NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 1, 2000

10:06 a.m.

REGULAR SESSION

SENATOR PATRICIA K. McGEE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT McGEE: 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 McGEE: In the absence of clergy, may we bow our heads in a moment of silence.

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

ACTING PRESIDENT McGEE: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 31st, the Senate met pursuant to adjournment. The Journal of Tuesday, May 30th, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

SENATOR SKELOS: Madam President,

there will be an immediate meeting of the Transportation Committee in the Majority Conference Room.

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Transportation Committee in the Majority Conference Room.

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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Leibell, I wish to call up his bill Senate Print 6866, which was recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number

742, by Senator Leibell, Senate Print 6866, an act to amend the General Municipal Law.

SENATOR FARLEY: Madam President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT McGEE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

SENATOR FARLEY: Madam President, I now offer the following amendments.

ACTING PRESIDENT McGEE: Amendments received.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar in its entirety, with the -- well, with the exception of Resolution 4448.

ACTING PRESIDENT McGEE: All in favor of adopting the Resolution Calendar with the exception of Resolution 4448 signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution, 4373, at the desk, by Senator Farley. May we have the title read and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Farley, Legislative Resolution Number 4373 honoring Michael Lesick upon his retirement from the Fonda-Fultonville Central School District.

ACTING PRESIDENT McGEE: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there are three privileged resolutions by Senator Larkin: 4504, 4505, and 4506. May we have the titles read and move for their immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 4504, honoring Gertrude and Reuben Mokotoff upon the occasion of their designation for special recognition by the Jewish Federation of Greater Orange County on Sunday, June 4, 2000.

By Senator Larkin, Legislative Resolution Number 4505 honoring June and Gerald Kreisberg upon the occasion of their designation for special recognition by the Jewish Federation of Greater Orange County on Sunday, June 4, 2000.

And by Senator Larkin, Legislative Resolution Number 4506 honoring Edna and Shepard Pryluck upon the occasion of their designation for special recognition by the Jewish Federation of Greater Orange County on

Sunday, June 4, 2000.

ACTING PRESIDENT McGEE: The question is on the resolutions. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolutions are adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial calendar at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 293, by Senator Wright, Senate Print 1229, an act to amend the Tax Law, in relation to disclosure.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 294, by Senator Wright, Senate Print 1231B, an act to amend the Tax Law, in relation to notices and limitations.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 296, by Senator Stafford, Senate Print 6157A, an act to amend the Tax Law and Chapter 501 of the Laws of 1999.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 480, by Senator Bonacic, Senate Print 6711A, an act in relation to legalizing, validating, ratifying and confirming.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 621, by Senator Spano, Senate Print 6550A, an act to amend the Retirement and Social Security Law, in relation to ordinary death benefits.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 744, by Senator Leibell, Senate Print 7530, an act to amend the Retirement and Social Security Law, in relation to granting members.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 816, by Senator LaValle, Senate Print 1620A, an act to amend the Criminal Procedure Law, in relation to the designation.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 894, by Senator Oppenheimer, Senate Print 2928, an act to amend the Public Housing Law,

in relation to the New Rochelle Housing Authority.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 922, by Senator Meier, Senate Print 7616A, an act to amend the Retirement and Social Security Law, in relation to granting members.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 980, by Senator Lack, Senate Print 7749A, an act to amend the General Obligations Law, in relation to the statutory short form.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of January.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 984, by Senator Marchi, Senate Print 3605B, an act to amend the Not-for-Profit Corporation Law, in relation to increasing the trust funds available.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2000.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1010, by Senator Volker, Senate Print 7378A, an act to amend the Penal Law, in relation to arson in the fifth degree.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1039, by Senator Lack, Senate Print 6764, an act to amend the Correction Law, in relation to the preamble played before charges.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1071, by Senator Goodman, Senate Print 7117, an act to amend the Tax Law, in relation to simplifying filing.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1136, by Senator Wright, Senate Print 7355, an act to amend the Public Health Law, in relation to a process for registration.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1169, by Senator Farley, Senate Print 6728A, an act to authorize the trustees of the State University of New York.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1188, by Senator Wright, Senate Print 1880B -

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT McGEE: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1191, by Senator Leibell, Senate Print 3009, an act to amend the Civil Practice Law and Rules, in relation to personal property.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1192, by Senator Saland, Senate Print 3019B, an act authorizing the reopening the twenty-year retirement plan.

