NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 2, 2003

3:20 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 please come to order.

May 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, Friday, May 30, the Senate met pursuant to adjournment. The Journal of Thursday, May 29, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. We'd like to call an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

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

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 Wright.

SENATOR WRIGHT: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Trunzo, page number 10, Calendar Number 239, Senate Print Number 1371.

Sponsored by Senator Velella, page number 21, Calendar Number 523, Senate

Print Number 4377A.

Sponsored by Senator McGee, page 21, Calendar Number 527, Senate Print 2768.

Senator Alesi, page 25, Calendar Number 618, Senate Print 4420.

Senator Bonacic, page 32, Calendar 746, Senate Print Number 1126.

Senator Kuhl, page 34, Calendar Number 774, Senate Print Number 4720.

Senator Nozzolio, page 36, Calendar Number 799, Senate Print Number 1932.

Senator Johnson, page 42, Calendar Number 880, Senate Print Number 2476.

Senator Skelos, page number 47, Calendar Number 956, Senate Print 3343A.

Senator McGee, page 54, Calendar Number 414, Senate Print Number 2754.

Senator LaValle, page 51, Calendar Number 1008, Senate Print 808.

Senator Maziarz, page 44, Calendar Number 912, Senate Print Number 4872A.

Mr. President, I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bills will retain their place on the Third Reading Calendar.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. I understand that there's a privileged resolution by Senator Malcolm Smith at this desk. I ask that the title only be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title.

THE SECRETARY: By Senator M. Smith, Legislative Resolution Number 1944, commending Ted Bittle for his valiant military service during Operation Iraqi Freedom.

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 Kuhl.

SENATOR KUHL: Yes, Mr. President, we've just had an indication from Senator Smith that he would like to have that resolution opened up to the entire body.

And could we follow the same procedure relative to that.

ACTING PRESIDENT MEIER: Very well. The resolution is open to the entire body according to the usual procedure.

Senator Kuhl.

SENATOR KUHL: Would you recognize Senator Volker at this time for an introduction.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President, we have a distinguished individual here who is one of the most outstanding citizens of Ireland.

As the vice chairman of the American Irish Legislators, I'm very proud to be able to say that we have in our midst today the ambassador and consul general to New York for Ireland, who's right up in front there.

He has been one of the most distinguished citizens of Ireland and has been through many missions throughout the world, including London. He's here today to survey our legislative chambers. And we're so happy to have him here.

And I would like to say that we are honored to have you here. And if there's anything that we can do for Ireland, those of us that are of Irish descent would be happy to do that.

So congratulations, and thank you for coming. Eugene Hutchinson --

(Applause.)

SENATOR VOLKER: -- is the consul general of Ireland as well as the ambassador to New York.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Are there any substitutions at the desk?

ACTING PRESIDENT MEIER: Yes, there are.

SENATOR KUHL: Could we take up those substitutions at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 38, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 7211A and substitute it for the identical Senate Bill Number 4208, Third Reading Calendar 827.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President, could we now have the noncontroversial reading of the calendar.

ACTING PRESIDENT MEIER: Senator Kuhl, we have one motion. May we stay on motions and resolutions.

SENATOR KUHL: Let's take it up.

ACTING PRESIDENT MEIER: Senator Farley.

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

On behalf of Senator Maziarz, I wish to call up his bill, Print Number 565B, which was recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 765, by Senator Maziarz, Senate Print 565B, an act to amend the Real Property Law.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: Senator Farley.

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

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator Kuhl.

SENATOR KUHL: Noncontroversial reading of the calendar, please.

