NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 11, 2003

3:06 p.m.

REGULAR SESSION

SENATOR THOMAS P. MORAHAN, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MORAHAN: The Senate will please come to order.

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

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

ACTING PRESIDENT MORAHAN: In the absence of clergy, I ask all to bow their heads in a moment of silence.

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

ACTING PRESIDENT MORAHAN: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 10, the Senate met pursuant to adjournment. The Journal of Monday, June 9, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MORAHAN: 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 Seward.

Senator Wright, I'm sorry.

SENATOR WRIGHT: I'm the shorter one.

(Laughter.)

SENATOR WRIGHT: Thank you, Mr. President.

On behalf of Senator Leibell, on page number 26 I offer the following amendments Calendar Number 669, Senate Print Number 4716A, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR WRIGHT: Thank you, Mr. President.

On behalf of Senator Bonacic, on

page number 30 I offer the following amendments to Calendar Number 747, Senate Print Number 1127, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR WRIGHT: And again, Mr. President, on behalf of Senator Bonacic, on page number 30 I offer the following amendments to Calendar Number 748, Senate Print Number 1398, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Skelos, I wish to call up Bill Print Number 553, recalled

from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 215, by Senator Skelos, Senate Print 553, an act to amend the Insurance Law.

SENATOR BONACIC: I will now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

ACTING PRESIDENT MORAHAN: The amendments are received and adopted.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Nozzolio, I wish to call up Bill Print Number 3881A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 1137, by Senator Nozzolio, Senate Print 3881A, an act to authorize the City of Geneva.

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

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

ACTING PRESIDENT MORAHAN: The amendments are received.

Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator Velella, I wish to call up his bill, Senate Print Number 4123, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The

Secretary will read.

THE SECRETARY: Calendar Number 691, by Senator Velella, Senate Print 4123, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MORAHAN: Senator Meier.

SENATOR MEIER: 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 MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: Senator Meier.

SENATOR MEIER: Mr. President, I now move that the Senate bill have its third reading at this time.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 691, by Senator Velella, Senate Print 4123, an

act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Are there any substitutions at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is, Senator.

SENATOR SKELOS: If we could make them at this time.

ACTING PRESIDENT MORAHAN: The

Secretary will read.

THE SECRETARY: On page 50, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 1852 and substitute it for the identical Senate Bill Number 922, Third Reading Calendar 1158.

On page 50, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 4344 and substitute it for the identical Senate Bill Number 2046, Third Reading Calendar 1161.

On page 51, Senator Mendez moves to discharge, from the Committee on Rules, Assembly Bill Number 6409 and substitute it for the identical Senate Bill Number 3353, Third Reading Calendar 1165.

On page 52, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 5150A and substitute it for the identical Senate Bill Number 4131A, Third Reading Calendar 1174.

And on page 52, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 8363 and substitute it for the identical Senate Bill

Number 4928, Third Reading Calendar 1177.

ACTING PRESIDENT MORAHAN: The substitutions are ordered.

Senator Skelos.

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

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution at the desk by Senators Seward and Hoffmann. Could we have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senators Seward and Hoffmann, Legislative Resolution Number 2200, honoring the Odyssey of the Mind Team of Sherburne-Earlville Central School upon the occasion of capturing first place at the World Finals at Iowa State University in

Ames, Iowa.

"WHEREAS, It is the intent of this Legislative Body to commend and pay tribute to those individuals who, by achieving outstanding success in scholastic competition, have inspired and brought pride to our state and nation; and

"WHEREAS, Excellence in scholastic competitions can be realized only through strenuous practice, honed skills, and a determination to succeed; and

"WHEREAS, The members of the Sherburne-Earlville Odyssey of the Mind program achieved that success when they captured first place at the Odyssey of the Mind World Finals, held at Iowa State University in Ames, Iowa; and

"WHEREAS, The members of the Sherburne-Earlville Odyssey of the Mind Team included Kaitlin Carey, Lucy Clippinger, Anna Fagan, Sasha Hoff, Bryan McCracken, Laura Murphy, and Christina Pfohl. The team's coach was Heather Pfohl, and the coordinator was Jonathan Sherry; and

"WHEREAS, This year, competing

teams needed to choose one of five problems to solve. Moreover, teams needed to solve a problem in the Spontaneous section of the competition. During Spontaneous, teams must solve a problem which they have never seen before in a very limited amount of time; and

"WHEREAS, The Sherburne-Earlville Odyssey Team competed in 'Put a Spin on It.' This problem was to creatively interpret a manmade achievement from a given list, such as The Great Wall of China, the Easter Island statues, the Taj Mahal, and Stonehenge; and

"WHEREAS, Through this performance, they needed to create an evolution from the team-created reason to the commonly accepted belief of today, called the 'Spin Session.' They also needed to create an original poem which summarized the performance; and

"WHEREAS, During the performance, the team had to create a prop which changed in appearance. In addition to being scored on the performance, the team gained points from their participation in Spontaneous; and

"WHEREAS, The Odyssey of the Mind program instills cooperative team building and

inspires undeniable creativity. When mixed with drive, intelligence, and the ability to embrace enthusiasm, a world champion is the result; and

"WHEREAS, As outstanding role models for their classmates at Sherburne-Earlville Central School, the Odyssey of the Mind team brought honor to their families, coaches, and the school community, as well as to the State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate and pay tribute to the members of the Sherburne-Earlville Odyssey of the Mind team; its coach, Heather Pfohl; its coordinator, Jonathan Sherry; its sponsors and its supporters on their achieving first place and for bringing acclaim, honor, and great pride to the people of the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the aforementioned Odyssey of the Mind team, their coach and coordinator."

ACTING PRESIDENT MORAHAN: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I'm very, very proud to stand in support of the resolution that has just been read honoring the Odyssey of the Mind team from the Sherburne-Earlville Central School, which is a relatively small school district that borders Chenango and Madison counties in Central New York.