ACTING PRESIDENT McGEE: 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 McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1193, by Senator Trunzo, Senate Print 4203A, an act to amend the Highway Law, in relation to the power of the commissioner.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1194, by Senator Trunzo, Senate Print 4208, an act to amend the Transportation Law, in relation to the regulation.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1195, by Senator Trunzo, Senate Print 4268A, an act to amend the Highway Law, in relation to highway projects.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1196, by Senator Maziarz, Senate Print 4613, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

ACTING PRESIDENT McGEE: Read the last section.

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

November.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1198, by Senator Larkin, Senate Print 5675A, an act to authorize the commissioner of the Department of Environmental Conservation to transfer and convey.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1199, by Senator Rath, Senate Print 6147, an act to amend the Vehicle and Traffic Law, in

relation to the penalties for leaving the scene of a personal-injury motor vehicle accident.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1201, by Senator Marcellino, Senate Print 6514, an act in relation to granting a retroactive senior citizen tax exemption to Gladys Raso.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President, just to explain my vote on this.

This bill, which I don't know much about, although I've read the sponsor's memo, raises an issue that I've spoken many times on the floor about, and that is the question of what do we do when property taxes are either paid in part, in the situations in which not-for-profits buy property and don't apply for tax exemption, or in this case, where you have what appears to be a deserving senior citizen who doesn't get her exemption and we're now going retroactive back 14 years to clarify what was a mistake.

I understand why Senator Marcellino does this. But it seems to me we have to come up with a solution to these problems of when do we allow someone to get a tax exemption that they've lost, unintentionally or through government error, to be able to go back and to

allow government to rebate or reduce their property tax payments.

Do we need to set up some kind of fund that each community that performs taxation would keep which would be a refund pot that could be used to repay these so that these kinds of mistakes don't require state legislation to cure them?

It seems to me this is exactly the same kind of problem that we have to those innumerable bills that we do for charitable organizations who buy properties and then don't apply for their tax-exempt status.

I'm going to vote against this bill, Madam President, to continue to highlight the need for us to address the problem of real property taxation in the same way and to eliminate the need for this Legislature to get involved every time someone like Mrs. Raso, who appears to be deserving and entitled to this, nonetheless has to come to the State Legislature to get a solution to her problem.

This isn't fair to her. It isn't fair to our real property tax system. And we

ought to come up with a way -- and I don't think it's a difficult way -- to solve these problems on a case-by-case basis in the local communities without having to come to Albany to do it.

I will vote in the negative, Madam President.

ACTING PRESIDENT McGEE: Senator Marcellino.

SENATOR MARCELLINO: Madam President, just to clarify.

Mrs. Raso has been seeking her just deserts for many, many years. It's taken us a while to establish exactly what it was and exactly to the -- have the town admit that there was a mistake in fact made by the government.

This was not her error, this was their error, and it took a while for them to come around to admit to it. Now they've done that and sent us a home rule message that they need our help to correct their problem.

All that being said, I take under advisement the Senator's comment about a fund, a set-aside fund. However, we'd not like to

be accused of setting up some type of mandate on local municipalities that would be unfunded by the state. So we will look into it after, because it makes some sense that that might be a way to go.

Thank you.

ACTING PRESIDENT McGEE: Senator Dollinger will be in the negative, Senator Marcellino in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 43. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Education Committee in the Majority Conference Room.

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Education Committee in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: Calendar Number

1202, by Senator McGee, Senate Print 6682, an act to amend the Criminal Procedure Law, in relation to employees of the Chautauqua County sheriff's office.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1203, by Senator Johnson, Senate Print 6898, an act to amend the Tax Law, in relation to extending the authorization of the County of Suffolk.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1203 are Senators Dollinger, Gentile, and M. Smith. Ayes, 41 -- also Senator Coppola. Ayes, 40. Nays, 4.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1204, by Senator Saland, Senate Print 7233, an act to amend Chapter 797 of the Laws of 1871 relating to incorporating.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1205, by Senator Velella, Senate Print 7468,

an act to amend the Social Services Law, in relation to persons and officials required.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of the calendar month next succeeding the 60th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1207, by Senator Hoffmann, Senate Print 7800, an act to amend the Public Authorities Law, in relation to terminating the City of Rome Parking Authority.