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

THE SECRETARY: Calendar Number

18, by Senator Skelos, Senate Print 277, an act to amend the Penal Law, in relation to failure to report a sexual assault of a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 232, by Senator Kuhl, Senate Print 2060, an act to amend the Education Law, in relation to home instruction.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 278, by Member of the Assembly Higgins, Assembly Print Number 5422A, an act to amend the Criminal Procedure Law, in relation to designating public safety officers.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 285, by Senator Larkin, Senate Print 1081, an act to amend the General Municipal Law, in relation to reconstituting the Town of New Windsor Industrial Development Agency.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator Seward, Senate Print 3312, an act to amend the Insurance Law, in relation to accounting of certain assets by certain insurers.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

416, by Senator Libous, Senate Print 3021, an act to amend the Highway Law, in relation to certain purchases by the Town of Colesville.

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 on the first of January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 425, by Senator Rath --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 450, by Member of the Assembly Galef, Assembly Print Number 6439, an act to amend the Criminal Procedure Law, in relation to designating watershed protection.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 518, by Senator Little, Senate Print 3383, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 5 of Article 8 of the Constitution.

ACTING PRESIDENT MEIER: Call the roll on the concurrent resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The resolution is adopted.

THE SECRETARY: Calendar Number 607, by Senator Rath, Senate Print 3567, an act to amend the Family Court Act, in relation

to suspended judgments.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 664, by Senator Marchi, Senate Print 3418, an act to amend the Not-for-Profit Corporation Law, in relation to authorizing the expenditure.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 672, by Senator Leibell, Senate Print 4838, an act to amend the Public Authorities Law, in relation to the special powers of the New York State Environmental Facilities Corporation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 782, by Senator Seward, Senate Print 3878A, an act to amend Chapter 650 of the Laws of 1998 amending the Insurance 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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 797, by Senator Maziarz, Senate Print 926A, an act to amend the General Municipal Law, in relation to allowing games of chance to be conducted on New Year's Eve.

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.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Padavan recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 800, by Senator Larkin, Senate Print 2128, an act to amend the Racing, Pari-Mutuel Wagering

and Breeding Law, in relation to allotting dates.

SENATOR MONTGOMERY: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 829, by Senator Velella, Senate Print 4569, an act to amend the Workers' Compensation Law, in relation to the presumption of certain diseases.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 830, by Senator Velella, Senate Print 4570, an act to amend the Workers' Compensation Law, in relation to the presumption of certain diseases contracted by security hospital treatment assistants.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 857, by Senator Saland, Senate Print 2793, an act to amend the State Finance Law, in relation to providing.

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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 869, by Senator Volker, Senate Print 426, an act to amend the Vehicle and Traffic Law, in relation to aggravated unlicensed operation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 879, by Senator Fuschillo, Senate Print 2333, an act to amend the Vehicle and Traffic Law, in relation to criminal history checks.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 902, by Senator Velella, Senate Print 3132, an act to amend the Criminal Procedure Law, in relation to extending certain powers granted.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 933, by Senator LaValle, Senate Print 4516, an act to amend Chapter 453 of the Laws of 2000 amending the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT MEIER: 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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 971, by Member of the Assembly Magee, Assembly Print Number 1812A, an act to amend the General Municipal Law, in relation to enhancing ambulance mutual aid.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator McGee, Senate Print 2771, an act to amend the General Municipal Law, in relation to intermunicipal cooperative agreements.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 979, by Senator Saland, Senate Print 2964, an

act to amend the Real Property Tax Law, in relation to providing a tax exemption.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 988, by Senator Marcellino, Senate Print 3877A, an act to establish the Brookville Library Funding District.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 990, by Senator Golden, Senate Print 3968, an act to amend Chapter 680 of the Laws of 1996, amending the General Municipal Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 992, by Senator Wright, Senate Print 4062, an act to amend --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 998, by Senator Flanagan, Senate Print 4578, an act to amend the Village Law, the Town Law,

the General City Law, and the Not-for-Profit Corporation Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR KUHL: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1000, by Senator Little, Senate Print 4925, an act to amend the Local Finance Law, in relation to statutory installment bonds.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Larkin, Senate Print 1968A, an act to amend the Economic Development Law,

