NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 2, 2002

2:14 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask everyone present to please rise and join me in the Pledge of Allegiance to the Flag.

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, July 1, the Senate met pursuant to adjournment. The Journal of Sunday, June 30, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: 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 Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President. On behalf of Senator Hannon, I wish to call up Calendar Number 979, Assembly Print Number 4386.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 979, by Member of the Assembly Gottfried, Assembly Print Number 4386, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I now move to reconsider the vote by which the Assembly bill was substituted for Senate Print Number 2821 on 5/8/02.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I now move that Assembly Bill Number 4386 be recommitted to the Committee on Rules and the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: So ordered.

SENATOR FUSCHILLO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Maziarz, I wish to call up Senate Print Number 7550B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1659, by Senator Maziarz, Senate Print 7550B,

an act to amend the Public Authorities Law.

SENATOR FUSCHILLO: Mr. President, I now move to reconsider the vote by which the bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: The bill is now restored to third reading.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print Number 11579B and substitute it for the identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR FUSCHILLO: I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1659, by the Assembly Committee on Rules, Assembly Print Number 11579B, an act to amend the Public Authorities Law and the Executive Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Balboni, I wish to call up Senate Print Number 7422, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1431, by Senator Balboni, Senate Print 7422,

an act to amend the General Municipal Law.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator Skelos.

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

ACTING PRESIDENT MEIER: All those in favor of adopting the Resolution Calendar in its entirety signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I'd like to give Senator Connor unanimous consent to make an introduction.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. Thank you, Senator Skelos.

We are honored today to have with us a distinguished scholar, distinguished Jewish scholar, Rabbi David Feinstein. He is the dean of Mesivtha Tifereth Jerusalem Yeshiva in New York City. He is a leading Jewish scholar. He is the oldest son of the revered Torah scholar of blessed memory, Rav Moshe Feinstein.

And we welcome, on behalf of all my colleagues, Rabbi Feinstein here. He is here with his wife Malka, who is a retired -- spent many, many years and is retired as a New York

City public school teacher.

So, Mr. President, on behalf of the Senate, we welcome Rabbi Feinstein here.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions to be made at the desk?

ACTING PRESIDENT MEIER: There is one.

SENATOR SKELOS: If we could make the substitution at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11852 and substitute it for the identical Senate Bill Number 2821A, Third Reading Calendar 979.

ACTING PRESIDENT MEIER: Substitution ordered.

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

ACTING PRESIDENT MEIER: Meeting of the Rules Committee in the Majority Conference Room.

SENATOR SKELOS: Again, if you would give unanimous consent to Senator Connor, he has one more -

ACTING PRESIDENT MEIER: Without objection, Senator Connor.

SENATOR CONNOR: Yes, thank you, Mr. President.

Also in Albany but unable to join us here is Rabbi Meir Zlotowitz. But his wife Rachel is here.

Rabbi Zlotowitz was heralded as one of Jewsweek's 50 most influential Jews in America. He and his business partner ranked 11th for their achievements in the publishing of rabbinic literature by their company, ArtScroll Publications.

And therefore, on behalf of my colleagues, I would welcome Mrs. Zlotowitz to our chamber.

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

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:21 p.m.)

(Whereupon, the Senate reconvened at 2:35 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

And then if we could return to reports of standing committees, there's a report of the Rules Committee at the desk which we'd like to have read at this time.

ACTING PRESIDENT MEIER: Immediate meeting of the Higher Education Committee in the Senate Majority Conference Room.

Reports of standing committees.

The Secretary will read.

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

Senate Print 75B, by Senator Skelos, an act to amend the Navigation Law;

5131C, by Senator Saland, an act to amend the Family Court Act;

2383F, by Senator Marcellino, an act to amend the Education Law;

2305B, by Senator Volker, an act to amend the Penal Law;

Assembly Print 9672A, by Member of the Assembly Tocci, an act to amend the Lien Law;

Assembly Print 11094, by the Assembly Committee on Rules, an act to amend the Public Authorities Law;

Senate Print 6402, by Senator Rath, an act to cancel prior transfer;

Assembly Print 6167, by Member of the Assembly Nolan, an act to amend the Labor Law;

Senate Print Number 4032A, by Senator Spano, an act to amend Retirement and Social Security Law;

Assembly Print Number 9860, by Member of the Assembly Destito, an act to amend the Civil Service Law;

Senate Print Number 6780, by Senator Marchi, an act relating to providing;

7268B, by Senator Morahan, an act to authorize;

7598A, by the Senate Committee on Rules, an act to amend the Retirement and Social Security Law;

7760B, by Senator McGee, an act to authorize;

284, by Senator Hannon, an act to amend the Education Law;

838B, by Senator Maltese, an act to amend the General Municipal Law;

3539C, by Senator Volker, an act to amend the Civil Practice Law and Rules;

4875A, by Senator McGee, an act to amend the Education Law;

5615, by the Senate Committee on Rules, an act to amend the Public Service Law;

6282, by Senator A. Smith, an act authorizing the City of New York;

6314A, by Senator Padavan, an act to amend the Administrative Code of the City of New York;

6410, by Senator Montgomery, an act

authorizing the City of New York;

6662, by Senator Volker, an act to amend the Vehicle and Traffic Law;

6765, by Senator Stafford, an act to amend the Executive Law;

7005B, by Senator Hannon, an act to amend the Public Health Law;

7069B, by Senator Spano, an act to amend the Retirement and Social Security Law;

7142, by Senator Leibell, an act to amend the Civil Service Law;

7243, by Senator Leibell, an act to amend the Retirement and Social Security Law;

7287, by Senator Volker, an act to amend the Criminal Procedure Law;

7380A, by Senator Leibell, an act to amend the General Business Law;

7488, by Senator Maziarz, an act to amend a chapter of the Laws of 2002;

7558A, by Senator Maltese, an act to amend the Real Property Tax Law;

7566, by Senator Leibell, an act to amend the General Municipal Law;

7587A, by Senator Stafford, an act to authorize;

7710, by Senator Volker, an act to amend Part J of Chapter 82;

7711A, by Senator Libous, an act to amend the Education Law;

7740, by Senator Velella, an act to amend the Administrative Code of the City of New York;

7757, by Senator Marcellino, an act to amend the Tax Law;

7771, by Senator Duane, an act in relation;

7777, by the Senate Committee on Rules, an act to amend the Retirement and Social Security Law;

7781, by Senator Bonacic, an act to amend the Environmental Conservation Law;

7790, by Senator Seward, an act to amend the Insurance Law;

7791A, by Senator Velella, an act to amend the Labor Law;

7803, by Senator Bonacic, an act to amend the Tax Law;

7806, by Senator Farley, an act to amend the County Law;

7812, by Senator McGee, an act to

amend the County Law;

7814, by Senator Kuhl, an act to amend the Education Law;

7817, by Senator Velella, an act to amend Chapter 69 of the Laws of 2002;

7819, by Senator Kuhl, an act to amend the County Law;

7822, by Senator Velella, an act to amend the Labor Law;

7826, by Senator Nozzolio, an act to amend the Correction Law;

7830, by the Senate Committee on Rules, an act to amend the County Law;

And Assembly Print Number 7912A, by Member of the Assembly McEneny, an act authorizing the Commissioner of General Services.

All bills ordered direct to third reading.

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

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: In relation to Calendar Number 46, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 3009C and substitute it for the identical Senate Bill Number 75B, Third Reading Calendar 46.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 46, by Member of the Assembly Weisenberg, Assembly Print Number 3009C, an act to amend the Navigation Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 245, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 11197A and substitute it for the identical Senate Bill Number 5131C, Third Reading Calendar 245.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 245, by the Assembly Committee on Rules, Assembly Print Number 11197A, an act to amend the Family Court Act.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 520, by Senator Marcellino, Senate Print 2383F, an act to amend the Education Law and others, in relation to the practice of geology.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 11. This act shall take effect in 18 months.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

607, by Senator Volker, Senate Print 2305B, an act to amend the Penal Law and the Public Authorities Law.

SENATOR HEVESI: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 691, by Member of the Assembly Tocci, Assembly Print Number 9672A, an act to amend the Lien Law, in relation to streamlining.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 731, by the Assembly Committee on Rules,

Assembly Print Number 11094, an act to amend the Public Authorities Law, in relation to creating an age limitation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 915, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 10191 and substitute it for the identical Senate Print Number 6402, Third Reading Calendar 915.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 915, by Member of the Assembly Hayes, Assembly Print Number 10191, an act to cancel the prior

transfer.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 999, by Member of the Assembly Nolan, Assembly Print Number 6167, an act to amend the Labor Law and the Workers' Compensation Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1131, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 9819 and substitute it for the identical Senate Bill Number 4032A, Third Reading Calendar 1131.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1131, by Member of the Assembly Abbate, Assembly Print Number 9819, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm voting in the affirmative on

this bill, and I do want to point out that oftentimes presumption bills actually are good law. And this is one of those cases.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Member of the Assembly Destito, Assembly Print Number 9860, an act to amend the Civil Service Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1157, Senator Marchi moves to discharge, from the Committee on Rules, Assembly Bill Number 11012 and substitute it for the identical Senate Print Number 6780, Third Reading Calendar 1157.

ACTING PRESIDENT MEIER: Substitution ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1157, by the Assembly Committee on Rules, Assembly Print Number 11012, an act relating to providing accidental and special accidental death benefits.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

Actually, this is the bill which I -- this is a bill which I wanted to flag because it recognizes an inequity in the law. And I'm hopeful that recognition of domestic partners of those killed on September 11th will similarly be able to get line-of-duty death benefits.

Thank you, Mr. President. I'll be voting yes.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1328, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 11086B and substitute it for the identical Senate Print Number 7268B, Third Reading Calendar 1328.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1328, by the Assembly Committee on Rules, Assembly Print Number 11086B, an act to authorize the town of Stony Point.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1609, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 11540B and substitute it for the identical Senate Bill Number 7598A, Third Reading Calendar 1609.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1609, by the Assembly Committee on Rules, Assembly Print Number 11540B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1624, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 11801B and substitute it for the identical Senate Bill Number 7760B, Third Reading Calendar 1624.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1624, by the Assembly Committee on Rules,

Assembly Print Number 11801B, an act to authorize approval of certain transportation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1664, by Senator Hannon, Senate Print 284, an act to amend the Education Law, in relation to exempting.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1665, by Senator Maltese, Senate Print 838B, an act to amend the General Municipal Law, in relation to certain lung disabilities.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I misspoke earlier on Calendar Number 1131. This was the one I actually meant to speak on regarding the -- that it's good public policy to recognize that certain disabilities can appropriately be presumed to have been caused by work-related environmental issues. And this is one such case.

