of the tragic examples that were pointed out earlier are really just indicia that compel us to act. And so, therefore, I think that it would be probably more prudent to pass this legislation but to hope that a clear determination will be made as to what is preemptive and what the federal law actually establishes so that some point very soon in both houses we can come to some agreement in a measure that will add greater protection to young people who are being transported so that they can receive an education.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4, this act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Manula.

SENATOR NANULA: Nanula, Madam President. Thank you.

THE PRESIDENT: Nanula. Excuse me.

SENATOR NANULA: One letter off. You were close.

To explain my vote.

Senator Bruno these bills have been introduced in years past and I have supported them along with many members of our conference, but I have a bill in front of me, Senate Bill 958, which is the seat belt bill for school buses, and we have not seen that bill at this floor, and I think it's an important bill. I believe it's a bill that supports both philosophically and practically the agenda that, quite frankly, the Republican majority in this house has been promoting. And, as well, I have here an article from the Daily News, one of your counterparts speaking in a partisan sense, Councilman Steve Fiella supports this, this effort in the city.

And for the record, New York is one of only 10 states that allows kids to stand on routine bus trips. Clearly, within the context of a real discussion about school bus safety, I personally can't understand why we're not having a real discussion and some leadership on the issue of seat belts for our

school buses.

And I mainly wanted to go on the record, Madam President, on this floor to make that statement.

Again, I plan to support the bill.

Thank you.

THE PRESIDENT: Senator, how do you vote?

SENATOR NANULO: Yes.

THE PRESIDENT: All right.

Proceed with calling the role.

THE SECRETARY: Those recorded in the negative on Calendar Number 42 are Senators Duane, Montgomery, Santiago and Smith, also Senator Schneiderman.

Ayes 50. Nays 5.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 46, by Senator Skelos, Senate Print 1020, an act to amend the Vehicle and Traffic Law in relation to requiring school bus drivers to insure all passengers have left the bus prior to exiting.

SENATOR PATERSON: Explanation.

THE PRESIDENT: An explanation has been requested, Senator Skelos.

SENATOR SKELOS: Madam President, this bill would require a bus driver on the completion of their route to go walk to the back of the bus, make sure that there are no students left on the bus, either sleeping, under the seat, as has occurred on many instances, and then affix a sign on the back window which says "no one on board."

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Madam President, would the sponsor yield to a couple of questions, please?

THE PRESIDENT: Senator Skelos, do you yield?

SENATOR SKELOS: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: I was hoping that the sponsor could tell me what enforcement provisions are contained in this legislation.

SENATOR SKELOS: If you want to add a criminal penalty, I'd be happy to do it,

but we thought that this legislation would basically require the bus drivers to do this. And if there's a reoccurrence of them not doing it, I assume the bus company would, would fire them.

SENATOR DUANE: My second question, Madam President, on the bill.

ACTING PRESIDENT NOZZOLIO: Will Senator Skelos continue to yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT NOZZOLIO: The Senator continues to yield.

SENATOR DUANE: My understanding is that the State Commissioner, the Commissioner of Transportation, can promulgate regulations regarding how it is that the sign would be posted, but I'm concerned that the purpose of the bill, which is laudable, is not fulfilled in that in a terrible circumstance, a driver could affix the sign, thereby compounding the problem which, in fact, we're trying to address in this legislation. And I was wondering if the sponsor had taken that into account with the legislation.

SENATOR SKELOS: There are many

things that I've taken into account, but I just think it's common sense thing, walk to the back, check, put the sign up, and then leave the bus. It's just another step that a bus driver would have to take to assure that there's nobody left on the bus.

There are some school districts, for example, my own home village of Rockville Center, that, when the bus turns off the key, if they do not go to the back of the bus and press a button, alarms will go off within 30 seconds. That will be more costly, but, certainly, school districts could do it. And it's permitted in this legislation.

However, I think this is just an inexpensive way, you put a $4 sign on the back of the window and it would just add for a little more safety.

SENATOR DUANE: On the bill -

THE PRESIDENT: Senator Duane -

SENATOR DUANE: -- Madam President.

THE PRESIDENT: -- on the bill.

SENATOR DUANE: I don't want to give parents a false sense of security and I

think that human error could still make it so that, even while the driver went to the back of the bus to affix this sign, that a child could still be under a seat or in some, hidden some way which would make, perhaps, a bad situation potentially deadly.

And based on that, I plan on, on casting my vote in the negative.

Thank you, Madam President.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2, this act shall take effect on the 1st day of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54. Nays 1.

Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe that completes the calendar.

Would you please recognize Senator

Montgomery?

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Thank you. Madam President, I would like unanimous consent to be recorded in the negative on Calendar Number 39.

SENATOR PATERSON: No objection.

THE PRESIDENT: Without objection, so ordered.

SENATOR MONTGOMERY: Thank you.

SENATOR SKELOS: Madam President, is there any housekeeping at the desk?

THE PRESIDENT: No, there is not, Senator.

SENATOR SKELOS: On behalf of Senator Bruno, I offer up the following committee assignment changes and ask that they be filed in the Journal.

THE PRESIDENT: Notice will be filed in the Journal.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business, I move we adjourn until Tuesday, February 23rd, at 3

p.m.

THE PRESIDENT: On motion, the Senate now stands adjourned until Tuesday, February 23rd, 3 p.m.

(Whereupon, at 3:41 p.m., Senate adjourned.)