in relation to promoting --

SENATOR LIZ KRUEGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1005, by Senator Kuhl, Senate Print 2734, an act to amend the Alcoholic Beverage Control Law, in relation to licensed wineries and farm wineries.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1006, by Senator Saland, Senate Print 3613, an act to amend the Alcoholic Beverage Control Law, in relation to authorizing the granting of liquor licenses.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1007, by Senator Flanagan, Senate Print 4075, an act to amend the State Administrative Procedure Act, in relation to the comment period for proposed rules.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1022, by Senator Libous, Senate Print 3614, an act to amend the Mental Hygiene Law and the Executive Law, in relation to requiring providers.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1026, by Senator Alesi, Senate Print 2960, an act to amend the General Municipal Law, in relation to raising certain limitations.

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

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR KUHL: Thank you, Mr. President. Could you recognize Senator

Marcellino.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. I'd like unanimous consent to be recorded in the negative on Calendar Number 800.

ACTING PRESIDENT MEIER: Without objection, Senator Marcellino will be recorded in the negative on Calendar 800.

Oh, that -- Senator Marcellino, that bill was laid aside.

SENATOR MARCELLINO: I'm sorry, Mr. President, I misspoke. 797.

ACTING PRESIDENT MEIER: Without objection, Senator Marcellino will be recorded in the negative on Calendar 797.

Senator Kuhl.

SENATOR KUHL: Can we get a little order in the house first, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President. I'd like unanimous consent to be

recorded in the negative on Calendar Numbers 278 and 285, if they were called while I was in Rules.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendars 278 and 285.

SENATOR DUANE: Thank you.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President, may we now return to the order of motions and resolutions.

This house previously adopted Resolution Number 1217, a privileged resolution by Senator Farley. Could we ask that the resolution be read in its entirety and then recognize Senator Farley to speak on the resolution.

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read Resolution 1217.

THE SECRETARY: By Senator Farley, Legislative Resolution Number 1217, honoring Wilfred Kraft for his many years of

dedicated service to the Village of St. Johnsville.

"WHEREAS, The State of New York takes great pride in acknowledging significant milestones in the distinguished careers of its esteemed public servants; and

"WHEREAS, Wilfred Kraft retired as mayor of the Village of St. Johnsville on April 7, 2003; and

"WHEREAS, Wilfred began his service to the village as a firefighter on January 31, 1941. He still serves as chaplain and fire police; and

"WHEREAS, He served his country with honor in the United States Army Air Force from March of 1942 until March of 1946; and

"WHEREAS, Wilfred was elected trustee in April of 1952. He began his first tenure as mayor in April of 1953, and served until April of 1965; and

"WHEREAS, Wilfred returned to the mayor's office in April of 1969 and served another 18 years. In 1991, Wilfred Kraft was once again elected village trustee and served until April of 1999. In 1999, Wilfred again

became mayor, a position he held until his retirement in 2003; and

"WHEREAS, After his retirement he was appointed trustee and deputy mayor by Mayor James Kierzinski; and

"WHEREAS, Wilfred has also served on the Community Development Agency Board. He is a dedicated member of the Masonic Lodge Number 611, VFW Post Number 03275, and American Legion Post Number 168; and

"WHEREAS, His expertise, dedication and enthusiasm are tremendous assets to the Village of St. Johnsville and an enormous inspiration to his colleagues; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to recognize Wilfred Kraft for his many years of dedicated service to the Village of St. Johnsville; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Wilfred Kraft."

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you very much, Mr. President.

We have a unique young man up there in the gallery in Mayor Wilfred Kraft. Let me just say something.

This is a fellow that's the longest-serving mayor in the state of New York -- 34 years. And believe it or not, he has been a volunteer fireman for 64 years.

He's not only my friend, but he's retired as mayor, but he's serving as trustee, village trustee and deputy mayor under our new mayor, who is also there with him, Mayor James Kierzinski from St. Johnsville.

This is a really a remarkable fellow that I've marched in parades with over the years. He's still in great shape.