So I am very much supportive of

this bill, and I'll be voting yes.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1666, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 8384B and substitute it for the identical Senate Bill Number 3539C, Third Reading Calendar 1666.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1666, by the Assembly Committee on Rules, Assembly Print Number 8384B, an act to amend the Civil Practice Law and Rules, in relation to the production of non-party business records.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect on the first day of September.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1667, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 6040B and substitute it for the identical Senate Bill Number 4875A, Third Reading Calendar 1667.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1667, by Member of the Assembly Parment, Assembly Print Number 6040B, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

July.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1668, by the Senate Committee on Rules, Senate Print -

SENATOR ADA SMITH: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1669, Senator A. Smith moves to discharge, from the Committee on Rules, Assembly Bill Number 9855 and substitute it for the identical Senate Bill Number 6282, Third Reading Calendar 1669.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1669, by Member of the Assembly Cook, Assembly

Print Number 9855, an act authorizing the City of New York to reconvey its interest.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1670, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 9914A and substitute it for the identical Senate Bill Number 6314A, Third Reading Calendar 1670.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1670, by Member of the Assembly Abbate, Assembly Print Number 9914A, an act to amend

the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1671, Senator Montgomery moves to discharge, from the Committee on Rules, Assembly Bill Number 10255 and substitute it for the identical Senate Bill Number 6410, Third Reading Calendar 1671.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1671, by Member of the Assembly Boyland, Assembly Print Number 10255, an act

authorizing the City of New York to reconvey its interest.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1672, Senator Volker moves to discharge, from the Committee on Transportation, Assembly Bill Number 10553 and substitute it for the identical Senate Bill Number 6662, Third Reading Calendar 1672.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1672, by Member of the Assembly Smith, Assembly Print Number 10553, an act to amend

the Vehicle and Traffic Law, in relation to the maximum speed limit.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1673, Senator Stafford moves to discharge, from the Committee on Rules, Assembly Bill Number 11594 and substitute it for the identical Senate Bill Number 6765, Third Reading Calendar 1673.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1673, by the Assembly Committee on Rules, Assembly Print Number 11594, an act to amend the Executive Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1674, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11336B and substitute it for the identical Senate Bill Number 7005B, Third Reading Calendar 1674.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1674, by the Assembly Committee on Rules, Assembly Bill Number 11336B, an act to amend the Public Health Law, in relation to authorizing.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1675, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 11397A and substitute it for the identical Senate Bill Number 7069B, Third Reading Calendar 1675.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1675, by the Assembly Committee on Rules, Assembly Print Number 11397A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1676, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 9938 and substitute it for the identical Senate Bill Number 7142, Third Reading Calendar 1676.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1676, by Member of the Assembly Lentol, Assembly Print Number 9938, an act to amend the Civil Service Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1677, by Senator Leibell, Senate Print 7243, an act to amend the Retirement and Social Security Law, in relation to retirement plans.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1678, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11300 and substitute it for the identical Senate Bill Number 7287, Third Reading Calendar 1678.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1678, by the Assembly Committee on Rules, Assembly Print Number 11300, an act to amend the Criminal Procedure Law, in relation to designating.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1679, by Senator Leibell, Senate Print 7380A, an act to amend the General Business Law, in relation to licensing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2004.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1680, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 11522 and substitute it for the identical Senate Bill Number 7488,

Third Reading Calendar 1680.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1680, by the Assembly Committee on Rules, Assembly Print Number 11522, an act to amend a chapter of the Laws of 2002.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1682, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 11606A and substitute it for the identical Senate Bill Number 7558A, Third Reading Calendar 1682.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1682, by the Assembly Committee on Rules, Assembly Print Number 11606A, an act to amend the Real Property Tax Law, in relation to senior citizen rent increase.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1683, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 11267 and substitute it for the identical Senate Bill Number 7566, Third Reading Calendar 1683.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1683, by the Assembly Committee on Rules, Assembly Print Number 11267, an act to amend the General Municipal Law, in relation to paying.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1684, Senator Stafford moves to discharge, from the Committee on Rules, Assembly Bill Number 11732A and substitute it for the identical Senate Bill Number 7587A, Third Reading Calendar 1684.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1684, by the Assembly Committee on Rules, Assembly Print Number 11732A, an act to authorize the Town of Altamont, in the County of Franklin.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1685, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11754 and substitute it for the identical Senate Bill Number 7710, Third Reading Calendar 1685.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1685, by the Assembly Committee on Rules, Assembly Bill Number 11754, an act to amend Part J of Chapter 82 of the Laws of 2002.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Section 56 of Part J of Chapter 82 of the Laws of 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1686, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 11761A and substitute it for the identical Senate Bill Number 7711A, Third Reading Calendar 1686.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1686, by the Assembly Committee on Rules, Assembly Print Number 11761A, an act to amend the Education Law, in relation to the profession of social work.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 11. This act shall take effect September 1, 2004.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1687, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 11800 and substitute it for the identical Senate Bill Number 7740, Third Reading Calendar 1687.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1687, by the Assembly Committee on Rules,

Assembly Print Number 11800, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1688, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 11749 and substitute it for the identical Senate Bill Number 7757, Third Reading Calendar 1688.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1688, by the Assembly Committee on Rules,

Assembly Print Number 11749, an act to amend the Tax Law and others.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1689, Senator Duane moves to discharge, from the Committee on Rules, Assembly Bill Number 11807 and substitute it for the identical Senate Bill Number 7771, Third Reading Calendar 1689.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1689, by the Assembly Committee on Rules, Assembly Print Number 11807, an act in relation to operations within Hudson River

Park.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1690, by the Senate Committee on Rules, Senate Print Number 7777, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator LaValle.

SENATOR LaVALLE: Mr. President, can I just ask the vote on Calendar Number 1689? What was the vote on that?

ACTING PRESIDENT MEIER: It was unanimous in favor of the bill, Senator.

SENATOR LaVALLE: Thank you very much.

ACTING PRESIDENT MEIER: Shocking.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1691, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 7446C and substitute it for the identical Senate Bill Number 7781, Third Reading Calendar 1691.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1691, by Member of the Assembly Gunther, Assembly Print Number 7446C, an act to amend

the Environmental Conservation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I'd just like to make an inquiry. Has Senator Duane's bill left the house yet?

ACTING PRESIDENT MEIER: It's making its way slowly towards the door.

(Laughter.)

ACTING PRESIDENT MEIER: Senator Duane just waved the flag, and it's out of here.

(Laughter.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: In relation to

Calendar Number 1692, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 11821 and substitute it for the identical Senate Bill Number 7790, Third Reading Calendar 1692.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1692, by the Assembly Committee on Rules, Assembly Bill Number 11821, an act to amend the Insurance Law, in relation to the accounting of certain assets.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1693, Senator Velella moves to

discharge, from the Committee on Rules, Assembly Bill Number 11831A and substitute it for the identical Senate Bill Number 7791A, Third Reading Calendar 1693.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1693, by the Assembly Committee on Rules, Assembly Print Number 11831A, an act to amend the Labor Law and the State Finance Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 1. This act shall take effect on September 1, 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1694, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 11742C and substitute it

for the identical Senate Print Number 7803, Third Reading Calendar 1694.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1694, by the Assembly Committee on Rules, Assembly Print Number 11742C, an act to amend the Tax Law, in relation to certain tax rates.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1695, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 11854 and substitute it

for the identical Senate Bill Number 7806, Third Reading Calendar 1695.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1695, by the Assembly Committee on Rules, Assembly Print Number 11854, an act to amend the County Law.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1696, by Senator McGee, Senate Print 7812, an act to amend the County Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1697, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 11858 and substitute it for the identical Senate Bill Number 7814, Third Reading Calendar 1697.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1697, by the Assembly Committee on Rules, Assembly Print Number 11858, an act to amend the Education Law, in relation to the provision of supplemental educational services.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 4. This act shall take effect July 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1698, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 11773 and substitute it for the identical Senate Bill Number 7817, Third Reading Calendar 1698.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1698, by the Assembly Committee on Rules, Assembly Print Number 11773, an act to amend Chapter 69 of the Laws of 2002.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1699, by Senator Kuhl, Senate Print 7819, an act to amend the County Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1700, Senator Velella moves to discharge, from the Committee on Rules,

Assembly Bill Number 11784A and substitute it for the identical Senate Bill Number 7822, Third Reading Calendar 1700.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1700, by the Assembly Committee on Rules, Assembly Print Number 11784A, an act to amend the Labor Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Rath recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1701, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 6190E and substitute it

for the identical Senate Bill Number 7826, Third Reading Calendar 1701.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1701, by Member of the Assembly Ortiz, Assembly Print Number 6190E, an act to amend the Correction Law, in relation to custody and supervision.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1702, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 11828 and substitute it for the identical Senate Bill Number 7830,

Third Reading Calendar 1702.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1702, by the Assembly Committee on Rules, Assembly Print Number 11828, an act to amend the County Law, in relation to wireless surcharges.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a chapter of the Laws of 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1703, by Member of the Assembly McEneny, Assembly Print Number 7912A, an act authorizing the Commissioner of General Services.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

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

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

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 607, by Senator Volker, Senate Print 2305B, an act to amend the Penal Law and the Public Authorities Law.

SENATOR HEVESI: Explanation, please.

ACTING PRESIDENT MEIER: Senator

Volker, Senator Hevesi has requested an explanation of your bill.

SENATOR VOLKER: Yeah. Mr. President, this is a bill that has passed this house previously, in a little different form. It's now quite a bit restrictive.

The bill would create a Class D felony for assaults on train operators, ticket inspectors, conductors, or bus operators where such employee is performing an assigned duty on a train or bus.

There's been an increasing number of assaults on transportation people. And we had a study here, which I can't find right now, but -- we have a report here that says last year, out of 3900 bus operators, there were 90 serious assaults in downstate New York alone. And I'm aware of a bunch of serious assaults in western New York.

In fact, in all honesty, my law partner, who's also the chief of police, arrested a fellow who had hijacked a bus - and in fact, if I remember right, chased him down the street and so forth after he had hijacked a bus, a school bus several years

ago.

For some strange reason, there has been increasing pressure on transportation agencies and so forth. Probably because there are a number of people that are traveling on those buses and those trains who are under the influence of drugs and other various problems.

So this bill has been around for many years. I united this year with Roger Green. There is a provision in here that the Assembly wanted relating to putting up, posting signs of the seriousness of the offense in an attempt to deter people from assaulting transit employees.

This bill has already passed the Assembly and is about to go to the Governor as soon as we're done here.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MEIER: Senator Hevesi, on the bill.