Those of you that may not be familiar with the Odyssey of the Mind, it's a very, very stiff competition. It helps to foster problem solving, team building, creativity. It requires of the team members to have a great deal of drive, intelligence, enthusiasm. It's a wonderful exercise.

And the fact that from upstate, a small, rural area, we have the world finals team, the world champions, I think it's something that speaks very, very well for our state.

And so I stand to congratulate the Sherburne-Earlville Odyssey of the Mind team

for their outstanding work in capturing this very prestigious title. They have brought honor to their school, to our state, and our nation. And it's certainly no small feat when you think of what they had to do to win.

So my hat is off to this very talented and bright group of students as well as their coach, Heather Pfohl, and their coordinator, Jonathan Sherry, all of which are joining us in the gallery behind me.

And when we think about the accomplishments of this outstanding group of students and we think about the future of New York State being in their hands, I think we can all agree that the future is very, very bright indeed, just as bright as they are.

So, Mr. President, I'm delighted to stand in support of this resolution. I urge all my colleagues to support it.

ACTING PRESIDENT MORAHAN: Thank you, Senator Seward.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN:

Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, if you would, on behalf of the Senate, acknowledge the group that is here today, as the president of the Senate, for us all.

ACTING PRESIDENT MORAHAN: The Senate recognizes the Odyssey of the Mind team of the Sherburne-Earlville Central School upon this occasion. Welcome to our chambers, and have a safe trip home. A job well done.

Thank you.

(Applause.)

SENATOR MARCELLINO: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Marcellino.

SENATOR MARCELLINO: Could we now return to motions and resolutions. I believe you have a couple of motions.

ACTING PRESIDENT MORAHAN:

Senator Bonacic.

SENATOR BONACIC: Mr. President, I wish to call up Calendar Number 572, Assembly Print Number 6988.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 572, by Member of the Assembly DiNapoli, Assembly Print Number 6988, an act creating the New York State invasive species task force.

ACTING PRESIDENT MORAHAN: Senator Bonacic.

SENATOR BONACIC: I'll now move to reconsider the vote by which the Assembly bill was substituted for Senate Print Number 3522 on April 30, 2003.

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

SENATOR BONACIC: I now move that Assembly Bill Number 6988 be committed to the Committee on Rules and the Senate bill be

restored to the order of the Third Reading Calendar.

ACTING PRESIDENT MORAHAN: So ordered.

SENATOR BONACIC: And on behalf of Senator Marcellino, we would now offer the following amendments, Mr. President.

ACTING PRESIDENT MORAHAN: The amendments are received and adopted.

Senator Bonacic. You're a busy guy.

SENATOR BONACIC: Mr. President, on page number 34 I offer the following amendments, on behalf of Senator Marcellino, to Calendar Number 814, Senate Print Number 896, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we have the reading of the noncontroversial calendar now.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 473, by Senator LaValle, Senate Print 2063A, an act to amend the Real Property Tax Law and others, in relation to a separate assessment.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 610, by Senator Rath, Senate Print 3572, an act to amend the Domestic Relations Law and the Family Court Act, in relation to child support obligation.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 819, by Senator Hannon --

SENATOR MARCELLINO: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 845, by Senator Wright, Senate Print 1065, an act to amend the Education Law, in relation to the eligibility of military personnel.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 957, by Senator Little, Senate Print 3365A, an act to amend the Tax Law, in relation to authorizing the County of Warren.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1068, by the Assembly Committee on Rules,

Assembly Print Number 7972, an act to amend Chapter 505 of the Laws of 1985.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1081, by Senator Rath, Senate Print 4984, an act to amend the Social Services Law, in relation to evidence in termination.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1087, by Member of the Assembly Weisenberg, Assembly Print Number 1466B, an act to amend the Vehicle and Traffic Law, in relation to enacting Adam's Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1116, by Senator Maziarz, Senate Print --

SENATOR SCHNEIDERMAN: Lay it

aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 1158, substituted earlier today by Member of the Assembly Thiele, Assembly Print Number 1852, an act to amend the Criminal Procedure Law, in relation to granting.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1159, by Senator Kuhl, Senate Print 1467, an act to amend the Alcoholic Beverage Control Law and the Vehicle and Traffic Law, in relation to the imposition.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1160, by Senator Maltese, Senate Print 1776, an act authorizing the City of New York to reconvey its interest.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1161, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 4344, an act to amend Chapter 201 of the Laws of 2001 amending the Real Property Tax Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1162, by Senator Volker, Senate Print 2945, an

act to amend the Criminal Procedure Law, in relation to the receiving of business records.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1163, by Senator Larkin, Senate Print 3278, an act to authorize Deputy Sheriff Hadeer Omar of the Ulster County Sheriff's Department.

ACTING PRESIDENT MORAHAN: 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 MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Brown, Senate Print 3326B, an act to amend the Highway Law.

SENATOR MARCELLINO: The bill is high, Mr. President. Please lay it aside.

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

THE SECRETARY: Calendar Number 1165, substituted earlier today by Member of the Assembly Clark, Assembly Print Number 6409, an act in relation to authorizing the Department of Transportation.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1166, by Senator Kuhl, Senate Print 3414A, an act to amend the Correction Law, in relation to authorizing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1167, by Senator Johnson, Senate Print 3782A, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1168, by Senator Spano, Senate Print 3874, an act to amend Chapter 674 of the Laws of 1993, amending the Public Buildings Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1169, by Senator Bonacic, Senate Print 3986, an act authorizing the Town of Ulster, in the County of Ulster.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1170, by Senator Balboni, Senate Print 4021, an act to amend the Tax Law, in relation to extending.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1171, by Senator Saland, Senate Print 4023A, an act to amend the Education Law, in relation to prohibiting.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of September.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 52. Nays,

2. Senator Duane --

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

SENATOR DUANE: Thank you, Mr. President.