ACTING PRESIDENT McGEE: There's a home rule message at the desk.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1208, by Senator Rath, Senate Print 7811, an act to amend the Local Finance Law, in relation to statutory installment bonds.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1209, by Senator Spano, Senate Print 7861, an act to amend the State Finance Law, in relation to payment of emergency financial aid.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1210, by Senator Velella, Senate Print 7864, an act to amend the Civil Practice Law and Rules, in relation to mileage fees.

ACTING PRESIDENT McGEE: There's a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of October.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

1211, by Senator Skelos, Senate Print 7866, an act to authorize the assessor of the County of Nassau to accept an application.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1212, by Senator Padavan, Senate Print 7893, an act to amend the General Municipal Law, in relation to governing body.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1213, by Senator Goodman, Senate Print 7909,

an act to amend the Tax Law, in relation to creating the Office of Taxpayer Advocate.

ACTING PRESIDENT McGEE: Read the last section.

SENATOR STACHOWSKI: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1214, by Senator Skelos, Senate Print 2883, an act to amend the Tax Law, in relation to providing a fair marketplace.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial portion of the calendar.

SENATOR SKELOS: Madam President, if we could go to the controversial calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 480, by Senator Bonacic, Senate Print 6711A, an act in relation to legalizing, validating, ratifying and confirming actions.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT McGEE: Senator Bonacic, an explanation has been requested.

SENATOR BONACIC: Thank you, Madam President.

This is a piece of legislation that was presented to this house back in March and was approved 58 to nothing. And this was a technical amendment change that had to do with clarity by the Assembly. So we're revisiting the same bill that Mr. Dollinger and I talked about at length. And I have no problem again telling you what that is.

This bill seeks to validate a Liberty School District transportation contract. Initially we thought there was an administrative oversight by the Liberty School

District when it filed its transportation aid contracts. As a result, it made them subject to fines and penalties from the New York State Education Department.

When it was investigated further, it was discovered that the mistakes were made not by the school district but by the Education Department. And all this does is eliminate the fines and the penalties.

As I said, it passed the Assembly in March, but the Assembly wanted to delete - just for clarity, in our original bill they wanted to take out wording to this effect: "All the acts done in proceedings heretofore had and taken or caused to be had," and they wanted it referenced to subdivision 5 of Section 3604 of the Education Law that deals with aid and apportionment of aid when it comes to transportation. Which is just a technical amendment.

ACTING PRESIDENT McGEE: Thank you, Senator Bonacic.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, thank you for the explanation from

Senator Bonacic.

I rise again much like I did with Senator Marcellino. This is a problem we run into every single year with school districts and awarding of contracts. They all have to come back here to the Legislature for remediation.

I appreciate the diligent hometown work by Senator Bonacic, but I think it's time to come up with a solution to this problem so that we don't have to, frankly, bother this Legislature with these kinds of remedial actions when there are disputes over timing of bus contracts or other state aid payments to our school districts.

Let's come up with a legislative solution that gives the Department of Education the flexibility to deal with these on a case-by-case basis and prevents the Legislature from constantly having to intervene.

I think the rest of my remarks to Senator Bonacic back in March are all a part of the record. But I just think it's time to face this issue, much like we faced the

tax-exemption issue, much like we faced poor Mrs. Raso's property tax exemption. Let's come up with a statewide solution that takes these problems out of the Legislature and into the local communities and into the administrative process where they properly belong.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 621, by Senator Spano, Senate Print 6550A, an act to amend the Retirement and Social Security Law, in relation to ordinary death benefits.

SENATOR DOLLINGER: Just a brief explanation.

SENATOR SKELOS: Lay it aside

temporarily.

ACTING PRESIDENT McGEE: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 816, by Senator LaValle, Senate Print 1620A, an act to amend the Criminal Procedure Law, in relation to the designation of peace officers.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT McGEE: Senator LaValle, an explanation has been requested.

SENATOR LAVALLE: Yes. Senator Duane, this is the same garden-variety peace officer bill that I know you vote against. It's for the town of East Hampton.

I know that you're very familiar with the town of East Hampton, particularly during the summer months from the Memorial Day weekend to Labor Day, and even beyond, where the population swells well beyond the numbers and the population of the town of East Hampton.