SENATOR HEVESI: Thank you, Mr. President. I've voted against this bill in

the past. I voted against it on the A print and in past sessions. And just to briefly restate my objections to the original bill, I believed that it was much too expansive. And, secondly, it created a somewhat incongruous situation in the penal code.

I'm pleased to see this bill before us corrects one of those two problems. It's much more restrictive in nature. And since I'd always made the argument that it seemed counterintuitive or a little illogical to me why somebody who is a porter in a subway or sweeping up the subway would be more likely to have an assault perpetrated on them than somebody else, in accordance with that logic, it seemed like elevating to a D felony assault against this very broad category of individuals might be overreaching.

That's corrected in this bill. And so I'm actually going to support this legislation, because there has been an increase -- I don't know why there's been this dramatic increase in assaults on transit workers.

Mr. President.

ACTING PRESIDENT MEIER: Can we have some order in the chamber, please.

SENATOR HEVESI: Thank you, Mr. President.

I'm not sure why we've seen this increase. But it exists. There have been a few high-profile cases, including more than one in New York City and in my home county of Queens.

So I'm going to support this. But I would like to point out, as I have pointed out in the past, the other objection that I've had to this bill still stands, which is that it's appropriate, in my opinion, to elevate to a D felony status assaults on emergency service workers -- police officers, firefighters, EMTs -- but I'm not sure it's essential to do it even for this more restricted category of individuals, though it's clear that an A misdemeanor is insufficient.

So again, I'll just reiterate what I've said in the past, which is I believe that intentionally inflicting injury on another individual should be for -- everybody in New

York State who is victimized by this should have a redress of that occurrence, in fact, where the perpetrator will be facing E felony penalties instead of an A misdemeanor. For everybody. And that way you won't have any incongruous situation in the penal code.

But these protections I'm convinced are necessary. I'm pleased with the revisions of the bill. And I commend Senator Volker and his counterparts in the Assembly for working on this. It seems to me this bill is going to become law. And let it send a clear message to anybody who would assault anyone who is operating a mass transit vehicle: We won't tolerate it.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wishing to speak on the bill?

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 607, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11756 and substitute it for the identical Senate Bill Number 2305B, Third Reading Calendar 607.

ACTING PRESIDENT MEIER:

Substitution ordered.

The Secretary will read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR GENTILE: Mr. President.

ACTING PRESIDENT MEIER: Senator Gentile.

SENATOR GENTILE: Mr. President, I'd just ask for unanimous consent to be recorded in the negative on Calendar Number 1696 -- no, I'm sorry, 1694. I'm sorry. 1694.

ACTING PRESIDENT MEIER: Without objection, Senator Gentile will be recorded in the negative on Calendar Number 1694.

THE SECRETARY: Calendar Number 1668, by the Senate Committee on Rules, Senate

Print Number 5615, an act to amend -

SENATOR SKELOS: Lay the bill aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to motions and resolutions.

ACTING PRESIDENT MEIER: Motions and resolutions.

SENATOR BRUNO: I believe I have a privileged resolution at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the privileged resolution in its entirety.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 6340, supporting the U.S. Justice Department in its call for a rehearing on the decision ruling the Pledge of Allegiance unconstitutional, by an 11-judge panel.

"WHEREAS, On June 26, 2002, the 9th

U.S. Circuit Court of Appeals held that the Pledge of Allegiance is an unconstitutional endorsement of religion, stating that it 'impermissibly takes a position with respect to the purely religious question of the existence and identity of God' and places children in the 'untenable position of choosing between participating in an exercise with religious content or protesting'; and

"WHEREAS, Attorney General John Ashcroft stated the Justice Department will request a hearing en banc to defend the ability of our nation's children to pledge allegiance to the American flag; and

"WHEREAS, the Pledge of Allegiance, written by Francis Bellamy in 1892, received official recognition by the United States Congress on June 22, 1942, when it was formally included in the U.S. Flag Code; and

"WHEREAS, The words of the Pledge of Allegiance have been revised three times. 'The flag of the United States' replaced the words 'my flag' in 1923 because some foreign-born people might have in mind the flag of the country of their birth instead of

the United States flag. One year later, 'of America' was added after 'United States.' And the last change in language came on Flag Day in 1954, when Congress passed a law which added the words 'under God' after 'one nation'; and

"WHEREAS, The First Amendment to the Constitution embodies principles intended to guarantee freedom of religion, both through the free exercise thereof and by prohibiting the government from establishing a religion; and

"WHEREAS, The Pledge of Allegiance has, for almost 50 years, included references to the U.S. flag, the country, to our country having been established as a union 'under God' and to this country being dedicated to securing 'liberty and justice for all'; and

"WHEREAS, In accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights; and

"WHEREAS, The United States Flag embodies the early history and enduring hopes

of a free and self-governing people; and

"WHEREAS, Today, the words of the Pledge of Allegiance, recognized in the hearts of those who live in our vast country, is recited: 'I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all'; now, therefore, be it

"RESOLVED, That this legislative body pause in its deliberations to support the U.S. Justice Department in its call for a rehearing on the decision ruling the Pledge of Allegiance unconstitutional, by an 11-judge panel; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Attorney General John Ashcroft."

Senator Bruno.

SENATOR BRUNO: My colleagues in the chamber, Mr. President, you just heard the resolution.

We in this chamber start our sessions with the Pledge of Allegiance to the flag. We in New York State can be especially

proud that Francis Bellamy, in 1892, who wrote the pledge, at that time was from Rome -- I think, Mr. President, your district, a few years before you were born.

And it was changed the last time in 1954 when Congress, with complete deliberation, added the words "under God" - President Eisenhower, I believe, being president at the time, being initiative and supportive in that it was the right thing to do for the people in this country.

Young people all over New York State and all over this country start their day with the Pledge of Allegiance.

Now, recently, in an idiotic decision, the federal appeals court in San Francisco holds the Pledge of Allegiance, as we have been reciting it for the last almost fifty years, as unpatriotic. The decision borders on lunacy, to call the Pledge of Allegiance unpatriotic. The decision is un-American.

So that through this resolution we are delivering a strong message, in a time like this when it is so critically important

that we be unified in this state and in this country and that we respect and are patriotic and we respect the flag and the pledge to that flag as the emblem of our freedom. And our freedom expresses itself throughout the world. There are battles being fought to protect freedom. And our pledge signifies what everybody believes. It's what America stands for.

So we are making a statement here, and a strong statement. And we're confident that the nine states now -- like Alaska, California, Idaho -- who are not able to legally recite the pledge, we are confident that the Supreme Court in due process will overturn the foolish decision by the judiciary -- ill-advised, ill-informed and ill-directed -- so that people throughout this country will be able to have life and justice for all.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President, just briefly.

One of the questions that everybody

asks, if you participate in any national event with other legislators, is what is the feeling in New York after 9/11 and how has this affected its residents. Well, I can tell you this. I don't know how it's affected all of our residents. I know how it hasn't affected the people in California.

This circuit court in California obviously doesn't understand the first thing about what happened. And how ironic it is, in a day that many, many people in this nation and around the world found God, that they would be saying take God out of this oath.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I certainly understand the importance of our country coming together, as I have our state as well, over the horrible terrorist -- the terrible terrorist attack on September 11th. But I have to respectfully vote in the negative on this resolution for a whole host of reasons.

I certainly respect the author's

wisdom when he created the Pledge of Allegiance, although in his wisdom he did not include the words "under God" in the original version of the Pledge of Allegiance. I don't think that anyone who questions that particular phrase of the Pledge of Allegiance should be considered to be unpatriotic or not of right mind. I think that one of the best things about our nation is that it is a place where there's a separation of church and state, and that has in fact provided for probably the strongest denominations of organized religion probably any place in the world.

Religious organizations, denominations in our nation are supported very, very strongly in the United States and, as I say, I believe more strongly than anyplace else in the world. And that's because we do have a separation of church and state.

So to allow the court the liberty to make this decision and then to follow it as it winds its way probably up to the Supreme Court is perfectly appropriate. But I don't

believe that taking that decision on in this resolution is the appropriate way to go.

I might also add that in the Pledge of Allegiance there is the line "liberty and justice for all." However, I do notice that in our zeal to stress that our state and our nation is about liberty and justice for all, in our session the Sexual Orientation Nondiscrimination Act, or an inclusive sexual orientation nondiscrimination act, was not passed.

So I know that when I say the Pledge of Allegiance in this chamber, no matter what words I say, when it ends with "liberty and justice for all," I can't help but think that the civil rights of many New Yorkers are being denied because this Legislature and the Governor have been unable to make it possible for the Sexual Orientation Nondiscrimination Act to pass.

I will be voting in the negative on this resolution, Mr. President.

ACTING PRESIDENT MEIER: Senator Padavan, and then Senator Lachman.

Senator Padavan.

SENATOR PADAVAN: Mr. President, listening to the previous speaker, I'm somewhat disposed to stand up and suggest that his words have absolutely no significance whatsoever.

Senator, in your back pocket, in your wallet, I'm sure you have a number of dollar bills -- $5 bills, $10 bills, $20 bills, whatever the denomination. And if you look on them, each one says "In God We Trust." Therefore, you are carrying on your person a very simple statement that's embodied in our Pledge of Allegiance.

And I've never seen you or any other liberal that has spoken to this issue take those dollar bills or whatever and rip them up and say "They're an affront to my civil rights." That is covered by one word: Hypocrisy.

Now, we begin this chamber's opening frequently by ministers, after we do the Pledge of Allegiance. If you want to listen to that prayer, you do. If you choose not to, you do not. That is your unalienable right.

Similarly, in a classroom or any other place where the pledge is recited, an individual can either participate or remain silent. That is an unalienable right. To suggest that the rights of others who may wish to express themselves in the manner that the pledge provides should be denied them, that is a violation of their rights, in my view.

And so as the Majority Leader properly stated, there is no doubt that the Supreme Court will reaffirm that. And if they don't, then they'll have to remove "In God We Trust" from all our currency. And in the United States Senate, emblazoned on the wall is "In God We Trust." And I am sure if we want to think about it, we'd find it in many other public places. I don't believe they're about to do that.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: I think that some of the things that Senator Duane has mentioned should be considered to be correct. The separation of church and state in America

is probably our greatest contribution to world religion. It has made America a veritable greenhouse of religious organizations. The Disciples of Christ, the Mormons, the Christian Scientists all began here. And the seedlings of the Baptist faith and the Methodist faith grew in America. And it grew because of the separation of church and state.

Now, I also agree with the sponsors of the resolution, because I think that this is an affirmation of America's civil religion. When the members of the U.S. Supreme Court walk into their hallowed chambers, there is, printed on top of the chambers, a phrase that is very similar to this -- not the exact words -- and the use of God and His name.