I'm voting in opposition to this bill, and I'm hoping my colleagues will as well.

This bill is a shadow of another bill, my Dignity for All Students Act. And this bill, while well-intentioned, does not really protect children in our schools. One glaring omission is that gender identity and gender expression is not covered in the legislation.

There's also no mandate that dignity and respect for everyone, regardless of race, religion, ethnicity, sexual orientation, gender, gender identity, or expression -- there's no way to make sure that in each and every school in New York State the message will get through that everyone needs to be respected.

So I'm urging my colleagues to vote no, to hold out until we see the Dignity for

All Students Act come to the floor of this chamber. Only then will we really be able to assure the dignity and safety of all students, teachers, and members of the school community and family in this state.

I'm voting no, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Announce the results.

THE SECRETARY: Ayes, 55.

Nays --

ACTING PRESIDENT MORAHAN: Senator Sabini.

SENATOR SABINI: To explain my vote, Mr. President.

ACTING PRESIDENT MORAHAN: Withdraw the roll call.

SENATOR SABINI: I can explain my vote.

I'm going to vote for this. I voted for it in committee and without recommendation in Rules Committee.

And I would only ask Senator Saland that he consider adopting all or part of the Dignity for All Students agenda and the safe

harbor for students that Senator Duane has talked about.

I believe that the perfect shouldn't be the enemy of the good. And the bill essentially has some very good things in it. But that I would like to see more protections for students of all beliefs and persuasions in the bill, having represented District 24 in Queens, and having had to get a grant from the Hetrick-Martin Institute some years ago to at least train teachers at Newtown High School that kids who are actively seeking to promote aggression on other kids for reasons other than just being normal youths is wrong. And we found that a lot of teachers didn't understand that.

And so I will vote for the bill, but I'd ask the sponsor to consider very strongly another measure that would more closely resemble Senator Duane's bill. And I vote aye.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator Sabini.

Would those Senators voting in the

negative --

Senator Krueger.

SENATOR LIZ KRUEGER: To explain my vote in the negative, because that was one of your questions.

I share Senator Duane's concerns that while I do not have a formal opposition to Senator Saland's bill, it does not go far enough.

ACTING PRESIDENT MORAHAN: Excuse me, Senator.

Can we have order in the house.

Continue, Senator.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

While I do not have a formal objection to Senator Saland's bill, I agree that it has not gone far enough. And until we can also include the provisions of the Dignity for All Students Act, this house should not go forward.

We should go forward with the bill as passed by the Assembly, as sponsored by Senator Duane, to assure that we address all of the issues affecting children in our

schools through this act.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger.

Will those Senators voting in the negative please raise their hands.

THE SECRETARY: Those recorded in the negative on Calendar Number 1171 are Senators Duane, L. Krueger, Montgomery, and Parker. Ayes, 54. Nays, 4.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President.

I was in Rules as you were racing through the calendar out here, and I would like unanimous consent to be recorded in the negative on Calendar Numbers 1158, 1159, 1161, 1162, and 1166.

ACTING PRESIDENT MORAHAN: Senator Duane will be recorded in the negative on the bills outlined.

THE SECRETARY: Calendar Number 1172, by Senator Oppenheimer, Senate Print

4034, an act authorizing the City of New Rochelle to sell the Wildcliff Cottage property.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1173, by Senator Johnson, Senate Print 4468, an act to amend the Vehicle and Traffic Law, in relation to prohibiting.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1174, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 5150A, an act to amend the General Business Law, in relation to ensuring.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2004.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1175, by Senator Bonacic --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 1176, by Senator Kuhl, Senate Print 4907, an act to amend the Highway Law, in relation to cooperative agreements.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1177, substituted earlier today by the Assembly Committee on Rules, Assembly Print

Number 8363, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1178, by Senator Flanagan, Senate Print 4976, an act authorizing the assessor of the County of Suffolk to accept an application.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1179, by Senator Seward, Senate Print 4977, an act to amend the Real Property Tax Law, in relation to certain leases.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1180, by Senator Little, Senate Print 4982, an act to amend the General Municipal Law and others, relating to establishing the interest

rate.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Marcellino, Senate Print 4995, an act to amend Chapter 203 of the Laws of 1999 amending the Environmental Conservation Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1182, by Senator Farley, Senate Print 5056, an act to amend the Education Law, in relation to state aid to reference.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2003.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1183, by Senator Farley, Senate Print 5060, an act to amend the Education Law, in relation to state aid for library construction.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1184, by Senator Spano, Senate Print 5079, an act to amend the Tax Law, in relation to authorizing the Commissioner of Taxation.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The

bill is passed.

THE SECRETARY: Calendar Number 1185, by Senator DeFrancisco, Senate Print 5094A, an act to adjust certain state aid payments.

ACTING PRESIDENT MORAHAN: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1186, by Senator Nozzolio, Senate Print 5097, an act authorizing the Town of Webster in the County of Monroe to convey an easement.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1187, by Senator Padavan, Senate Print 5117, an act to amend the Vehicle and Traffic Law, in relation to suspension for failure.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Those voting in the negative on Calendar Number 1187 are Senators Duane, Meier, and Montgomery. Ayes, 56. Nays, 3.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1188, by Senator Morahan, Senate Print 5147, an act to amend the Not-for-Profit Corporation Law, in relation to corporations.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1189, by Senator Libous, Senate Print 5157, an act to amend the Town Law and the Public Officers Law, in relation to providing.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Spano, Senate Print 5278, an act to amend the Penal Law, in relation to the commission of persistent sexual abuse.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 33. This act shall take effect on the first of November.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1190 are Senators Duane, Montgomery, and Parker. Ayes, 56. Nays, 3.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1191, by Senator Balboni, Senate Print 5280, an act to amend the Penal Law, in relation to disseminating indecent material to minors.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1192, by Senator Spano, Senate Print --

SENATOR BRUNO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1193, by the Senate Committee on Rules, Senate Print Number 5334, an act authorizing the Board of Cooperative Educational Services of Cayuga and Onondaga Counties.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

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

SENATOR BRUNO: Mr. President, can we at this time return to reports of standing committees.