And this would give the code enforcement officers the ability to be peace officers and be able to enforce the various

codes as we have indicated in the memorandum, whether it be environmental code, housing code.

We have a lot of problems with the housing code. And to have the ability for peace officers with consistent duties under the CPLR -- under the Criminal Procedure Law to be able to function with their duties according to that law is what we need, particularly in the small towns.

I know that so much is made about peace officer status and the ability to carry firearms and so forth. This legislation is actually being filed not for that reason but for the reason that I've stated, because of the violations of apartment -- abuse of the housing law within the town, people using apartments illegally, code enforcement officers not having the ability to go in and deal with those violations. And I can go on and on and on.

So that's the explanation on the bill, Senator.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Thank you, Madam President. Would the sponsor yield?

ACTING PRESIDENT McGEE: Senator LaValle, will you yield for Senator Duane?

SENATOR LAVALLE: I don't know what I could add, but I will yield.

SENATOR DUANE: I'm wondering how the conveyance of peace officer status would aid the inspectors in their duties of inspecting properties.

SENATOR LAVALLE: To inspect properties?

SENATOR DUANE: Or to make sure that the code is enforced.

SENATOR LAVALLE: Particularly their ability to get warrants and go before the court on those violations.

And that's what I talked about when I talked about the Criminal Procedure Law; very specifically, their ability to seek a warrant where there's probable cause and to be able to go before a court and get that warrant to fulfill their duty where there's a violation or an incident.

SENATOR DUANE: Through you,

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator LaValle, will you continue to yield?

SENATOR LAVALLE: Yes. Yes.

SENATOR DUANE: Would this enable the enforcement officers to not have to use the services of, for instance, a town attorney when going before a judge on a code violation?

ACTING PRESIDENT McGEE: Senator LaValle.

SENATOR LAVALLE: I think the town attorney would still be involved in that, Senator.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator LaValle, will you continue to yield?

SENATOR LAVALLE: Yes.

ACTING PRESIDENT McGEE: The Senator continues to yield, Senator Duane.

SENATOR DUANE: If the town attorney would still have to be involved and go to court, then I'm not sure why it is that

a code enforcement officer would need to have this peace officer status. If the sponsor would just explain why that is.

SENATOR LAVALLE: Senator, there's still an involvement of the officer, the peace officer, in securing the warrant, serving it, et cetera. The town attorney does not do that. The officer does that. That's his duty. That's his responsibility.

The town attorney, if the matter goes before the court, would then handle that matter as a legal matter before the court.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator LaValle, do you continue to yield for Senator Duane?

The Senator yields.

SENATOR DUANE: Thank you.

How are those notices served now?

SENATOR LAVALLE: They would have to go out and get a peace officer to do that.

And that's the purpose of this bill, because you have a burgeoning population

during a certain time of the year, you have a limited number of officers that can serve in that particular function. And so with the code enforcement officers, you are increasing the number of people that can be involved in these various activities.

Because you may be focused on one issue of housing, but there's a variety -- as you're reading from the memorandum, there are a variety of issues that pop up during this period of time, during Memorial Day to Labor Day. And you have a small police force in the town of East Hampton, and they really need additional help. So this would allow code enforcement officers to serve in that role.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator LaValle, will you continue to yield to Senator Duane?

SENATOR LAVALLE: Yes. Yes, I will.

SENATOR DUANE: Presently an inspector would have to go a Town of East

Hampton police officer in order to serve a notice? Is that what the sponsor is saying?

SENATOR LAVALLE: I believe that to be the case.

SENATOR DUANE: Madam President, I didn't hear what the sponsor said.

SENATOR LAVALLE: I said I believe that to be the case.

SENATOR DUANE: Thank you. If the sponsor would continue to yield, Madam President.

ACTING PRESIDENT McGEE: Senator LaValle?

SENATOR LAVALLE: No.

ACTING PRESIDENT McGEE: The Senator does not continue to yield.

Senator Duane.

SENATOR DUANE: David. David, the sponsor is not continuing to yield.

ACTING PRESIDENT McGEE: Senator Duane, do you wish to be heard on the bill?

Senator Paterson.

SENATOR PATERSON: Madam President, would Senator Duane yield for a question?