And I also believe that there is an official chaplain that the U.S. Senate has - not the New York State Senate, but the U.S. Senate -- and an official chaplain that the U.S. House of Representatives has.

Religion in American life is basically the core of its life. And what makes it different from religions in other parts of the world is the diversity and the

heterogeneity and the respect that one group has for another group.

I personally feel, I personally feel that this decision will be overturned by all the members of the Circuit Court of Appeals. I'm almost certain it will be overturned by the U.S. Supreme Court. I do not think it's a wise or a good decision, and I don't think it interferes with anyone's civil rights.

So I will be voting yea on this resolution.

ACTING PRESIDENT MEIER: Senator Gentile.

SENATOR GENTILE: Thank you, Mr. President. On the resolution.

I too want to speak in favor of this resolution and point to the fact that in the dissenting opinion on the Ninth Circuit Court, the judge, in his dissenting opinion, correctly pointed out that the phrase "under God" in no way or in terms of establishment of a religion is such de minimis effect that to claim that that in effect violates the establishment clause is preposterous. And so

I applaud the introduction of this resolution here today.

Indeed, my community that I represent is so outraged by this decision that this past weekend I organized veterans' groups, community groups, and we stood out on the street corner and recited the Pledge of Allegiance the way the Pledge of Allegiance is now constituted. And certainly I think that was a strong message from the people of my district, not only to the Ninth Circuit Court but to anybody in the state of New York or on the federal level, that we support the Pledge of Allegiance.

So I want to congratulate those who sponsored this resolution. I will proudly vote in favor of this resolution.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The

resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we open the resolution for sponsorship for anyone in the chamber that would like to be on it. And you might just ask those that don't want to be on it to maybe indicate that to the chair.

Thank you.

ACTING PRESIDENT MEIER: Very well, then. At the request of the sponsor, members will be placed on the resolution unless they wish not to be placed on the resolution, and then they may inform the desk.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I'd just like the record to show that I would like to say to Senator Bruno: God bless Senator Bruno.

ACTING PRESIDENT MEIER: Thank you, Senator Montgomery. I'm sure Senator Bruno appreciates that.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe I have another privileged resolution

at the desk. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title of the privileged resolution.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 6341, paying tribute to the lifetime achievements of John Scanlon, The Record writer, editor and columnist.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, my colleagues, it really is a privilege for me, and a pleasure, to pay tribute to John Scanlon, that we are recognizing here in this resolution for 64 years of dedicated service as a journalist. Starting his career in Rutland, Vermont, as a sportswriter, and moving through his jobs, other than being interrupted, serving in the Second World War.

Stayed in newspaper reporting, worked in Plattsburgh at the Plattsburgh Herald, covered the Nuremberg Trials, got a first-place award from the New York State

Associated Press in 1980.

John Scanlon around here is mostly remembered for his 39 years with the Troy Record, as a copy editor there. There he would make you think with what he wrote, laugh with what he wrote, sometimes even cry, because he cares a lot about people.

Even after he retired in 1986, he continued to write articles, wrote at least twice a week about all of the goings-on in people's lives, relating instance after instance of circumstances taking place in his community that were just important to recognize and to note.

He has stopped writing now because he is ill, and he has been sick for some time. But his presence in the community is strongly felt. You can't pick up the Troy Record without thinking about John Scanlon, who literally for 39 years had a byline there. And he has just a unique way about expressing himself. And you can tell that John really cares about people, has a lot of respect for people and just loves people.

So, John, for all of the years of

your service in enlightening us, entertaining us, sharing your gifts, your insights with us, we're truly better people for having known you. And we wish you the very best as you continue on with your life.

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we open that up for cosponsorship by anyone that would indicate they'd like to be on the resolution. I see Senator Farley.

ACTING PRESIDENT MEIER: All right. Anyone who would like to be on the resolution notify the desk. Senator Farley.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time return to reports of standing committees. I believe there's a report from the Finance Committee at the desk. I would ask that it be read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations.

As a member of the Board of Trustees of the City University of New York, Marc V. Shaw, of Queens.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, before I yield to Senator Padavan, very briefly I have to share with all of you that we today had Marc Shaw before the Finance Committee. An experience that was not foreign to him, with his experience that he has had with the Finance Committee.

But his presentation was as substantive and had as much, shall I say,

wisdom as any presentation that I've seen and heard. And as you know, I've heard more than I can count.

All of you know Marc has an outstanding career. The only thing we will not hold against him, he is a close friend of the present secretary of the Senate Finance Committee. But I think we will be able to work that out. They've of course worked together through the years.

As I mentioned, Marc was with the Senate Finance Committee. He's been the city budget director, he's been executive director of the MTA. He has worked for governors, for mayors. He's a real, real fine example of what true public service is.

He's been nominated for the CUNY board, and all of us are very encouraged that we're going to be putting CUNY back to where it was before, about 30 years ago, we started making changes that -- well, we'll leave it at that.

We're going to continue to have a strong system, and I know Marc is going to make a tremendous contribution. And with

that, I certainly move his confirmation. I know some others will have some things to say.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

Marc Shaw is the deputy mayor for operations of the City of New York and is a mayoral appointment to the City University of New York's board of trustees. That is so for two reasons. First, it's something he wants to do. And, secondly, it's something his boss very much wants him to do.

And why? Because the City University, like our State University, is the place where so many of our young people develop their professional aptitude and go on to do those things in this state and elsewhere that make us proud. And City University has a heritage, perhaps the greatest number of Nobel laureates, men and women who have made distinctive careers as a result of that education.

Marc Shaw's career in public service, which spans over two decades,

includes not only service here in the State Senate but on the MTA and a variety of other responsibilities, including City Council. And I think it's safe to say there isn't any area of city government that he's not aware of in a very real sense, not just in terms of fiscal matters, which are so important, particularly in this day and age, but in terms of the mission that those organizations and entities have as it relates to the vitality, the growth and the very nature of the city of New York.

During his presentation to the Finance Committee, and I presume earlier to the Committee on Higher Education, Marc Shaw outlined to us why he felt so deeply about City University and its mission. He explained to us how he, as a SUNY graduate - undergraduate and graduate school, University of Buffalo -- had achieved an education that otherwise might not have been available had there not been, in this state, this outstanding state and city university system.

And that he wanted to participate in helping to develop not only a quality education for every youngster in the city of

New York, but to deal with some of the endemic problems that exist. The issue of remedial education should not be at our university level, it should be at our high school level. And he pointed out instances in our county, Queens, as an example, where we have an outstanding high school on the grounds of the campus of Queens College, Sophie Davis -- not Sophie Davis. And Sophie Davis as well, in another location, which is a premedical school.

In any event, he explained, I think clearly and succinctly, why he wanted to assume this responsibility. And when you consider the deputy mayor of operations of the City of New York is a tough job, that for him to wish to do something in addition speaks well to his motivation and I'm sure will speak equally well to his work ethic.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Lachman, and then Senator Hevesi.

SENATOR LACHMAN: I was privileged to be present at both the Higher Education and Finance Committee meetings when

Marc Shaw was interviewed. I knew him peripherally before six years ago. But when he became the executive director of the MTA, we became good friends.

And as I said before, he is a man of substance, he's a man of intelligence, he's a man of character. And he levels with you in terms of what's feasible and possible in terms of changes and what is not feasible and possible. And that sometimes is rare in a public official.

I think this is one of the very best appointments that has been made to the CUNY Board of Trustees. And I believe that Mayor Bloomberg should be applauded for this appointment. I think that Marc realizes what missions of universities and colleges are in a heterogeneous, diverse environment. He realizes the progress that CUNY has made over the last few years. But he also realizes the opportunities inherent in the problems that still exist.

The opportunities, of course, are the honors program; the competition with different colleges amongst themselves and in

the private sector; as was mentioned, the close relationship of certain colleges and high schools, such Townsend Harris at Queens and Leon Goldstein at Kingsborough in Brooklyn.

And he also believes very strongly that remediation is essential, but that remediation should not occur on the college level but should occur on the high school level. And I hope that the Mayor's new plan to restructure the high schools and the elementary schools as well will bring this to fruition, where the university will be concentrated and concentrating on academic concerns.

Which brings me to my last point - and I briefly mentioned this to Marc -- and that is the need to have a strong full-time faculty. And the reality is that CUNY today in terms of full-time faculty is between 50 and 60 percent, which is about ten points below SUNY and even less when you compare it to private colleges.

It is absolutely essential that CUNY not dip below the 50 percent mark in

terms of the relationship of full-time faculty and part-time faculty. Because full-time faculty is the future of the institution of the City University of New York.

And having said that, I can think of no one better to be appointed as a member of the board of the CUNY Board of Trustees than an individual who understands the problems that still exist and the improvements that have been made but not completed over the last few years.

So I commend the Mayor, and I applaud the appointment of Marc Shaw as a member of the CUNY Board of Trustees.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

I don't want to belabor the point. I agree with everything that Senator Lachman and Senator Padavan have previously said about the nominee. He is absolutely outstanding. And I have some standing to comment on this nominee. I have commented negatively on a number of nominees in the past, and some that

have come on the CUNY Board of Trustees.

You will not find anybody with more experience, with more compassion, dedication. And he articulated in the Higher Ed Committee his personal connection to a number of CUNY facilities. Mayor Bloomberg is to be commended. This is probably one of the best nominations to any board or commission that I have had the pleasure of voting yes on in my entire four years in the Senate.

I wish Mr. Shaw good luck. He's got an important job now. He'll add to his responsibilities with this nomination, but I'm sure he'll do an outstanding job in a most important position.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, it's very interesting to listen to my colleagues, distinguished colleagues, who have with unerring accuracy identified Marc Shaw in terms of his broad involvement in the life of this state. I remember him -- well, he was a lot younger then, but he's still very young, that's the remarkable fact -- some three

decades ago when he and Abe Lackman were inseparable and constituted a very vital part of that Finance Committee that I chaired at that time.

He has maintained that broad interest. Not narrow-gauged, it's a broad interest in humanity itself, leavened by a very healthy experience in a variety of situations.

So I suspect, in seconding this nomination, pointing to an extension to the educative and learning process, an auguring that will tell us that the best is yet to come. We have great expectations. But we're confident that however they turn out, they only enrich an experience that has served us so well, and that those of us who can go along with him will be witness to greater things to come.

All the best. And we're certainly very fortunate in confirming Marc Shaw.

ACTING PRESIDENT MEIER: All those in favor of the confirmation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Shaw is with us, Mr. Shaw is with us in the gallery today.