I believe there is a report from the Rules Committee at the desk. I would ask that it be read at this time.

ACTING PRESIDENT MORAHAN: Reports of standing committees.

The Secretary will read.

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

Senate Print 588, by Senator Breslin, an act to amend the Uniform City Court Act;

744, by Senator Kuhl, an act to amend the Tax Law;

1736A, by Senator McGee, an act to amend the County Law;

2124A, by Senator Skelos, an act to amend the Retirement and Social Security Law;

2922, by Senator Hannon, an act to amend the Lien Law;

3260, by Senator Volker, an act to allow;

3341, by Senator Maziarz, an act to amend the Real Property Tax Law;

3756, by Senator Balboni, an act to amend the Real Property Law;

3893, by Senator Volker, an act in relation to granting;

3943, by Senator Marchi, an act to amend the Navigation Law;

4063A, by Senator Wright, an act to amend the Agriculture and Markets Law;

4103, by Senator Fuschillo, an act to amend the General Municipal Law;

4236, by Senator Hannon, an act to amend the Surrogate's Court Procedure Act;

4327, by Senator Bonacic, an act to amend the Public Authorities Law;

4354B, by Senator Marcellino, an act to amend Chapter 233 of the Laws of 2000;

4621, by Senator LaValle, an act to amend Chapter 244 of the laws of 2000;

4672, by Senator Lachman, an act to amend the Penal Law;

4696A, by Senator Velella, an act to amend the Estates, Powers and Trusts Law;

4908, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

4910, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

4921, by Senator Libous, an act to amend the Vehicle and Traffic Law;

5059A, by Senator Saland, an act to

amend Chapter 147 of the Laws of 2001;

5077, by Senator Marcellino, an act to amend the Environmental Conservation Law;

5087, by Senator Flanagan, an act to amend the Parks, Recreation and Historic Preservation Law;

5132, by Senator Little, an act to amend the General Municipal Law;

5141, by Senator Johnson, an act to amend the Public Officers Law;

5182, by Senator Flanagan, an act to amend the Real Property Tax Law;

5279, by Senator Golden, an act to amend the Penal Law;

5281, by Senator Kuhl, an act to amend the Public Officers Law;

5285, by Senator Rath, an act to amend the Domestic Relations Law;

5308, by Senator Balboni, an act to amend the Criminal Procedure Law;

5310, by Senator Skelos, an act to amend the Environmental Conservation Law;

5322, by Senator Hannon, an act to amend Chapter 303 of the Laws of 1999;

5369, by Senator Johnson, an act to

amend the Environmental Conservation Law;

And Senate Print 5428, by Senator Robach, an act to amend a chapter of the laws of 2003.

All bills ordered direct to third reading.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it. The report is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I request unanimous consent to be recorded in the negative on Calendar 1180, Senate Print 4982.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco will be recorded in the negative on Calendar Number 1180.

Senator Bruno.

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

resolutions.

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 MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 2199, congratulating New York-bred Funny Cide for his outstanding achievements during horse racing's prestigious Triple Crown.

"WHEREAS, It is with immeasurable pride that this Legislative Body joins with the citizens of the great State of New York to come together to congratulate New York-bred Funny Cide for his outstanding achievements during horse racing's prestigious Triple Crown; and

"WHEREAS, His efforts and accomplishments of placing first, first and third during the Triple Crown races served as an inspiration and an example of the best qualities of New Yorkers -- dedication, courage, and commitment to excellence; and

"WHEREAS, Funny Cide was in position to sweep the Triple Crown after becoming only the 28th horse to win both the Kentucky Derby and Preakness Stakes; and

"WHEREAS, On May 3, 2003, Funny Cide became the first New York-bred horse to capture the Kentucky Derby, the first leg of horse racing's Triple Crown, at Churchill Downs in Louisville, Kentucky. He covered the mile-and-a-quarter race in a time of 2:01.19 to win the 'Run for the Roses' by a length and three-quarters in one of the ten fastest times; and

"WHEREAS, In addition, Funny Cide became the first gelding to win the Derby since Clyde Van Dusen in 1929. The victory gave both New York-based and Chilean-born jockey Jose Santos and trainer Barclay Tagg their first Derby victory; and

"WHEREAS, The New York-based 3-year-old chestnut gelding captured the second leg of horse racing's prestigious Triple Crown, the Preakness Stakes, on Saturday, May 17, 2003, at Pimlico Race Course in Baltimore, Maryland; and

"WHEREAS, Funny Cide won the mile and three-sixteenths Preakness Stakes by 9 3/4 lengths, the largest margin of victory since 1873, in a time of 1:55:61, only two seconds shy of the Stakes record, and the third fastest time in Preakness history; and

"WHEREAS, Funny Cide became the toast of the nation. Fans young and old knew his name, and his Cinderella story was told in print, on television, and over the airwaves across the country. His image and the maroon and silver of the Sackatoga Stables has adorned countless t-shirts, hats, buttons, pins, websites, and pictures; and

"WHEREAS, Fans also gravitated to his everyman owners, Sackatoga Stables, which is managed by Jackson Knowlton and comprised of Gus Williams, David Mahan, Lew Titterton, Eric Dattner, Jon Constance, Harold Cring, Mark Phillips, Peter Phillips, and Larry Reinhardt, a group of former high school friends from Sackets Harbor, New York, and two other partners from the Capitol Region; and