And what an honor it is to have you here in the Senate, Wilfred. He's been honored by the New York State Assembly just prior to this. But I'll tell you, we're honored to have you here today.

And on behalf of the New York State Senate, Mr. President, I wish you would welcome him and also Mayor Kierzinski, who is

with him in the gallery.

Thank you very much.

ACTING PRESIDENT MEIER: The resolution was previously adopted.

Mayor, we welcome you and give you the best wishes of the New York State Senate.

(Applause.)

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. As long as we're on motions and resolutions, I understand there's a report of the Rules Committee at the desk. I'd ask the Secretary to read it at this time.

ACTING PRESIDENT MEIER: The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills direct to third reading:

Senate Print 417, by Senator Bonacic, an act to amend the Vehicle and Traffic Law;

701, by Senator Wright, an act to amend the Public Authorities Law;

988, by Senator Leibell, an act authorizing the Pawling Central School District;

1013, by Senator Kuhl, an act to amend the Education Law;

1053, by Senator Fuschillo, an act to authorize the Long Island Progressive Baptist Association;

1165, by Senator Stachowski, an act to amend the Penal Law;

1185, by Senator Larkin, an act to amend the General Municipal Law;

1502A, by Senator Trunzo, an act to amend the General Municipal Law;

1505, by Senator Golden, an act to amend the Vehicle and Traffic Law;

1793, by Senator LaValle, an act to amend the Real Property Actions and Proceedings Law;

1922, by Senator Spano, an act authorizing the Village of Pleasantville;

2057, by Senator Flanagan, an act to authorize the State University of New York;

2099, by Senator Marcellino, an act to amend the General Business Law;

2244, by Senator Kuhl, an act to amend the County Law;

2309, by Senator Kuhl, an act to amend the General Municipal Law;

2526, by Senator Trunzo, an act in relation to requiring;

And Senate Print 2575, by Senator Skelos, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Move to adopt the report of the Rules Committee.

ACTING PRESIDENT MEIER: All 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 Kuhl.

SENATOR KUHL: Mr. President,

could we now go to the controversial reading of the calendar. And could you start with Calendar Number 992, by Senator Wright, and then start at the beginning of the controversial reading and continue straight forward thereafter.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar, beginning with Calendar 992 and then in regular order.

THE SECRETARY: Calendar Number 992, by Senator Wright, Senate Print 4062, an act to amend the General Municipal Law, in relation to extending the benefits.

SENATOR MONTGOMERY: Explanation, please.

ACTING PRESIDENT MEIER: Senator Wright, Senator Montgomery has requested an explanation of Calendar 992.

SENATOR WRIGHT: Thank you, Mr. President.

We're amending the General Municipal Law to include the agricultural cooperatives as eligible firms under the New York State Empire Zone program.

SENATOR MONTGOMERY: Thank you.

Mr. President, I believe that Senator Krueger -- we're trying to locate her -- had a question for Senator Wright on this bill.

Explanation satisfactory, Mr. President.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 425, by Senator Rath, Senate Print 3571, an act to amend the Social Services Law, in relation to conditional surrenders of children.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MEIER: Senator Rath, Senator Montgomery has requested an explanation of Calendar 425.

SENATOR RATH: Mr. President, Senator Montgomery, this bill was introduced at the request of the chief administrative judge upon the recommendation of the Family Court Advisory and Rules Committee. And it makes a correction to Chapter 76 of the Laws of 2002 regarding conditional surrender of children.

And the bill is simply clarifying that if an authorized agency has already fully investigated the designated individual, it's not required to duplicate this full investigation.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Explanation satisfactory.

ACTING PRESIDENT MEIER: 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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 800, by Senator Larkin, Senate Print 2128 --

SENATOR KUHL: Lay it aside temporarily.

THE SECRETARY: Calendar Number 829, by Senator Velella, Senate Print 4569, an act to amend the Workers' Compensation Law, in relation to the presumption of certain diseases contracted.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MEIER: Senator Velella, Senator Montgomery has requested an explanation of Calendar 829.