ACTING PRESIDENT McGEE: Senator Duane, will you yield for a question from Senator Paterson? Will you yield for a question, Senator?

SENATOR DUANE: Yes, Madam President.

ACTING PRESIDENT McGEE: Senator Duane yields, Senator Paterson.

SENATOR PATERSON: Madam President, I was wondering, Senator Duane, why it is that when there's information that you're trying to elicit from this bill, why would you feel that we wouldn't complete the discussion.

In spite of the fact that we may have had these discussions before, each bill that coms before us is distinguishable. No bill is unique, but each bill is distinguishable, and this is what we act upon as legislators. And I just wondered what you thought about that.

SENATOR DUANE: To respond, I really have no idea, when I actually think the questions I've been putting forward are certainly legitimate questions.

And the conveyance of peace officer status, no matter what the circumstances, is a very serious matter. Which I believe is the reason why the Constitution of the State of New York has put the ability to convey peace officer status into the hands of the Legislature.

So why it is that we wouldn't want to have a thorough discussion on it is actually way beyond me.

I'm at this time not going to speak on the bill, Madam President, but I will be voting in the negative on it, and also say how very sorry I am that we've not been able to have a full discussion of this piece of legislation before voting on it.

ACTING PRESIDENT McGEE: Thank you, Senator Duane.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 816 are Senators Duane, Hevesi, and Montgomery. Ayes, 48. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Higher Education Committee in the Majority Conference Room.

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Higher Education Committee in the Majority Conference Room, please.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1039, by Senator Lack, Senate Print 6764, an act to amend the Correction Law, in relation to the preamble played before charges begin on the 900 number.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT McGEE: Senator Lack, an explanation has been requested.

SENATOR LACK: Thank you, Madam

President.

It's a very simple bill. It sets a charge of 50 cents on 900-number Megan Law calls, and requires that in the preamble - I'll just read it -- that there be a statement and information package, including a description of the law on sex abuse and abduction prevention materials available upon request from the division.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Thank you, Madam President. Would the sponsor yield, please?

ACTING PRESIDENT McGEE: Senator Lack, will you yield for some questions from Senator Duane?

SENATOR LACK: For a question, yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR DUANE: Thank you, Madam President.

I'm wondering why it is that we're going to charge anything at all for this information, why we're dropping it from $5 to

50 cents and why, if the information is available on the Internet, are we charging anything at all for it.

SENATOR LACK: To try and help cover the costs of providing the line.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator Lack, will you continue to yield?

SENATOR LACK: For another question, yes, Madam President.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR DUANE: Thank you.

I'm wondering whether, because we see on a fairly regular basis various amendments to the sex offender registration legislation -- which was passed in this body before my time -- whether or not there's been thought given to putting all of the amendments together into one package for us to look at, rather than do a piecemeal evaluation or

amendments to this.

SENATOR LACK: Madam President, if that's a question addressed to me, I'm not the author of Megan's Law. I haven't the vaguest idea.

Of course, if Senator Duane wanted to put in a bill that would do that, it would be a bill.

SENATOR DUANE: Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1195, by Senator Trunzo, Senate Print 4268A, an act to amend the Highway Law, in relation to highway projects or maintenance activities.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT McGEE: Senator Trunzo, an explanation has been requested.

SENATOR TRUNZO: Madam President, this bill authorizes the Department of Transportation to replace or modify a private water supply that had been contaminated by a DOT project and/or a maintenance activity that may have occurred in an area.

And this is a departmental bill. And at this point, what happens with many of the cases where there is -- there's only been six cases over the years that reflect this particular type of problem. And the homeowner, if his water has been contaminated by such a project, has to go to court to get it resolved.

In fact, if I can point out that there's a lawsuit against the Department of Transportation for a million dollars to replace a well which would not cost any more than $5,000 to $20,000 for the Department of Transportation to actually dig a well for the people.

So basically that's all it does, is

it gives the commissioner the authority to do the job.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Trunzo would yield for a question.

SENATOR TRUNZO: Yes.

ACTING PRESIDENT McGEE: Senator Trunzo, will you yield for a question?

SENATOR TRUNZO: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Can I take from what you said, Senator, that this is a regular occurrence, this is something that happens with some frequency around the area with respect to the water supply? Or was there a specific incident that urged you that we needed to take this action at this time?