"WHEREAS, On Saturday, June 7, 2003, a crowd of 101,864 at Belmont Park in

Elmont, New York, all of New York, and much of the country was rooting for New York-bred Funny Cide to capture the 135th running of the Belmont Stakes and win the Triple Crown; and

"WHEREAS, While he fell just short in his Triple Crown bid, the determination and efforts of the Funny Cide team captured the hearts and imagination of a new generation of horse racing fans and people everywhere, especially in their home state of New York; and

"WHEREAS, Funny Cide, by Distorted Humor out of the Slewacide mare Belle's Good Cide, was born in Saratoga County, at McMahon of Saratoga Thoroughbreds, LLC, owned by Joseph and Anne McMahon; and

"WHEREAS, Throughout the Triple Crown, Funny Cide was guided by assistant trainer and exercise rider Robin Smullen, groom Zacarias Quintana, and hot walker Raunie Hart; and

"WHEREAS, The accomplishments of Funny Cide, the New York Thoroughbred Breeders, Inc., under the able leadership of president Gerald A. Nielsen and executive

director Dennis J. Brida, and the New York State Thoroughbred Breeding and Development Fund Corporation, under the competent direction of chairman William A. Levin and executive director Martin G. Kinsella, have raised New York breeding to a new level of achievement; and

"WHEREAS, It is the custom of this Legislative Body to take note of such a distinguished thoroughbred who has brought great pride not only to his proud owners but to the horse racing industry and all of the citizens of the State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate New York-bred Funny Cide for his outstanding achievements during horse racing's prestigious Triple Crown, and to wish him the best of luck in his racing career; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Jose Santos, Barclay Tagg, Mike Sellitto, Joseph and Anne McMahon, Jackson Knowlton, Gus

Williams, David Mahan, Lew Titterton, Eric Dattner, Jon Constance, Harold Cring, Mark Phillips, Peter Phillips, Larry Reinhardt, Robin Smullen, Zacarias Quintana, Raunie Hart, the board of directors of the New York Thoroughbred Breeders, Inc., and the New York State Thoroughbred Breeding and Development Fund Corporation."

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, the resolution that you just heard read will be voted on and passed. And this resolution really passes like any law of this state. And this resolution becomes part of the history of this state.

And when your children and grandchildren -- when young Jose, Jr., wants to check the records to review what took place over these last five weeks, this will be a permanent record of the history of New York State.

And all of us are proud, all of us in this chamber and the Legislature, are proud to be supportive and to acknowledge. You

remember just four weeks ago we were celebrating Funny Cide winning the Kentucky Derby. And as Jack Knowlton, the managing partner of some nine other great partners, acknowledged that one horse out of 37,000 wins the Kentucky Derby.

So we acknowledged that, and we celebrated that. And at that time we said, You will hear more about Funny Cide. And we did, with that great Preakness run when he left everyone behind.

Now, champions are easily celebrated. But life sometimes proves that even champions have to deal with adversity. And in that mud and in that rain, those 101,000 people, 100,000 of them cheering for Funny Cide, were disappointed.

But, you know, the owners, led by Jack, a former employee here in the Senate -- and all of us now are very proud of that, Jack -- really handled themselves and all the partners in a classy way. Funny Cide didn't win the Triple Crown, but 28 other horses in the history of this state have won two out of three. So Funny Cide is a great horse.

Now, I am proud of Funny Cide as my most famous constituent. And I am decked out kind of like a general here, thanks to Funny Cide's button, colors of maroon and gray of Sackatoga Stables.

But, you know, a lot of people have participated in what has gone on. And you really have changed the complexion of a lot of the thinking of people here in the state and around the country, caught the imagination of the whole country, where they were applauding Funny Cide and Jack and the partners.

Joe and Anne McMahon, who just arrived, are just true enterprising, pioneering Americans and have one of the nicest and best breeding facilities here in this state. And it wasn't always that way, as I mentioned. With their bare hands, practically, they put it all together and now have a great success and are really a great American success story.

Barclay Tagg, the trainer; Robin Smullen, his assistant -- I mean, they are becoming legends in what they have done with this great racehorse and the way they handle

themselves and the way Barclay handles himself.

There's another great hero in this story, and that is Jose Santos. Jose is here with his wife, Rita; daughter, Celina; daughter, Savannah; and his young son, Jose, Jr., who loves to smile.

And, Jose, you can be proud of your family. They are proud of you. And all of us here in New York are proud of Jose, because Jose is a true champion.

Jose, as many of us might have seen a video, took a tumble about 12 years ago. And three horses, as I recall, went down, and one horse landed on him, on his side. He was laid up for 9½ months, has scars and a lot of other things to show for it in his arm.

But like a real champion, he recovered, collected himself, and went back to racing and is now just acknowledged as one of the greatest in his field.

And to be great in any field is something special. But you're the greatest in what you are doing. So we congratulate you, we commend you.

And the breeders that are here represented, all of them, they invest, they persevere. And not all of those horses that are foaled -- there's like a 30 percent increase in the foaling crop the last nine years, thanks to a lot of what we have done here to be supportive -- 40,000 acres in breeding facilities here, 40,000 employees. So we have done something together.

But this team -- Jack Knowlton, Jose, Joe and Anne McMahon, Barclay Tagg -- they have really delighted the imagination of everybody like it's never happened before. So we congratulate you all, we commend you.

And we're having a party at 4:30 to celebrate what's going on. And we're going to continue to smile and be happy, because Funny Cide is going to keep racing, he's going to keep running. He is coming back to Saratoga. He is going to win the Travers. And we will be back acknowledging that in the fall and into next year.

So congratulations to all of you. Everybody is invited to join with Jack, with Jose, Joe, and Anne McMahon, fourth floor

right behind the chamber at 4:30.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Bruno.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President and my colleagues.