SENATOR VELELLA: Yes, this bill and the one that follows it provide for a

presumption in law for safety and security officers in the Office of Mental Hygiene. And the next one provides for security hospital treatment assistants.

And this presumption is provided under the Workers' Compensation Law, to presume that an injury which is received by a worker who is exposed to the blood or bodily fluid of another individual while in the course of performing their duties who are subsequently designated or diagnosed with a bloodborne disease would be covered by the Workers' Compensation Law.

It is the same exact provision that we make for correction officers. And this would now apply to these two types of Department of Mental Hygiene employees who deal with transporting people who may be sick and in the course of transporting them may be exposed to these dangerous bodily fluids.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Senator Velella. I just -- I know there were some questions regarding why we are doing

this. I understand now. Your explanation is very satisfactory.

Thank you, Mr. President.

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, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

This bill provides for two categories of workers to receive a 75 percent pension if that person is injured in the course of his or her duties.

And I am very grateful to Senator Velella for putting forward such an enlightened pair of bills on this, as he did last year with local corrections officers. This type of bill does not send a message which, sadly, we had seen in some previous bills, that you could get, for instance, HIV

by just getting into contact with a person who's infected with HIV, but in fact has precautions and safeguards to make sure that that kind of message is not being sent to people.

So I am voting in favor of these two, and I'm also hopeful that future bloodborne-disease presumption bills will include similar language which does not perpetuate stereotypes and at the same time provides needed protections for workers to make sure that they can survive despite having a debilitating disease, with enough money and benefits.

Thank you, Mr. President. I'm voting yes on both.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 830, by Senator Velella, Senate Print 4570, an act to amend the Workers' Compensation Law, in

relation to the presumption of certain diseases.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 879, by Senator Fuschillo, Senate Print 2333, an act to amend the Vehicle and Traffic Law, in relation to criminal history checks.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MEIER: Senator Fuschillo, Senator Montgomery has requested an explanation of Calendar 879.

SENATOR FUSCHILLO: Thank you, Mr. President.

This bill has come up before in this house, and I vow to Senator Montgomery that I will not give up on this bill until the

Assembly takes it upon themselves. It would require mandatory criminal background checks for school bus attendants.

Current state law, as stated in previous debates on this floor, require criminal background checks for school bus drivers. And it's been very successful. There have been more than 1,000 disqualifications of school bus drivers, applicants in the State of New York, for various reasons.

As you know, the Laws of 2000 in New York State require criminal background checks now for all school employees. As an added level of safety for the children who ride on the school buses, I again will continue to move forward with this legislation until the Assembly does it.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. I'd like to ask a couple of questions of the sponsor.

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

SENATOR FUSCHILLO: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Yes. Senator Fuschillo, what is the average salary of a school bus attendant? Is it minimum wage, approximately, around there?

SENATOR FUSCHILLO: Yeah, on an hourly basis. Yes.

SENATOR MONTGOMERY: All right. Senator Fuschillo, I'm just wondering of the school bus attendants that are now employed by districts across the state, do you have any idea of how many of them currently are -- possibly would lose their jobs if they were fingerprinted?

You indicate in your memo that it's been successful and that nearly 1,000 applicants were disqualified. Is that New York State, or does that mirror what would possibly happen in New York State?

SENATOR FUSCHILLO: I don't know. And I think that's pretty hard to determine unless you check the criminal background check of every current school bus attendant that is

employed right now.

There are approximately 2,500 school bus attendants currently employed in New York State. And the only way to answer your question would -- either we'd have to do criminal background checks on all of them.

It's currently permissive, but the bill would make it mandatory.

SENATOR MONTGOMERY: Another question, through you, Mr. President.

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

SENATOR FUSCHILLO: Yes, I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR MONTGOMERY: Senator, depending on what the background check yields, do you have any areas where you would consider that the hiring -- the district or the company could waive the regulations, could hire a person even though something may appear on their record?