SENATOR TRUNZO: Well, from our record, it's not that much of an occurrence, but it does happen. And from what we can find out, there's only been six such cases.

And the amount of money and the

effort required to go to court and go through the process by having a -- an individual whose water has been contaminated having to go to court in the courts of the state, et cetera, it's cheaper for DOT to actually make the replacement and correct the situation.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1212, by Senator Padavan, Senate Print 7893, an act to amend the General Municipal Law, in relation to governing body approval.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT McGEE: Senator Padavan, an explanation has been requested.

SENATOR PADAVAN: Yes, thank you,

Madam President.

Yesterday we had an interesting and perhaps lengthy discussion relevant to the current General Municipal Law involving urban development action area projects, acronym UDAAP.

The question you raised then was whether or not the bill that we dealt with yesterday impacted in any way on the ULURP procedure. And my answer was no, it did not. And that was an accurate response.

This bill does. It does in the following fashion. I'm sure you would know if I said "accelerated UDAAP" what I was saying, because having been a member of the City Council I'm sure you recall instances where the City Council was called upon to accelerate the process that would lead to a particular project being included in the UDAAP program to save housing, to build housing, and so on.

This bill seeks to accelerate the City Council process by putting a 60-day time limit upon it. However, that will only relate to residential properties, primarily properties or projects where one-to-four-unit

dwellings are involved, or the rehabilitation of existing residential properties.

In summary, we're trying to accelerate the UDAAP process, provide more housing, and move this program along as promptly as it can be.

SENATOR DUANE: Would the sponsor yield for one question?

ACTING PRESIDENT McGEE: Senator Padavan, will you yield to a question from Senator Duane?

SENATOR PADAVAN: Yes.

SENATOR DUANE: I'm just wondering whether both the Mayor and the City Council have agreed to this legislation.

SENATOR PADAVAN: Well, the bill is put in at the request of the City of New York. And there is a memorandum of support from the Mayor's office here in Albany.

With regard to the City Council, I do not have any input pro or con from that august body.

SENATOR DUANE: Thank you.

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR PATERSON: Madam President.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: I'm sorry, if Senator Padavan will yield for a couple of questions.

ACTING PRESIDENT McGEE: Senator Padavan, will you yield for a few questions?

SENATOR PADAVAN: I will certainly yield to the Deputy Minority Leader.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Thank you.

Madam President, I was wondering if Senator Padavan had any information about the view of the City Council in this particular case. There's no memorandum from them. What would their point of view be about this legislation?

SENATOR PADAVAN: I do not know, Senator. I would assume, as I'm sure you would agree, that if they had any strong

objections or feelings on this issue, they would have communicated that to us.

They have not to me. Perhaps they have to you or some other member. I am unaware of that.

SENATOR PATERSON: Madam President, the City Council has not made my office aware of how they feel.

I was just wondering if the City Council knew we were acting on this legislation.

ACTING PRESIDENT McGEE: Are you directing that to Senator Padavan, Senator Paterson?

SENATOR PATERSON: Well, if either one of you knew the answer, I'd take it. But let's go with Senator Padavan, if he'd yield for a question.

ACTING PRESIDENT McGEE: All right. Senator Padavan, will you continue to yield?

SENATOR PADAVAN: I do not know. I assume they do. They certainly should be aware of what's going on up here as it relates to the prerogatives and the processes by which

they operate.

But as a matter of fact, I cannot answer your question.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, if the Senator would continue to yield.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT McGEE: Senator Padavan, will you continue to yield?

SENATOR PATERSON: Senator, are we not in a sense substituting our judgment for the judgment of the duly sworn legislature that usually handles this process? In other words, we put a 60-day period that -- at which the Council can act, but then we come to a conclusion, and the conclusion would be approval.

As opposed to perhaps if we really wanted to exercise some kind of eminent control over this situation, what we would do is we would take the matter under our jurisdiction.

But to come up with a final

decision and then give them a period of time in which they would consider an alternative reminds me of these bills that we would have that if we don't have pass the budget on time, an austerity budget goes into effect.

So the same kind of political process that Senator Padavan is trying to diminish by offering this legislation is in itself judgmental of another body of the legislature -- in this case, the New York City Council -- and, in a sense, comes to a political conclusion that if they don't act one way or a other by a certain period of time, we have a final decision.