I join Senator Bruno in recognizing Funny Cide and all of the team that have been involved with Funny Cide.

It's kind of a tradition around here for the last eight years that you seldom disagree with the Majority Leader. But I think it's only appropriate that we should point out in the name "Sackatoga Stables," Sackets Harbor precedes Saratoga. So while Funny Cide may reside in Saratoga, in fact there is a very strong, important role that Sackets Harbor has played, and the Sackets Harbor Six, who have received such recognition.

Four weeks ago when they were here and we had the honor of recognizing everyone, I pointed out that nobody seemed to know where Sackets Harbor was at that particular point in

time. We were described as Western New York, somewhere upstate. We moved to Central New York. They have finally located Sackets Harbor now, thanks to the efforts of these fine individuals, to the point that they now take and market Sackets Harbor everywhere they go.

So we are now known as the home of the Sackets Harbor Six. Forget the war of 1812, forget all of the other accomplishments that have occurred in this village. We are home to the Sackets Harbor Six. And we're very pleased, needless to say.

They were recognized this year as Citizens of the Year. And that truly is indicative of the caliber of individual. Not simply because of the achievements of Funny Cide, but because of the achievements that they gave to their community and have done over a series of decades in that community.

They have served certainly as ambassadors of Northern New York and New York State as well. And I know that you just talk to people and indicate that you're from the North Country, the first question is: Do you

know of any of these guys? Well, I do. And it's been a pleasure to know them.

And as time goes on, and as Senator Bruno has so articulately described the accomplishments within the industry, he's also rightfully pointed out their place in history. We're pleased to be part of that. I know in talking with individuals they now remember where they were at each one of these Triple Crown races as they followed this horse that really became the spirit of New York and certainly embodied the goals that we all had.

So it's an honor to be here this afternoon. The names of Constance, Cring, Knowlton, Reinhardt, and Phillips will go down in history, not only today, but for a long time coming. We're looking forward to be on the winning team at the Travers.

Thank you very much, and welcome to the Capitol.

ACTING PRESIDENT MARCELLINO: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

It's always a challenge to follow

our leader when he's this eloquent. And today he's eloquent for several reasons. Obviously he's enormously proud of his constituent Funny Cide.

And I just want to assure those who might be listening right now that despite his protestations that Funny Cide is his constituent, there are no imminent plans to change the voting laws of the New York State to allow Funny Cide or the other Saratoga horses to be able to vote for Senator Bruno, worthy as that might be.

So we will continue to do everything in our power to justify the great public support for racing and for horse breeding in this state that has galvanized the imagination across the country in these last few weeks.

My job is made that much easier. As chair of the Agriculture Committee in this Senate, it's very easy for me now to remind people that horses are bred and raised in this state and part of our mission here in the New York State Legislature is to help people who are engaged in that activity to do it as

effortlessly as possible.

We will continue listening to you, listening to the rest of the breeders of this state who are ably represented here in Albany, and finding ways that we can compete successfully and excel far beyond what other states have done.

As to the training, I have to say again that it has been reported any number of times that this horse was trained remarkably well and with some of the finest handling in the world. But it's also important to remember that the trainers who trained this horse are known for their humane handling of that horse. Not every state, not every trainer can say that. It again helps to show why the magic of Funny Cide is so special for us.

Senator Bruno described Jose Santos' wonderful personal triumph. And all of us have can take great satisfaction in visiting with you and your family at 4:30 this afternoon. We wish you could have been with us the first time that we honored your family here. But you should know that your wife Rita

and your children ably represent you, and you can come back anytime. We like the sunshine that they bring to this chamber.

And finally, to my colleague Senator Wright's constituents, the great people from Sackets Harbor who said that this can be every man and every woman's sport, you have proven once again what great people New York State brings in all walks of life and why all of us can share in your glory today.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard on this resolution?

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, in every bit of life there's some trials and tribulations. As most of us were looking at Saturday, we saw the partners and we saw the groom, and that young son there has respect for his family.

But, you know, eight years ago when Senator Bruno took over, he said we were going to make changes. One of the things he said when he offered me this beautiful job as

chairman of Racing and Wagering was we have to work with people who are willing to put up their money in order to make racing a trade that we in New York can be proud of, and the rest of the states.

We went from breeding from here to Kentucky. We've passed laws now where we can date that right here. But we want to instill pride in it.

And the greatest pride, as many of us saw on television over the past three weeks, was the fact that young men started out as high school friends, came together and said this is a sport, this is a trade that we want to be part of and show friends that this is something that New York can be proud of.

It isn't just a riding of a horse. It's the ability to muster forces together, to say we'll have a beautiful track, we'll go there, we'll have people that will come to a track, we'll have people who will come and say how do I buy a horse, what do I do to make it something.

And you're the people that did it. You know, a lot of people want to get into the

flair of it and say, oh, I met him, I shook hands with him. My only complaint was that I didn't think enough about betting back in Kentucky. I did this time, but, you know.

It's a real pride of your family. And I consider every one of you part of our family. Because it isn't the Santos family and the trainer, the owners -- it's everybody inclusive. You put together something that put New York on the map. You put New York on the map because you have pride. You are respected, and you want others to respect us.

You know, some people will say it's gambling. Well, you get out in that car this morning, you get out on the wrong side, you took a gamble you could be hit.

I think what you've done for us in New York is something we are all very, very proud of. And we'll be back, and you'll be back. But you have to remember, we're only going to be as good as you and the others willing to put theirself out there in order to promote the great game of racing.

ACTING PRESIDENT MARCELLINO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President and my colleagues.

I rise to join the congratulations to the wonderful experience that you have all given us and to thank you, to thank Funny Cide, to thank Jockey Santos, to thank the owners for such a wonderful experience during these past four or five weeks.