And, Mr. Shaw, we certainly congratulate you and wish you well with your important duties on the CUNY board.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Republic Airport Commission, Joan Flaumenbaum, of Farmingdale.

As a member of the Stewart Airport Commission, Louis Heimbach, of Warwick.

As a member of the State Council on the Arts, Susana Torruella Leval, of New York City.

And as a member of the State Hospital Review and Planning Council, Marc I. Korn, of East Amherst.

SENATOR STAFFORD: Move

confirmation, please.

ACTING PRESIDENT MEIER: The question is on the confirmation of the nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

Senator Skelos.

SENATOR SKELOS: Mr. President, before you recognize Senator Paterson, I believe he is going to ask for a conference of the Minority, which will last about twenty minutes. So then the Senate will reconvene at 4:20, at which time we will have a Rules Committee meeting.

So if you would recognize Senator Paterson at this time.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, it's one thing to read someone's mind; it's

another thing to program someone's mind.

Therefore, I'd like to call for an immediate conference of the Minority, immediately, in the Minority Conference Room.

ACTING PRESIDENT MEIER: Immediate conference of the Minority in the Minority Conference Room.

The Senate will stand at ease until 4:20.

(Whereupon, the Senate stood at ease at 4:02 p.m.)

(Whereupon, the Senate reconvened at 4:46 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

And the Senate will stand at ease pending the return of the Rules Committee.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee.

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

(Whereupon, the Senate stood at ease at 4:47 p.m.)

(Whereupon, the Senate reconvened at 5:10 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

Senate Print 5574D, by Senator Stafford, an act to amend the Environmental Conservation Law;

5259B, by Senator Leibell, an act to amend the Civil Service Law;

6518, by Senator Spano, an act to amend the Arts and Cultural Affairs Law;

Assembly Print 5510C, by Member of the Assembly Pretlow, an act to amend the Vehicle and Traffic Law;

Senate Print 5283A, by Senator Leibell, an act to amend the Retirement and Social Security Law;

2551A, by Senator Padavan, an act to amend the Public Authorities Law;

4507A, by Senator Fuschillo, an act authorizing the County of Suffolk;

7391A, by Senator Hoffmann, an act to authorize the Town of Vienna;

7473, by Senator McGee, an act to amend the Real Property Tax Law;

7615, by Senator Padavan, an act to amend the Real Property Tax Law;

7616, by Senator Padavan, an act to amend the Real Property Tax Law;

7681, by Senator Padavan, an act to amend the Real Property Law;

7816, by Senator Seward, an act to amend the Insurance Law;

7829, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

7832, by Senator Leibell, an act to

amend the Retirement and Social Security Law;

7833, by Senator Fuschillo, an act to amend the Education Law;

7836, by Senator Seward, an act to amend the Insurance Law;

Assembly Print 11856, by the Assembly Committee on Rules, an act to amend the Banking Law;

Senate Print 7810, by Senator Lack, an act to amend the General Obligations Law;

6581, by Senator Seward, an act to amend the Insurance Law;

Assembly Print 11641, by the Assembly Committee on Rules, an act authorizing;

Senate Print 7621, by Senator Breslin, an act to authorize;

7447A, by Senator A. Smith, an act authorizing the City of New York;

7684, by Senator Duane, an act authorizing and empowering;

7686A, by Senator Marcellino, an act to amend the Civil Practice Law and Rules;

7840, by Senator Farley, an act to amend the Banking Law;

7841, by Senator LaValle, an act to amend the Education Law;

Assembly Print Number 11874A, by the Assembly Committee on Rules, an act to amend a chapter of the Laws of 2002;

And Senate Print 7807, by Senator Meier, an act to amend the County Law.

All bills ordered direct to third reading.

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

ACTING PRESIDENT MEIER: All those in favor of accepting the report of Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe we're waiting for the bills to be distributed. Once they are, we'll take up the Rules calendar.

So if we could just stand at ease for several minutes.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:13 p.m.)

(Whereupon, the Senate reconvened at 5:14 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's some housekeeping at the desk. If we could do it at this time.

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Mr. President, I wish to call up Senator Hannon's bill, Print Number 284, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1664, by Senator Hannon, Senate Print 284, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator McGee.

SENATOR McGEE: Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print Number 5060 and substitute it for Senator Hannon's identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR McGEE: The Senate bill on first passage was voted unanimously.

I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1664, by Member of the Assembly Carrozza, Assembly Print Number 5060, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe the bills are being distributed at this time.

Senator Paterson, are you prepared to commence with the reading of the second calendar? Thank you.

Mr. President, if we could now take up Senate Supplemental Calendar 56A, noncontroversial, please.

ACTING PRESIDENT MEIER: The

Secretary will read the noncontroversial calendar with regard to Supplemental 56A.

THE SECRETARY: Calendar Number 269, by Senator Stafford, Senate Print 5574D, an act to amend the Environmental Conservation Law and others, in relation to the practice of forestry.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

SENATOR SKELOS: Mr. President, if we could just, with the consent of the Minority -- I believe there's a message of necessity at the desk. If we could accept the message at this time.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 278, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 10288A and substitute it for the identical Senate Bill Number 5259B, Third Reading Calendar 278.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 278, by Member of the Assembly Abbate, Assembly Print Number 10288A, an act to amend the Civil Service Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 458, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 11804 and substitute it for the identical Senate Bill Number 6518, Third Reading Calendar 458.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 458, by the Assembly Committee on Rules, Assembly Print Number 11804, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 729, by Member of the Assembly Pretlow,

Assembly Print Number 5510C, an act to amend the Vehicle and Traffic Law, in relation to compliance.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect 180 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 979, by the Assembly Committee on Rules, Assembly Print Number 11852, an act to amend the Public Health Law and others, in relation to making conforming changes.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DOLLINGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to

Calendar Number 1138, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 11707 and substitute it for the identical Senate Bill Number 5283A, Third Reading Calendar 1138.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1138, by the Assembly Committee on Rules, Assembly Print Number 11707, an act to amend the Retirement and Social Security Law, in relation to disability benefits.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1681, by Senator Padavan, Senate Print 2551A,

an act to amend the Public Authorities Law, in relation to authorizing the Triborough Bridge and Tunnel Authority.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall -

SENATOR LIZ KRUEGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1704, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 7289A and substitute it for the identical Senate Bill Number 4507A, Third Reading Calendar 1704.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1704, by Member of the Assembly Sweeney, Assembly Print Number 7289A, an act authorizing the County of Suffolk.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Just to explain my vote, Mr. President.

This is the triple-home-run threat of the property tax exemption, partial property tax exemption bills. This is, I believe, Senator Fuschillo, for 13 years of property taxes. This is a church or an organization that got a bill that kept saying "You owe real property taxes," and for 13 years they stuck it in the drawer and did nothing.

We are achieving new heights in our role as the Suffolk County property tax exemption agency. I thought I'd been elected to the Senate. Little did I know that we would do one that absolves 13 years of

property tax assessments. This is a grand-slam home run in triplicate.

And, Senator Fuschillo, you're catching up to Senator Skelos. A couple more of these and you may be right hot on his trail.

I'll vote no, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger will be recorded in the negative.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Senator Dollinger, if any news accounts are correct concerning your future, number one, we are going to miss you.

(Laughter.)

SENATOR SKELOS: I want to assure you that we will miss you.

And I hope that certainly the legislation that's been passed in Nassau County and Suffolk County and even creeping into Queens, I believe it was, had nothing to do with having you retire from the Senate.

ACTING PRESIDENT MEIER: Announce

the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1706, Senator Hoffmann moves to discharge, from the Committee on Rules, Assembly Bill Number 10714B and substitute it for the identical Senate Bill Number 7391A, Third Reading Calendar 1706.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1706, by Member of the Assembly Townsend, Assembly Print Number 10714B, an act to authorize the Town of Vienna, Oneida County.

ACTING PRESIDENT MEIER: 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 MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1708, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 1818A and substitute it for the identical Senate Bill Number 7473, Third Reading Calendar 1708.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1708, by Member of the Assembly Parment, Assembly Print Number 1818A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1710, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 11695 and substitute it for the identical Senate Bill Number 7615, Third Reading Calendar 1710.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1710, by the Assembly Committee on Rules, Assembly Print Number 11695, an act to amend the Real Property Tax Law, in relation to tax exemption.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1711, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 11693 and substitute it for the identical Senate Bill Number 7616, Third Reading Calendar 1711.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1711, by the Assembly Committee on Rules, Assembly Print Number 11693, an act to amend the Real Property Tax Law, in relation to exemption.

SENATOR SKELOS: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1712, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 4683A and substitute it for the identical Senate Bill Number 7681, Third Reading Calendar 1712.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1712, by Member of the Assembly Brennan, Assembly Print Number 4683A, an act to amend the Real Property Tax Law, in relation to the recording of conveyances.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1713, by Senator Seward, Senate Print 7816, an act to amend the Insurance Law, in relation to modifying criteria.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 19 -

SENATOR LIZ KRUEGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1714, by Senator Trunzo, Senate Print 7829, an act to amend the Retirement and Social Security Law, in relation to the computation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1715, by Senator Leibell, Senate Print 7832, an act to amend the Retirement and Social Security Law, in relation to disability benefits.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1716, by Senator Fuschillo, Senate Print 7833, an act to amend the Education Law, in relation to university-related economic development facilities.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1717, by Senator Seward, Senate Print 7836, an act to amend the Insurance Law, in relation to extending.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR SKELOS: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1718, by the Assembly Committee on Rules, Assembly Print Number 11856, an act to amend the Banking Law, in relation to high-cost home loans.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 1718 are Senators DeFrancisco, Meier and Seward. Ayes, 55. Nays -

ACTING PRESIDENT MEIER: Senator Santiago, to explain her vote.

SENATOR SANTIAGO: Thank you, Mr. President.

Let me just take the first moment to thank Senator Farley and to thank the committee, the Senate members that I work with. And this is a very important piece of legislation. And I'm very happy to stand and to support this legislation, and I'm going to ask my colleagues to support it with me.

I also would like to publicly thank the Senate Banking Committee on both sides of the aisle, but particularly on my side, because this legislation is the first time that we worked as one, with me, in this particular committee. And this was very important. Everyone here had an opinion about predatory lending. Everyone had a story.

When I discussed -- we held a hearing in March. Senator Farley invited us to participate. And what happened at that

time was very important for us, because our communities were represented. Personally, from Brooklyn, we had two community-based organizations. From upstate, we had organizations that represented consumer groups.

It's probably the most important consumer bill I think that's passed this year. This year everyone has worked very, very hard in making sure that people are not taken advantage of. There has been research done where minority people, people of color, poor people, economically poor, seniors, have been targeted either directly or -- consciously or unconsciously, they've been targeted. And people have had to -- some people have lost their homes.