And my question, Senator, is does this not actually defeat the purpose that might be disturbing you and might really be disturbing all of us?

SENATOR PADAVAN: Senator, what the law giveth, the law taketh away.

This entire program had to be authorized by this legislative body. The least we'd be doing is helping the City Council to a higher rate of speed and alacrity, helping them to become more

efficient and diligent in their duties, as we would expect not only them but we to be.

SENATOR PATERSON: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Paterson, on the bill.

SENATOR PATERSON: The law giveth and the law taketh away, and I'm voting no on this bill.

ACTING PRESIDENT McGEE: Thank you, Senator Paterson.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1212 are Senators Paterson, Rosado, and M. Smith. Ayes, 50. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1212, ayes, 49. Nays, 4.

Senators Paterson, Rosado, Schneiderman, and M. Smith in the negative.

ACTING PRESIDENT McGEE: The bill remains passed.

THE SECRETARY: Calendar Number 1213, by Senator Goodman, Senate Print 7909, an act to amend the Tax Law, in relation to creating the Office of Taxpayer Advocate.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT McGEE: The bill is passed.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Would you please lay aside for the day Calendar Number 621.

ACTING PRESIDENT McGEE: Calendar Number 621 has been laid aside for the day.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: If we could return to the order of motions and resolutions, there's a resolution by Senator Rath, 4448. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senators Rath and Bruno, Legislative Resolution Number 4448 commending the Fourth Marine Division Association World War II, Erie Canal Chapter 40, as it dedicates a monument in Saratoga National Cemetery on June 10, 2000, intended to honor all Marines who were members of the Division during World War II.

ACTING PRESIDENT McGEE: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

SENATOR SKELOS: Madam President, with the consent of the Minority, we'll put all members on the resolution. If anybody wishes not to cosponsor the resolution, they should notify the desk.

ACTING PRESIDENT McGEE: All members' names will be put on the resolution. If you don't wish to be on the resolution, please notify the desk.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: There is a privileged resolution at the desk by Senator Connor. May we please have it read in its entirety and move for its adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Connor, Legislative Resolution Number 4507 mourning the death of Sister Mary Geraldine Tobias, distinguished citizen.

"WHEREAS, It is the custom of this

Legislative Body to mourn publicly the death of prominent citizens of the State of New York whose life work and civic endeavor served to enhance the reputation of the state; and

"WHEREAS, Sister Mary Geraldine Tobias distinguished herself by her sincere dedication and substantial contribution to the welfare of her community; and

"WHEREAS, Sister Mary Geraldine Tobias's spirit of humanity, of devotion to the good of all, carried over into all fields of enterprise, including charitable and philanthropic work.

"A Sister of the Good Shepherd, Sister Mary Geraldine Tobias was cofounder, with Sister Mary Paul Janchill, of the Center for Family Life in Sunset Park, Brooklyn, in 1978. The center is a neighborhood-based social services organization offering support to children, youth and families; and

"WHEREAS, The Center for Family Life has been recognized both locally and nationally, most recently by the Annie E. Casey Foundation's 'Family Honors' award.

"Sister Mary Geraldine Tobias has

tirelessly served countless families and children, and she has enriched the lives of everyone she has touched. Her extraordinary dedication and compassion will long be remembered.

"Sister Mary Geraldine Tobias was a woman of extraordinary strength who believed in the community's ability to come together to support the growth and development of families. She was beloved by residents of the Sunset Park community and will be greatly missed; and

"WHEREAS, A scholarship fund in honor of Sister Mary Geraldine Tobias has been established to benefit young adults working at the center and who are attending college; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Sister Mary Geraldine Tobias, distinguished citizen; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the family of Sister Mary Geraldine Tobias."

ACTING PRESIDENT McGEE: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator Lack, I wish to call up Calendar Number 976, Assembly Print Number 5763A.

ACTING PRESIDENT McGEE: Can we have it quiet, please.

The Secretary will read.

THE SECRETARY: Calendar Number 976, by Member of the Assembly Vitaliano, Assembly Print Number 5763A, an act to amend the New York City Civil Court Act and others.

SENATOR MARCELLINO: Madam President, I now move to reconsider the vote by which this Assembly Bill was substituted

for Senator Lack's Senate Print Number 6914 on May 10th.