What are the areas? Or if there's any misdemeanor or anything that appears on a person's record counts against that person and

therefore that person can't be hired? Or do you have some standard, some areas that you would not consider to eliminate that person from being able to work?

SENATOR FUSCHILLO: Mr. President, through you. Senator Montgomery, like the criminal background checks that are required for school bus drivers, that would be up to the discretion of the individual school boards.

We are not setting minimums or maximums with respect to what we feel as a legislative body would be a disqualification, but rather leave it to the individual school board.

SENATOR MONTGOMERY: But -- through you, Mr. President, I believe that you make it a misdemeanor, is that what -- it says "failure to comply with provisions shall be punishable by a civil penalty not to exceed $500 for each infraction."

So anyone who does not comply with your law stands a chance of having to pay a $500 civil penalty.

SENATOR FUSCHILLO: That's

correct.

SENATOR MONTGOMERY: So chances are they won't take any chances on hiring a person based on the fact that they may have to pay if there is some mistake, I would imagine.

SENATOR FUSCHILLO: I didn't hear your question.

SENATOR MONTGOMERY: So it's --

SENATOR FUSCHILLO: Was that a statement or a question?

SENATOR MONTGOMERY: Well, it's a question. Is it not true, do you not think that it would be very unlikely that a person would hire someone, even though it may not -- it may meet their standards, but since it may not meet the letter of this law, they would not take a chance, do you think?

SENATOR FUSCHILLO: Well, the noncompliance is for them not to do it.

Senator Montgomery, this is in conformity with what we've already passed here in the state where we require checks for all school employees, we require checks for all school bus drivers. This is just adding another level of protection to the children

that ride on the bus and nothing more.

And if a school board or an administrator -- I'll wait till you finish. If a school board or an administrator or a business official makes a determination that this applicant may pose a child in an unsafe manner, then so be it.

But it's just another level of protection for somebody who is probably in closer contact than a school bus driver to a child who's on the bus. Nothing else. Just adding greater protection.

SENATOR MONTGOMERY: Thank you.

Just one last question.

ACTING PRESIDENT MEIER: Senator Fuschillo, do you yield for another question?

SENATOR FUSCHILLO: Mr. President, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Thank you.

Senator Fuschillo, so essentially there's no specific criteria that one has to meet as it relates to the background check, the fingerprinting?

SENATOR FUSCHILLO: Just the background check of the history of the employee, prospective employee.

SENATOR MONTGOMERY: Thank you.

Just briefly on the bill.

ACTING PRESIDENT MEIER: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes, I certainly understand Senator Fuschillo's wish to provide the maximum protection for children.

However, we already require the fingerprinting background check for the bus driver. And in this case in particular, we're talking about minimum wage, a minimum-wage job that is essentially part-time.

And so it's going to be what -- my assumption is that we would eliminate a very large number of people who might have some infraction, some -- something on their record.

Senator Fuschillo does not have any criteria, any standard. It's just that you -- if you don't pass the background check, you don't get hired. And if you are hired, it's at the risk of the employer having to pay a

$500 fine because he or she may have overstepped the law, even though that employer's judgment has been that this person, though, does not fully meet the background check, is employable.

It really is, I think, overreaching. And we do not need to have this particular category of employers have to meet that scrutiny since we already have that bus driver on every bus already goes through the background check.

So I'm going to vote no on this legislation.

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. If the sponsor would yield for an additional question.

ACTING PRESIDENT MEIER: Senator Fuschillo, do you yield?

SENATOR FUSCHILLO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: Senator Fuschillo, it occurs to me, based on my

knowledge, that this is already the practice in the largest school district in the state, the City of New York, is it not?

SENATOR FUSCHILLO: Senator Sabini, yes.

SENATOR SABINI: All right. And at the cost to -- within the city complies with your bill. In other words, the applicant must pay the cost rather than the owner of the bus service.