And Senator Farley and I sat there for five hours in March, and we listened to all the stories that were so painful. There was story after story about people from different walks of life who have lost their homes, and they have lost them -- and I repeat again, some people were cheated and they were cheated consciously, and some people perhaps

were cheated and it was unconscious, let's assume that.

We spoke to some people who in fact wanted to keep the subprime market, and they wanted to keep the subprime market for people in fact who couldn't afford to apply for credit in the prime market. We spoke to people who said, you know, let's keep this market alive. Let's talk to the banks. And we spoke to bankers. We said, "We want to keep this market alive, but we want to eliminate predatory lenders."

So what I want to say -- and, Senator Farley, I think you can support this as well -- is that the bankers did work with us and they said, you know, this is one issue -

ACTING PRESIDENT MEIER: Senator Santiago, the rules provide two minutes for you to explain your vote. Could I ask you to conclude your vote.

SENATOR SANTIAGO: I ask that my colleagues support this legislation, because we did work together. All the consumer groups were with us, NYPIRG was with us -

ACTING PRESIDENT MEIER: Senator Santiago, how do you vote? In the affirmative?

SENATOR SANTIAGO: Yes.

ACTING PRESIDENT MEIER: Senator Santiago will be recorded in the affirmative.

Senator Farley, to explain his vote.

SENATOR FARLEY: Thank you, Mr. President.

Senator Santiago has been a terrific help to me on this bill. This is a promise that both the Majority Leader and myself made that we were going to do a predatory lending bill this year. This is a much better bill than was originally proposed and passed last year by the Assembly. It took care of a lot of problems. It's not perfect; it needs some more work. I think it's a work in progress.

But let me thank Senator Santiago, who sat through a five-hour hearing, never even left to go to the bathroom or anything. Senator DeFrancisco was there most of the time, and Senator Andrews.

And I'm very, very grateful to the Banking Committee, who's worked very hard on this bill. Again, it's not perfect. But it is certainly -- predatory lending will be on its way to the Governor after we pass this bill.

Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes. Everybody in the world is against predatory lending. We're going to be passing a chapter amendment, and I would be supporting this bill if that chapter amendment was part of the bill that's going to become law.

Senator Farley did indicate that it's a work in progress. And I'm just afraid that that work in progress will be completed before it's a good bill that won't dry up the market for low-income individuals.

And just to complete Senator Farley's comments, I was at the hearing and I did go to the bathroom.

(Laughter.)

ACTING PRESIDENT MEIER: Senator

DeFrancisco has been recorded in the negative earlier.

I'm sorry, Senator Hassell-Thompson, to explain her vote. We're going to move these darn lamps, Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: That's okay. I thank you, Mr. President.

When Senator Santiago first began to talk with me about this particular piece of legislation, I was very happy to assist her in trying to identify people who were prepared to come and to speak at the hearings and whatever, mainly because, as the ranker on Consumer Protection, it was an issue that had come to me from many sources but particularly from the seniors in our district.

For several weeks I know you saw AARP people here in the galleries, here in the chambers, who came to ask our support and help for this. And I think that we can go home, if we haven't done anything else well this year, we certainly can go home and tell them that we have done something, we have struck a blow for them in their community. And I commend both

of my colleagues for an excellent job that they have done on this piece of legislation.

I vote yes.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 55. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1719, Senator Lack moves to discharge, from the Committee on Rules, Assembly Bill Number 6936A and substitute it for the identical Senate Bill Number 7810, Third Reading Calendar 1719.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1719, by Member of the Assembly Weprin, Assembly Print Number 6936A, an act to amend the General Obligations Law and the Insurance

Law.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MEIER: We're on a noncontroversial reading of the calendar. You'd like it laid aside, Senator.

Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1720, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10456 and substitute it for the identical Senate Bill Number 6581, Third Reading Calendar 1720.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1720, by Member of the Assembly Weinstein, Assembly Print Number 10456, an act to amend the Insurance Law and the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1721, by the Assembly Committee on Rules, Assembly Print Number 11641, an act authorizing certain housing authorities to sell or lease.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1722, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 11694 and substitute it for the identical Senate Bill Number 7621,

Third Reading Calendar 1722.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1722, by the Assembly Committee on Rules, Assembly Print Number 11694, an act to authorize an extension.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1723, Senator A. Smith moves to discharge, from the Committee on Rules, Assembly Bill Number 11439A and substitute it for the identical Senate Bill Number 7447A, Third Reading Calendar 1723.

ACTING PRESIDENT MEIER:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1723, by the Assembly Committee on Rules, Assembly Print Number 11439A, an act authorizing the City of New York to reconvey its interest.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1724 -

SENATOR DOLLINGER: Lay the bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number

1725, by Senator Marcellino, Senate Print 7686A, an act to amend the Civil Practice Law and Rules, in relation to the commencement.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Can we accept the message of necessity first?

SENATOR PATERSON: Yes.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

The bill is laid aside.

THE SECRETARY: Calendar Number 1726, by Senator Farley, Senate Print 7840, an act to amend the Banking Law, in relation to high-cost home loans.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the same -

SENATOR LIZ KRUEGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the

bill aside.

THE SECRETARY: Calendar Number 1727, by Senator LaValle, Senate Print 7841, an act to amend the Education Law, in relation to establishing a war on terrorism scholarship program.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: Yes, there is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1728, by the Assembly Committee on Rules, Assembly Print Number 11874A, an act to amend a chapter of the Laws of 2002.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as such chapter of the Laws of 2002 as proposed in legislative bill numbers Senate 7621 and Assembly 11694.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1729, by Senator Meier, Senate Print 7807, an act to amend the County Law, in relation to

wireless communications service.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I request unanimous consent to be recorded in the negative on Calendar Number 1700.

ACTING PRESIDENT MEIER: Without objection, Senator DeFrancisco will be recorded in the negative on Calendar 1700.

Senator Skelos, that completes the noncontroversial reading of Supplemental 56A.

SENATOR SKELOS: Thank you, Mr. President. If we could now go to the controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the controversial

calendar.

THE SECRETARY: Calendar Number 269, by Senator Stafford, Senate Print 5574D, an act to amend the Environmental Conservation Law and others, in relation to the practice of forestry.

SENATOR STAFFORD: Last section.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 14. This act shall take effect on the first day of November.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Stafford, Senator Hassell-Thompson has requested an explanation.

SENATOR STAFFORD: The logging industry is very, very important in upstate New York. As you know, we have a lot of deer and bear up there that live in the forests. And there were days they used to vote them all. I mean -- no, no. Scratch that, please.

But logging is a very, very serious industry. And obviously timber theft is a

problem, but it has to be dealt with sensibly. The last law that was passed that we were working under was passed in, I believe, 1910. And the fine for taking a tree was $10 a tree. And there are those who think that it should be a bit more realistic. It has been changed to $250 per tree.

Also, as probably you will realize, if someone is in a logging operation and an honest mistake is made, there are provisions in the bill where we feel the industry will be treated fairly. We do have a problem with some communities that pass laws that cause problems for the timber industry, and we have provisions in the bill whereby the DEC will be involved.

Thank you.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: This is a good forestry bill. It permits the DEC to come in, but it does not overrule localities. Localities were very concerned that their rights would be taken away by the state. And this protects them. And it's a good forestry

bill, and I'm very supportive of it.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. On the bill, Mr. President.

I want to say that I'm particularly pleased, having worked with some of the representatives of the forestry industry, that they have made compromises, we have made adjustments, under the brilliant leadership of the steward of the North Country, but also with many supporting cast members. And I think we have come up with a good bill.

And I'm pleased to be able to add, you know, one final complimentary speech to many years of complimentary speeches to the protector of bears and deer throughout the state.

Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to speak on the bill?

Read the last section.

THE SECRETARY: Section 14. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 979, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11852, an act to amend the Public Health Law and others, in relation to making conforming changes.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1681, by Senator Padavan, Senate Print 2551A, an act to amend the Public Authorities Law, in

relation to authorizing.

SENATOR LIZ KRUEGER: Explanation, please.

ACTING PRESIDENT MEIER: Senator Padavan, Senator Krueger has requested an explanation.

SENATOR PADAVAN: This allows various emergency services personnel access to our bridges under the control of the Triborough Bridge and Tunnel Authority and not having to pay tolls. Without tolls.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Mr. President, if the sponsor would yield to a question.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Padavan, this would apply to all of those people who work for various city agencies when they were coming to and from work, or any time they travel on a road that was under the authority?

SENATOR PADAVAN: Any time, Senator. These are emergency personnel. They're on call 24 hours a day, seven days a week.

SENATOR LIZ KRUEGER: Mr. President, if the sponsor would continue to yield, through you.

ACTING PRESIDENT MEIER: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Senator.

I understand that they can be on call 24 hours a day. But again, perhaps to rephrase my question, would this apply to them only when they were on their way to and from their -

SENATOR PADAVAN: No.

SENATOR LIZ KRUEGER: So any time -

SENATOR PADAVAN: It would apply all the time.

SENATOR LIZ KRUEGER: So to some

degree -- I'm sorry, Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MEIER: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: So your bill again, since we live in a world of E-ZPass, is the equivalent of any household who has a member working for one of these departments has a free E-ZPass for any toll?

SENATOR PADAVAN: On these particular bridges and tunnels, yes.

SENATOR LIZ KRUEGER: Okay.

Mr. President, through you, if the sponsor could continue to yield.

ACTING PRESIDENT MEIER: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: One more question, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Why should these people get free

access to our roads when they're not on work assignment?

SENATOR PADAVAN: As the memo tells you, Senator, if you've had an opportunity to read it -

SENATOR LIZ KRUEGER: No, I didn't have an opportunity, Senator.

SENATOR PADAVAN: -- these individuals such as police officers are on alert at all times of day and night wherever they may be. Therefore, we feel that it would be prudent and expeditious to allow them access to these particular conveyances, bridges and tunnels, and not have to pay a toll at any time.

SENATOR LIZ KRUEGER: Thank you, Senator Padavan.

Mr. President, on the bill, please.

ACTING PRESIDENT MEIER: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Senator Padavan, if you had been able to tell me that this bill was intended to speed up the process by which these workers were able to get to their jobs in emergency situations, then

clearly you would have my support for ensuring that police officers, firefighters, emergency medical service paramedics, or emergency medical service technicians had the ability to as speedily as possible get to their jobs and avoid paying tolls.

But in fact you explained that this would be at any time, in any circumstance. And since most of these tolls are for people basically to come into the city of New York from, I assume, their residences outside of the city of New York, although not exclusively, I find it hard to support your bill that would basically give a free transportation supplement to certain employees in the city of New York over and above any other employee.