I come from the Finger Lakes region. And I want to thank you and congratulate you for helping us to help people understand how important the horse racing industry is to Western New York, where literally hundreds of farmers, many trainers, many horsemen are involved in this enterprise that you, because of Funny Cide's New York-bred status and nature, has helped us showcase the importance of this wonderful industry.

My congratulations to you. You have given us great joy. It has just been a wonderful experience to follow the exploits of this wonderful horse, the jocular and wonderful friendship that the owners have with each other, the -- as Senator Bruno said, the

true sportsmen heroism, in a sense, that Jockey Santos, Jose Santos has exhibited. You are to be congratulated.

This I said after the Kentucky Derby. I think we should remind everyone that this has been the greatest "I Love New York" commercial ever produced. And we want to thank you for that.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Onorato.

SENATOR ONORATO: Mr. President, I rise too to join my colleagues in commending the entire team for bringing such a wonderful exhilaration to the state of New York for a horse bred in New York. I didn't feel as good as this here since Nick Zito from upstate here brought in Go for Gin.

But my wife was very, very concerned what was a gelding. And I told her it was a horse that couldn't become a father. And during the race there, when he just lost by a couple of lengths, I says 3 and 1/4 more lengths, if he'd have made it up, he would

have become a famous mudder.

But again, it didn't -- it didn't occur, but you've made us all very, very proud. And we certainly look forward to the Travers, where we will show again on a dry track what the horse can really do.

Congratulations to the entire team. We look forward to joining you on the fourth floor.

ACTING PRESIDENT MARCELLINO: Senator Stachowski, can you clear up that issue?

SENATOR STACHOWSKI: No corny jokes from me, Mr. President.

I'd just like to join Senator Bruno in congratulating the Funny Cide team. I think the excitement they brought, not only to New York racing but to horse racing in general -- I have a friend from Kentucky that was at the Belmont Park on Saturday because he had a horse running, and he was hoping Funny Cide would win also, because it was so exciting and so good for horse racing in general.

I think it's interesting, because

horse racing spent all this money on Go Baby Go, and Funny Cide accomplished better ratings on television and at the track and obviously at the handle at Belmont than that whole Go Baby Go did all of last year.

So it was great to have the whole public and the nation focused on Belmont Park, and it's all due, I think, to the whole team and all the adventure that you had.

And you did great publicity, people that -- you weren't paid PR people, but you did a better job than most of those high-priced Manhattan business groups in promoting not only racing but Funny Cide. And I think you did a marvelous job.

I think that obviously the jockey, Mr. Santos, did a terrific job; the trainer, Mr. Tagg, and his partner did a great job, and everybody included. And we can never thank you enough for what you've done for racing in a five-week period with a lot less money than most people do.

And I think we'll always be grateful, we'll always remember it. And plus we have Funny Cide running for a long time, we

hope, and we can continue with the furor and the excitement. And we'd like to thank you very much for all of that.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard on the resolution?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is passed.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Bruno, may we return to the controversial reading.

SENATOR BRUNO: Mr. President, can we at this time continue with the controversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: Thank you.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1116, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 8351 and substitute it for the identical Senate Bill Number 4195, Third Reading Calendar 1116.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1116, by the Assembly Committee on Rules, Assembly Print Number 8351, an act to repeal Title 3 of Article 18A of the General Municipal Law.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Maziarz.

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

Mr. President, this is truly a historic day and a historic bill. This bill will -- for a couple of reasons, actually, we don't very often see an agency created by an act of the State Legislature ever go out of

business. But truly the Love Canal Revitalization Agency has accomplished the task, the mission that this Legislature and Governor Hugh Carey back in the 1970s asked it to do.

The Love Canal area of Niagara Falls today is a revitalized area. It is a neighborhood of 200-plus homes, 200-plus families who live in a safe, clean place.

And the long-time executive director of the Love Canal Revitalization Agency, Frank Cornell, joins us here today for this very historic moment, for the passage of this bill, which will close down the Love Canal environmental disaster and the agency that saw Niagara Falls through that terrible and tragic time forever.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Brown.

SENATOR BROWN: Thank you, Mr. President.

I just want to join Senator Maziarz in --

ACTING PRESIDENT MARCELLINO:

Senator Brown, are you speaking on the bill?

SENATOR BROWN: Yes, I'm sorry, on the bill, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Brown, on the bill.

SENATOR MAZIARZ: I thought you were standing up to ask me a question on a bill that you are cosponsoring. I didn't understand that.

SENATOR BROWN: No, Senator, I am in full support of you.

SENATOR MAZIARZ: I think it's his turn to ask the --

ACTING PRESIDENT MARCELLINO: You guys want to be alone?

(Laughter.)

ACTING PRESIDENT MARCELLINO: Senator Brown, on the bill, please.

SENATOR BROWN: Thank you, Mr. President.

I rise to speak on the bill, to agree with Senator Maziarz that this is a historic day in New York State as we witness the Love Canal Revitalization Agency go out of business.

And the job has been done by the revitalization agency. Over $12 million put back on the tax rolls. As Senator Maziarz said, over 236 families living in that area again.

As we all know, it was a tremendous environmental disaster in this state. And some 23 years later the job has been done, the agency is closing. And I too want to commend Frank Cornell for the work that he and many others have done to bring us to this point.

Thank you very much.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman.

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

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: It is, unfortunately, relatively rare that we get to celebrate the completion of a successful effort in the area of environmental cleanup. And this certainly is not just successful, but a historical effort.

I do think that it points up one of

our gravest failings, however, as a Legislature this year. And I hope that in the five legislative days that remain this session we will turn our attention to all of the other troubled sites around the state.

We still have a collapsed state Superfund program. We need to refinance it, we need to deal with the issues related to the relationship of Superfund, brownfields, oil spill program. We have bills that are not that far apart.

And I would note that for the last two years, from Commissioner Crotty, in March 2001, published in the New York Times several times in 2001 and 2002, we've heard of site after site after site contaminated and not being dealt with.