SENATOR FUSCHILLO: Right.

SENATOR SABINI: Right, okay. Thank you.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT MEIER: Does any other Senator wish to be heard?

Debate is closed.

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, 59. Nays, 2. Senators Duane and Montgomery recorded in

the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Can we go back to Calendar Number 800, by Senator Larkin, which we temporarily laid aside, and then continue in regular order.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 800.

THE SECRETARY: Calendar Number 800, by Senator Larkin, Senate Print 2128, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to allotting dates.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MEIER: Senator Larkin, Senator Schneiderman has requested an explanation of Calendar 800.

SENATOR LARKIN: Yes, Mr. President. This is a bill that we passed last year. All it does is amends the Racing and Wagering Law, as requested by the Racing and

Wagering Board, to include Palm Sunday as a date in which these races can occur. It doesn't say they must occur.

Right now the three dates that they don't do anything on is Easter, Christmas, and Palm Sunday. And they believe in certain areas they would like to have Palm Sunday.

But this is strictly up to the track. We're not telling them, you must have it. It's a decision by the Racing Board that they will determine on their days if they will race on Palm Sunday.

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: Those recorded in the negative on Calendar Number 800 are Senators Fuschillo, Golden, Hassell-Thompson, LaValle, Maltese, Marcellino, Montgomery, Morahan, Onorato, Padavan, Seward, and Trunzo. Ayes, 49. Nays, 12.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Larkin, Senate Print 1968A, an act to amend the Economic Development Law, in relation to promoting.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MEIER: Senator Larkin, Senator Liz Krueger has requested an explanation of Calendar Number 1004.

SENATOR LARKIN: Senator Krueger, this bill basically is a simple bill of saying we want to be able to have an equal opportunity.

For example, you can borrow money today for working capital and -- but when you start to mix the manufacturing side of it to the fruit side of it, it becomes an issue.

We passed this bill last year, I think it was unanimous last year.

And the agriculture industry says, you know, that's fine, we can go out and we can gather funding and we can buy a building. But then when we go to go to the product, we

don't have it. And each year it gets more expensive and more expensive.

And the industry, not only in my district but throughout the states, are saying somehow or other there has to be a comparison for us.

And this proposal came from the agriculture industry, came from the fruit distribution centers. And, in sum, it's to help them eliminate a cash-flow problem.

You know, what they say is that borrowing to build the orchards, vineyards and that are fine. But they say let's remember that if we can't buy the New York fruit to make the final product for sale, then why do we needed the manufacturing end of it.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would yield for one question, Mr. President.

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

SENATOR LARKIN: One last question, yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Larkin, I don't know that I object to the bill. I was just curious, what are the standards by which we decide that we're going to expand the eligibility criteria for state loans and grants such as this bill would do for the wine industry?

Is there some historical pattern where we had one set of rules for the UDC and then we just keep expanding it forever? Are there specific criteria that are used?

SENATOR LARKIN: Well, you know, first of all, they have to come up with a managed plan, a financial plan and a marketing plan. And they then they go to the UDC and -- as other industries do. And then it's determined if it's a valid plan and how do we make it work.

A lot of these farms have, in the past 10, 15 years, have been just mowed down to nothing, and they're now developments. But yet we have, in many parts of the state -- Senator Kuhl's, mine, Senator Wright's -- we

have many, many areas that are in this category.

And what we're saying is that we are going to assist them in their marketing. This is New York products we're talking about. It isn't taking the fruit out of New Jersey, Massachusetts, Pennsylvania. We're talking about a combined effort of manufacturing and fruit, putting them together and having a product we can sell.

SENATOR LIZ KRUEGER: Thank you.

Thank you, Mr. President.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Maltese, why do you rise?

SENATOR MALTESE: Mr. President, may I ask unanimous consent to be recorded in

the negative on Calendar Number 797.

ACTING PRESIDENT MEIER: Without objection, Senator Maltese will be recorded in the negative on Calendar 797.