The fact is that while these are wonderful and important jobs and the people who do them in fact do heroic work, this bill doesn't match a specific emergency need or even job assignment. It's simply giving them free transportation alternatives above and beyond what anyone else coming into the city of New York to work would get, or other city

workers.

And it's not even, as I understand it, for work purposes. If I lived on Long Island and chose to bring my family in to see the theater or a museum on the weekend - which, by the way, I hope they do, and I hope everyone does continue to use the city of New York for our great cultural attributes and wonderful resources. But I don't understand why the taxpayers should actually pay for that service for anyone who happens to work in a subset of types of jobs and then has to pay tolls like everyone else.

So I have to vote against the bill and hope that other people will think about this.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, last year there were seven members of this chamber who voted against this bill - Senators Duane, Hassell-Thompson, Hevesi, Sampson, Schneiderman, and Malcolm Smith, in addition to myself.

I want to point out that I'm not necessarily opposed to emergency workers - police, firefighters -- receiving this opportunity to come into the city. If you come into the city to go to the theater, you are still a presence that would be fighting a potential crime.

And since Senator Padavan is now incommunicado and not taking any more questions, I guess I'll just have to -

SENATOR PADAVAN: No, Senator, I said one more from her.

SENATOR PATERSON: Ohhhh.

Well, Mr. President, would Senator Padavan yield to one question from me?

ACTING PRESIDENT MEIER: Senator Padavan, do you yield?

SENATOR PADAVAN: I'll be delighted to yield to Senator Paterson.

SENATOR PATERSON: This is such a distinct opportunity, Mr. President.

There is a regular negotiation between the unions and the city. And it would seem to me that at that time it would be a good time to resolve there, not in the

legislative process, what would be those special dispensations that we might rightly give to law enforcement and to other service providers who we would like to encourage to move around and be in the city.

So, Senator, the question is, why would we not leave this to the negotiation?

SENATOR PADAVAN: Well, that's an interesting question, Senator.

However, keeping in mind that these bridges and tunnels come under the authority of authorities, I don't believe that the city could in effect, in the course of collective bargaining, waive those tolls. It would only be the authority we could provide to do that.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: The city is in compliance with the idea to provide this, Senator?

SENATOR PADAVAN: The city has not sent any memos in opposition that I can refer to.

SENATOR PATERSON: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: I think it would be a good idea to look further into the collective bargaining agreement, even though I will take Senator Padavan's word for that.

I just have a concern that the Triborough Bridge and Tunnel Authority right now is the 11th largest debtor in this country. Only eight states, New York City, and the Metropolitan Transit Authority exceed the amount of debt that the TBTA has. And the question is whether or not we would want to add to it. If we do, I would just hope it would be not in an incremental basis, where we provide these different services for law enforcement officers and others who we want to encourage. I would hope we would do it in a way that we could all understand the great need for their service and their presence, which is a prelude to their service in many instances.

But I'm just hoping that we're not passing these pieces of legislation incrementally and can make one agreement with

those affected and then leave it at that. And at the same time understand that we will want to give them some privileges that the average citizen might want to allow them to have to encourage their participation.

ACTING PRESIDENT MEIER: Any other Senator wish to speak on the bill?

Senator Dollinger.

SENATOR DOLLINGER: Will the sponsor yield just to one question?

ACTING PRESIDENT MEIER: Senator Padavan, do you yield for a question?

SENATOR PADAVAN: Yes.

SENATOR DOLLINGER: And I apologize if this has been asked before, Senator. But is there anything in the bonds for the TBTA that says that the State of New York or any other agency cannot interfere with the repayment of bonds by allowing a waiver of tolls to a particular group of payors over the bridges and tunnels? Oftentimes there are such provisions in the bonds.

SENATOR PADAVAN: Senator, to my knowledge, there are none. But I would not

say that I answer your question with specific reference.

There have been other bills over the years dealing with waiving of tolls. And I'm unaware of any issue being raised by bondholders or the authority along the lines of your question.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I am constrained to vote no, although I do appreciate the sentiment that motivates this piece of legislation. The reason I'm voting no is that I think that, as made clear by my colleagues, this does

essentially give a free E-ZPass to people to use in circumstances which really have nothing to do with public safety and security.

And I think it would have been very easy for us to have drafted a bill that took that into account, that did provide this benefit to the deserving men and women in our police department and the emergency medical services, our firefighters, but that cured this defect.

I'm not sure why we're not proceeding with a bill that made it clear that we're talking about times when people are on duty, not just driving from their homes in Nassau County to vacation somewhere upstate and passing through the city. It's something that's easily curable. I hope we will cure it so that I can vote yes for a similar bill at another time.

ACTING PRESIDENT MEIER: Senator Schneiderman will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1681 are Senators Hassell-Thompson, Hevesi, L. Krueger,

Paterson, Schneiderman, A. Smith, and M. Smith. Ayes, 51. Nays, 7.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1713, by Senator Seward, Senate Print 7816, an act to amend the Insurance Law, in relation to modifying.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MEIER: Senator Seward, an explanation has been requested of Calendar 1713 by Senator Krueger.

SENATOR SEWARD: Certainly, Mr. President.

This bill would authorize a number of authorities that are listed in the legislation, and also the City of New York, to form what's called captive insurance companies to provide property and casualty insurance, because of the fact that they're having difficulty in obtaining insurance coverage in the regular market -- particularly in the city of New York, in and around the World Trade Center area, the coverage for the cleanup and

other activities in that area of particular concern to the city, as well as these various authorities, many of which operate bridges and other difficult-to-insure-in-this-environment assets.

Now, captive insurance companies are insurance companies that the insurers own, by the entities that they insure, and that provide another insurance option, particularly in this hard market that we find ourselves in primarily as a result of September 11th.

SENATOR LIZ KRUEGER: Mr. President, if the sponsor would yield.

ACTING PRESIDENT MEIER: Senator Seward, do you yield for a question?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you very much for the explanation, because it did help me. Because, as you know, I'm new, and I'm not on the Insurance Committee, so I wasn't that familiar with the concept of captive insurance.

Just perhaps to clarify, again, for

me, this is because private insurance companies will no longer give certain kinds of insurance to people in certain areas of the state -- in this case, near the World Trade Center, in Buffalo, Fort Erie, and also in Roosevelt Island? So that this is a way for us to create insurance policies for people who can't be covered or areas that won't be covered by the private insurance industry?

SENATOR SEWARD: Mr. President, Senator Krueger is correct in her understanding of the legislation.

This -- because the voluntary market is not creating the insurance opportunities and options for these entities, it's a real crisis. Many of these entities are going without insurance currently. And the captive insurance company is an option which this legislation would make available to these entities which currently have no options.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, just briefly on the bill.

ACTING PRESIDENT MEIER: Senator

Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I appreciated the explanation, Senator Seward.

And I don't know whether we have an agreement in the Assembly or not. What helps me in this bill -- and I just wanted to say it on the floor -- is I do also think we have a serious insurance crisis facing us in this state. And I have a feeling that this is just the beginning of an exercise that we need to spend much more time on in the coming year. Because I had been informed in my district that there were people who could not get insurance for their companies in the lower half of Manhattan, that they could no longer get insurance policies to cover their businesses. They were finding that they could not get workers' comp insurance for workers.

And what it said to me was that given both the existing problems since September 11th, and I think the ongoing fear of all of us and all our constituents and apparently of the insurance industry of the potential for additional terrorist action, that we really in the state of New York need

to take a very serious look about what we're doing to ensure, with an E, the ability to continue to have insurance, with an I, for everyone.

So I just thank you for the clarification, and I think we need a lot more education on this as we go along.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wishing to speak on the bill?

Read the last section.

THE SECRETARY: Section 19. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Seward.

SENATOR SEWARD: Very briefly, to explain my vote.

And also I would like to just clarify for the record that this bill would not allow third parties other than the authorized state entity or its affiliates to be insured under the captive insurance

companies that would be created under this legislation.

Mr. President, I vote aye.

ACTING PRESIDENT MEIER: Senator Seward will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1719, substituted earlier by Member of the Assembly Weprin, Assembly Print Number 6936A, an act to amend the General Obligations Law and the Insurance Law.

ACTING PRESIDENT MEIER: Who requested an explanation?

Senator Dollinger, Senator Volker will explain the bill.

SENATOR VOLKER: Mr. President, I am not Senator Lack, as it's pretty obvious. He's brighter and much better looking than I am, and he has a beard.

And he negotiated this bill, which is an agreed-upon bill, he's been working on it for some time, which relates to the

response to the provisions of a terrorism relief act that was passed by Congress, HR 2884, which would impose a 40 percent tax upon purchasers of structured settlements after July of 2001.

What this bill does is -- there's a statement in there that said that the states could pass their own legislation that would allow these structured settlements to be sold with various restrictions. What this bill is -- and it's a bill that's agreed upon by the trial lawyers, by the insurance industry, the National Association of Settlement Purchasers. It's a bill that allows the purchasers of structured settlements to purchase those settlements, but subject to a series of restrictions that protect the consumer. And the structured settlement has to be submitted to the court.

As I understand, the market for these structured settlements is pretty good. But you have to be careful, because some of the people involved in the structured settlements have found that they were unaware of the fact that they could lose considerable

amounts of money. And what this does is it protects those settlement holders against somebody who would purchase the structured settlements and allow them to be sitting in the lurch, as the saying goes. It allows the possibility, if there is a fraud, of suing.

As I say, this agreement involves virtually all the parties that could be involved in such a settlement, and I think it's a fair agreement to deal with this issue.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President, will the sponsor yield just to one question?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Does this bill deal with loans against the benefits of structured settlements, do you know, where a victim who's receiving the benefit takes a loan out against -- pledges as collateral the payments for the structured settlement?

SENATOR VOLKER: No, it doesn't,

because it deals only with the sale of these structured settlements. It does not deal with loans against them, because that is specifically what the federal legislation dealt with.

SENATOR DOLLINGER: Okay. Through you, Mr. President, just briefly; the hour is late.

I've run into situations in my own practice where structured settlements have been borrowed against and they pledge them as collateral. Which is not the same effect as transferring them, but nonetheless runs into the same kinds of problems. And I would just encourage Senator Lack and our Assembly colleagues to look at that issue as well.

When you pledge the structured settlement and you in turn take a loan on certain conditions, oftentimes the same kinds of problems arise as that actually happen when you transfer the structured settlement. And I think this bill does and has a beneficial purpose and serves that purpose. But the notion of borrowing against the structured settlement has the effect of a transfer, and

it ought to be included in the next generation of bills.