ACTING PRESIDENT McGEE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR MARCELLINO: I now move that Assembly Bill Number 5763A be recommitted to the Committee on Judiciary and Senator Lack's Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT McGEE: Thank you, Senator Marcellino. So ordered.

SENATOR MARCELLINO: I now offer the following amendments, Madam President.

ACTING PRESIDENT McGEE: Amendments received.

SENATOR MARCELLINO: Thank you.

Madam President, on page number 6 I offer the following amendments to Calendar Number 150, Senate Print Number 5878, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT McGEE: The amendments are received and approved.

SENATOR MARCELLINO: Thank you, Madam President.

On page number 43, I offer the following amendments to Calendar Number 1105, Senate Print Number 7591A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT McGEE: Amendments received, and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator Marcellino.

Senator Skelos.

SENATOR SKELOS: Madam President, on behalf of Senator Seward, there will be an immediate meeting of the Insurance Committee in the Majority Conference Room. Following the Insurance Committee, there will be a meeting of the Rules Committee.

The Rules report will be read on the floor, but none of the bills will be taken up today.

ACTING PRESIDENT McGEE: Thank

you. There will be an immediate meeting of the Insurance Committee in the Majority Conference Room.

Following the Insurance Committee meeting, there will be a Rules Committee meeting. The bills will be reported to the floor but will not acted on today.

Senator Skelos.

SENATOR SKELOS: Madam President, the Senate will stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT McGEE: Thank you, Senator Skelos.

The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 11:03 a.m.)

(Whereupon, the Senate reconvened at 11:23 a.m.)

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MORAHAN:

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 1426, by Senator Velella, an act to amend the Penal Law;

1501, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

2861, by Senator Seward, an act to amend the Education Law;

3124A, by Senator Kuhl, an act to authorize the City of Hornell;

3138A, by Senator Marchi, an act to amend the Retirement and Social Security Law;

3247, by Senator Kuhl, an act to amend the Retirement and Social Security Law;

3424, by Senator Volker, an act to amend the Criminal Procedure Law;

3828, by Senator Saland, an act to amend the State Finance Law;

4000, by Senator LaValle, an act to amend the General Obligations Law;

4187, by Senator Breslin, an act

authorizing the assessor of the Town of Bethlehem;

4910, by Senator LaValle, an act to amend the Criminal Procedure Law;

4993A, by Senator Goodman, an act to amend the State Finance Law;

5200, by Senator Maziarz, an act to amend the Civil Rights Law;

5212, by Senator Alesi, an act to amend the Insurance Law;

5450, by Senator Leibell, an act to amend the Public Officers Law;

5503, by Senator Johnson, an act to amend the Penal Law;

5504, by Senator Skelos, an act to amend the Civil Practice Law and Rules;

5938A, by the Senate Committee on Rules, an act to amend the Administrative Code of the City of New York;

6237B, by Senator Farley, an act to amend the Education Law;

6302, by Senator Seward, an act to amend Chapter 457 of the Laws of 1999;

6492, by Senator Rath, an act to amend the Criminal Procedure Law;

6587, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

6588, by Senator Kuhl, an act to provide for the enrollment;

6845, by Senator Trunzo, an act authorizing the County of Suffolk;

6962, by Senator Larkin, an act to amend the Criminal Procedure Law;

7549, by Senator Hoffmann, an act to amend the Public Officers Law;

7561B, by Senator Kuhl, an act to authorize the Department of Correctional Services;

7580, by Senator Balboni, an act to amend the Judiciary Law;

7622, by Senator McGee, an act authorizing the City of Olean;

7643, by Senator Stafford, an act in relation to revising;

7705, by Senator Spano, an act to amend the Criminal Procedure Law;

7723, by Senator Saland, an act to amend the Family Court Act;

7797, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

7841, by Senator Stafford, an act legalizing and ratifying;

7876, by Senator Morahan, an act in relation to persons who may practice;

7911, by Senator Goodman, an act to amend the Civil Practice Law and Rules;

7948, by Senator Velella, an act to amend the Criminal Procedure Law and the Penal Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT MORAHAN: The motion is to accept the report of the Rules Committee. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The Rules report is accepted.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: There is no other housekeeping at the desk, Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we adjourn until Monday, June 5th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MORAHAN: The Senate is adjourned until Monday, June 5th, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:26 a.m., the Senate adjourned.)