Senator Krueger, why do you rise?

SENATOR LIZ KRUEGER: I would also like unanimous consent to be voted in the negative on Calendar 992, Senate 4062.

ACTING PRESIDENT MEIER: Without objection, Senator Liz Krueger will be recorded in the negative on Calendar 992.

Senator Morahan.

SENATOR MORAHAN: Mr. President, I'd like to be recorded in the negative on Calendar 797.

ACTING PRESIDENT MEIER: Without objection, Senator Morahan will be recorded in the negative on Calendar 797.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President. I would also like unanimous consent to be recorded in the negative on Calendar Number 800 and Calendar Number 1026.

ACTING PRESIDENT MEIER: Without

objection, Senator Maziarz will be recorded in the negative on Calendar 800 and Calendar 1026.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. If I too could be recorded in the negative on Calendar Number 800 as well.

ACTING PRESIDENT MEIER: Without objection, Senator Robach will be recorded in the negative on Calendar 800.

Senator Balboni.

SENATOR BALBONI: Yes, Mr. President, I'd like permission to be recorded in the negative on Calendar 800.

ACTING PRESIDENT MEIER: Without objection, Senator Balboni will be recorded in the negative on Calendar 800.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, I request unanimous consent to record the Minority Leader, Senator Paterson, in the negative on Calendar 800.

ACTING PRESIDENT MEIER: Without objection, the Minority Leader, Senator Paterson, will be recorded in the negative on

Calendar 800.

Senators are reminded that on fast roll calls you should be in the chamber if you want to vote no on a bill.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1005, by Senator Kuhl, Senate Print 2734, an act to amend the Alcoholic Beverage Control Law, in relation to licensed wineries.

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 Schneiderman.

SENATOR SCHNEIDERMAN: Yes, thank you, Mr. President. Briefly on the bill. I just wanted to clarify that --

ACTING PRESIDENT MEIER: Well, Senator, let's withdraw the roll call, then, if you want to be heard on the bill.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

ACTING PRESIDENT MEIER: The roll call is withdrawn.

Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I just wanted to clarify for some of my colleagues. Some of us have voted in the negative on this in the past.

Because of the change in the laws permitting the sale of liquor on Sunday, the objections that were raised in previous years really are moot. I intend to vote for the bill. And I think that all of the debate in perceive years was focused on that issue.

I think the issue of liquor sales on Sunday has been resolved. And, unlike Senator Balboni, it's essentially a throw-away. So there really is no more reason to vote.

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: Those recorded in the negative on Calendar Number 1005 are Senators Duane, Hassell-Thompson, and Onorato. Ayes, 58. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1022, by Senator Libous, Senate Print 3614, an act to amend the Mental Hygiene Law and the Executive Law.

SENATOR KUHL: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

Senator Kuhl, that completes the controversial reading of the calendar.

SENATOR KUHL: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: Senator Flanagan is asking to be recognized.

Senator Flanagan.

SENATOR FLANAGAN: Mr. President, thank you. I would ask for unanimous consent

to be recorded in the negative on Calendar Number 800.

ACTING PRESIDENT MEIER: Without objection, Senator Flanagan will be recorded in the negative on Calendar 800.

Senator Morahan.

SENATOR MORAHAN: Mr. President, on page 49 I offer the following amendments to Calendar 985, Senate Print Number 3707A, and ask that said bill retain its place on Third Reading Calendar. On behalf of Senator Larkin.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR MORAHAN: On behalf of Senator LaValle, on page 13 I offer the following amendments to Calendar 328, Senate Print Number 3165A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR MORAHAN: On behalf of Senator LaValle, Mr. President, on page 48 I offer the following amendments to Calendar 968, Senate Bill 1664B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the order of third reading.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. There being no further business to come before the Senate today, I move to stand adjourned until tomorrow, Tuesday, June 3rd, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, June the 3rd, at 3:00 p.m.

(Whereupon, at 4:15 p.m., the Senate adjourned.)