I'll vote in favor, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Read the last section.

THE SECRETARY: Section 4. This act shall take effect July 1, 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1724, Senator Duane moves to discharge, from the Committee on Rules, Assembly Bill Number 11449B and substitute it for the identical Senate Bill Number 7684, Third Reading Calendar 1724.

SENATOR BALBONI: Explanation.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1724, by the Assembly Committee on Rules. Assembly Print Number 11449B, an act authorizing and empowering.

ACTING PRESIDENT MEIER: Senator Duane, Senator Balboni has requested an explanation of Calendar 1724.

SENATOR DUANE: Let me see.

(Laughter.)

SENATOR DUANE: Is this the one -- is this that civil rights one for the gay, lesbian, bisexual and transgendered community?

SENATOR BALBONI: Explanation satisfactory. On the bill.

(Laughter.)

SENATOR BALBONI: I hope that the people can look at this bill and -- you know, who is the Moravian Open Door Company? And now there's a conveyance of land here. Have you held a hearing on this bill? Have you canvassed all the people in New York City who might want to convey land?

I mean isn't this just, you know - isn't this an open-and-shut case of your not wanting to canvass all the people and you're

doing this as a personal political benefit for the Moravian Door people? I mean, I -- you know, this really -- we should have one bill in this state for these kind of land conveyances. This is an outrageous thing.

We should make sure that when you bring legislation to this floor that you've asked everybody who could possibly want the same relief, because you're only getting a political benefit out of this.

And after all my outrage, I'm going to vote yes. Thank you, Mr. President.

(Laughter.)

ACTING PRESIDENT MEIER: One would hope no other Senator needs to be heard on this bill.

(Laughter.)

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1725, by Senator Marcellino, Senate Print 7686A, an act to amend the Civil Practice Law and Rules, in relation to the commencement.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 71. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the negative.

SENATOR SKELOS: Party vote in the affirmative.

THE SECRETARY: Ayes, 34. Nays, 24. Party vote with exception.

ACTING PRESIDENT MEIER: Senator Schneiderman, why do you rise.

SENATOR SCHNEIDERMAN: Just to explain my vote, Mr. President.

ACTING PRESIDENT MEIER: Without objection, Senator Schneiderman to explain his vote.

SENATOR SCHNEIDERMAN: I think

it's unfortunate that we have taken a very good piece of legislation that I believe we had a deal on, the Waste Higher Management Recycling Act, and attached it to something that the -- my colleagues on the other side of the aisle have to know is really a poison pill as far as the Assembly is concerned.

We do need to refinance Superfund. We need to deal with the crisis that we're facing in the lack of funding for our toxic waste sites and brownfields in this state.

I'm afraid that seeing this bill at this point in the year indicates to me that we're not moving forward to get that job done, and I am very disappointed that we haven't made more progress. It's something I hope we will do in a special session before the elections this November.

ACTING PRESIDENT MEIER: Senator Schneiderman will be recorded in the negative.

Senator Krueger, why do you rise?

SENATOR LIZ KRUEGER: To explain my vote, Mr. President.

ACTING PRESIDENT MEIER: Without objection, Senator Krueger, to explain her

vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

My colleague Mr. Balboni raised the issue a minute ago on another small bill about was there a public hearing. And in fact the answer was no, and there was an argument there. But I have to say, the Moravian coffee pot people compared to the Superfund of the State of New York?

So my point here is, was there a public hearing? Is the public being allowed to participate in one of the most important issues on toxic waste in our state?

This bill does not do justice to what we need in the environment. It basically allows for the hard-topping of environmental problems without any cleanup underneath and no explanation about what will happen as there is seepage underneath, on groundwater concerns, on cracks in pavement concerns, on the entire concept that we're going to simply pave over contamination in the state of New York and pretend that we did something about it.

So I am sorry that this is the bill

that we are getting today, because the people of the state of New York State so desperately needed a real piece of legislation both addressed in our Superfund financing issues and a real resolution to brownfields problems.

So I am voting no with my party, but I wish that we had a serious piece of legislation here tonight that we could be debating and passing, because our state and our people deserve it.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Krueger will be recorded in the negative.

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT MEIER: Senator Marcellino to explain his vote, without objection.

SENATOR MARCELLINO: Mr. President, I had no intention of standing up until I heard the last speaker speak.

Obviously you haven't read the bill or even coming close to reading the bill.

The only reason we do not have Superfund legislation is because people in the

Assembly -- not all, but people in the Assembly refuse to come to the table and negotiate because they do not, for political reasons, want to give the Governor anything in this year. This is a political situation. It is as simple as that.

If you read this bill, Senator, it deals with every issue you talked about. Every single issue you talked about is addressed in this piece of legislation. I suggest you read the bill before you debate.

I vote aye, obviously.

ACTING PRESIDENT MEIER: Senator Marcellino will be recorded in the affirmative.

The results have previously been announced. The bill is passed.

THE SECRETARY: Calendar Number 1726, by Senator Farley, Senate Print 7840, an act to amend the Banking Law, in relation to high-cost home loans.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the same date and in

the same manner as a chapter of the Laws of 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Paterson, to explain his vote.

SENATOR PATERSON: Mr. President, there's been a tremendous amount of work done on this, particularly by Senator Farley, who we should all be indebted to, and, on our side, our ranking member on Banking, Senator Santiago.

And this isn't going to be resolved today. The Assembly would have to come back and take a look at this chapter amendment. I just want to suggest a couple of changes.

Number one, the financing of points and fees, which is at 3 percent in the bill we passed earlier today, is raised to 5 percent in this bill. Consumer groups say that maybe raising it to 4 they could live with, but 5 is totally out of the question.

The other thing is that the statutory cap that's put on the recovery of

$15,000 to someone who is trying to pay back a loan, to put a cap on a recovery when the individual could have lost huge sums of money is almost putting it in the situation where the bean-counters recognize that you could still involve yourself in predatory lending, knowing that the recovery would only be capped. I strongly suggest that that be negotiated out for passage of the chapter amendment.

I vote no, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson will be recorded in the negative.

SENATOR FARLEY: If I may answer that, Senator Paterson, because I think there's -- that is not a $15,000 cap, that's a cap on the statutory damages. They can get all the actual damages they want that are there.

Number two, let me just speak about these fees. In upstate, in Schenectady, there's probably a thousand homes for sale under $100,000. And those fees, if they're that low, you will find that a broker cannot even enter into helping these people buy a

low-cost home.

I realize in Westchester, in Long Island, in the cities and so forth, multi-hundred-thousand-dollar homes are the usual. They're not in many smaller upstate places like in Buffalo and a few other places. There's a lot of homes, there are many homes under a hundred thousand dollars. And when you cap those fees at that low bit, it just excludes them from the market.

Many of these things in these chapter amendments are things -- in this chapter amendment are things that the Assembly really intended to do. Preemption: very, very important. We should have a standard.

It also does a number of things which are so critical. First, as Senator Santiago will tell you, in the hearing we heard home improvement contractors dealing with unlicensed lenders in instance after instance. What this does is take these unlicensed lenders and -- if they make less than five a year, they don't have to be licensed. This takes it down to two or three.

We also allow the Banking

Department to sue, beside class actions, to get in and protect against predatory lending at the outset.

Believe me, this chapter amendment is something again that the Assembly may be looking at. The only reason we attack those damages, Senator Paterson, is that the poor, the minorities, the young, those with less than perfect credit, I'm telling you right now, with those damages -- and we heard that in the hearing -- will be totally out of the credit market. Right out of the market. They will not be able to get credit.

And I think there's a reasonable set of damages here that we can put in. And I think this chapter amendment was meant not to be -- whether they passed it or not, I don't know. But I suspect the Assembly will be approaching this chapter amendment and trying to pass it, because it's really all for the consumer.

Predatory lending in the secondary subprime market does not happen upstate, I'll tell you that. It's basically all in New York City.

ACTING PRESIDENT MEIER: Senator Farley will be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you very much, Mr. President. Thanks for recognizing me over here also.

ACTING PRESIDENT MEIER: I would recognize you anywhere.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

ACTING PRESIDENT MEIER: If you don't mind, just suspend one second.

Senator Skelos.

SENATOR SKELOS: Well, I believe -- you can stay there, but I believe the rules of the Senate are that you have to, when you speak, be at your desk.

SENATOR LIZ KRUEGER: I'll be happy to go over there. Thank you, Senator. Pardon me.

Mr. President, to speak on the bill from my own chair. Thank you.

I think we passed a good bill earlier today. And while I understand Senator

Farley's concerns about some issues out there, and he thinks that the chapter amendment he's proposing now will address those, I would argue that we passed a bill, the Assembly has passed that bill, let's see how it works.

Let's see whether in fact the concerns you are raising as risks in the mortgage market turn out to be true, and then let's revisit the question after we discover whether in fact the bill we passed earlier today -- and hopefully the Governor will sign into law quickly -- addresses the problem without creating additional ones.

And I would urge that there is not an appropriate justification for a chapter amendment at this point in time that would actually reverse some of the things we actually just put into law a few hours ago with the original bill. So I will be voting no, with an open mind that if in fact the law we passed earlier, after it takes effect, results in some outcomes we did not anticipate that are not good for consumers, that we could revisit that down the line.

Thank you. Thank you, Mr.

President.

ACTING PRESIDENT MEIER: Senator Krueger will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1726 are Senators Andrews, Connor, Dollinger, Duane, Hassell-Thompson, Hevesi, L. Krueger, Montgomery, Onorato, Paterson, Schneiderman, A. Smith, and Stachowski. Ayes, 45. Nays, 13.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the calendar.

THE SECRETARY: In relation to Calendar Number 1726, also Senator Brown voting in the negative. Ayes, 44. Nays, 14.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR SKELOS: Mr. President,

on behalf of Senator Bruno, may we please recommit the calendar to the Committee on Rules.

ACTING PRESIDENT MEIER: So ordered.

SENATOR SKELOS: And there being no further business, I move we -- please recognize Senator Padavan.

SENATOR PADAVAN: Thank you, Senator.

May I be recorded in the negative on Senate Bill 7686A.

ACTING PRESIDENT MEIER: You have a calendar number, Senator?

SENATOR PADAVAN: Yeah, I think that's 1725.

ACTING PRESIDENT MEIER: Without objection, Senator Padavan will be recorded in the negative on Calendar 1725.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until the call of the Majority Leader, intervening days being legislative days.

ACTING PRESIDENT MEIER: On

motion, the Senate stands adjourned, upon the call of the Majority Leader. Intervening days will be legislative days.

(Whereupon, at 6:21 p.m., the Senate adjourned.)