Let's take the lesson from the Love Canal and try and do some work in the next five days so that all of the other contaminated sites in this state are not left, as they are today, without any funds to investigate and undertake new remediation efforts. That's a modest goal that I think we can all join together on and achieve.

And in celebration of good work done, let's try and get some more work done in the next five days.

Thank you.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard on the bill?

Read the last section.

THE SECRETARY: Section 2. This act shall take effect August 31st.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1175, by Senator Bonacic, Senate Print 4759A --

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Bonacic, an explanation has been asked for by Senator Krueger.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: You're welcome.

SENATOR BONACIC: This is an act to amend the Social Services Law to require an investigation of all reports of child abuse made by a hospital or medical or law enforcement personnel.

Many times calls will come in to what we call a hotline and there is no formal procedure as to whether or not that call gets referred to Child Protective Services for an investigation.

In 1998, there was a call made to the hotline concerning a 3-year-old boy named Christopher Gardner. That call was never kicked to Child Protective Services. That boy was eventually brutalized in a very torturous way and murdered by his mother, the mother's boyfriend, and another woman who is charged with assault.

Had we had this law in place, we might have saved that child and others.

What we're trying to do here is to say there are respected professions, let's call them mandated state reporters. When a

call comes in to that hotline from these mandated reporters -- such as doctors, nurses, podiatrists, social workers -- you'd better -- that's a red flag. You don't have the discretion. We want you to kick it to Child Protective Services to do an investigation immediately in case any of those children concerning the call are in harm's way.

That's the purpose of the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

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

SENATOR BONACIC: Certainly.

ACTING PRESIDENT MARCELLINO: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Bonacic, I think this is an excellent bill. It highlights something that we are all concerned about, ensuring that if a child is at risk and a contact was made, that government responds appropriately.

And I too believe that, particularly with medical personnel and others

working in a hospital facility, the thought that a child goes into a hospital hurt, somebody recognizes something, they make a call and yet there's never an investigation done, is a horror and should not be allowed to continue.

But my question is, in your bill we don't talk about any new money for child welfare services. I represent New York City. We are in a situation where right now, as we speak, in our city budget there are proposals to cut the number of child welfare workers and inspectors and people who do the follow-up on abused children.

And so how do we go forward with what I agree is a very good bill and a very justified bill without providing funds to localities to ensure that they have the staff to increase the number of investigations that this bill will require to be made?

SENATOR BONACIC: First of all, I think that last year there was about 320,000 calls to the hotline, of which about 150,000 triggered an investigation, about a third that were legitimate.

This bill says we're trying to do a reform on that initial call to the hotline to get it into Child Protective Services. What you're saying is we should be beefing up Child Protective Services so we can make sure that the 50,000 cases, if it's a repeat statistic for this year, are investigated in a timely manner. That's what you're saying.

I don't disagree. But, you know, the budget process is what it is. It's an omnibus document. It covers categories of expenditures in so many areas. But I would join with you in an area, especially if the demand is up for investigation, that there should be more personnel to investigate.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, briefly on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

Well, as I've said, I think this is a good bill. And yet I don't believe that we will have the money in certain localities to follow through with the increased investigations.

So my concern is that absent that money, what will happen is if there's a mandate for an investigation by every call triggered from a hospital, what we will see -- and I know it is not the intent of this legislation -- we will see a decrease in responsive investigations for people who make calls who are not in hospital settings.

So that the teacher who may see something in the classroom for a child and yet it hasn't risen to the level where that child ends up in an emergency room, or the neighbor who believes that they have witnessed abuse of a child who makes a call but is not a mandatory reporter, will fall lower on the scale, again, perhaps earlier in the process.

So I fear -- while I will vote for this bill, I fear that without adequate resources invested by the State of New York into expansion of our child welfare system, one of the outcomes not intended by this legislation, but one of the outcomes may be that while we get a greater response of immediate investigations for children whose abuse are reported through a hospital setting,

that children who might have been helped in an earlier-stage situation out in community or in school settings, won't get the response at all because there won't be any workers to do those kinds of investigations.

And so we will have moved the problem along to a worst-case scenario when perhaps, if we'd had the adequate resources to do the investigations, we could have caught some of this abuse much earlier in the process than when they walk into or are taken into an emergency room in such bad condition that doctors and nurses and social workers are calling.

So I will support the bill, but with the great hesitation that unless we invest in these programs that we are passing into law, unless we address the problem of unfunded mandates -- because that's what this bill is -- that we actually end up doing harm on one end by trying to help on another.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, Mr.

President, I would like to make comments on the legislation.

ACTING PRESIDENT MARCELLINO: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. Mr. President, this bill is -- I want to say that I also am concerned about the issues raised around who is going to pay for the increased financial burden.

But in addition to that, I would just like to compliment Senator Bonacic on two things. One, the process.

We discussed the legislation in our committee, and our committee chair agreed there were some legitimate issues raised with the language. Senator Bonacic accepted the comments and sought to make changes in his bill to accommodate the language, essentially tightening it up so that it wasn't -- it did not seem to open it up to any and every person involved with any hospital.

And I want to say that I really appreciate that. I think that's the way that our -- when I first came to this Legislature, that's the way we worked together. And I am

happy to see that it's happening, because I think that's the way our body should work. So I really appreciate that.

The second thing that I want to say is that in this -- with this legislation, Senator Bonacic seeks to create a stronger communication and a more efficient response to issues raised regarding child abuse and neglect cases. And that's extremely important.

I only wish that we could do the same thing on that -- hopefully, Senator Bonacic might consider discussing the possibility of doing this with other agencies that involve themselves with issues related specifically to child abuse and family -- dysfunctional families and their problems.

Because one of the things that's always raised when I talk to child welfare organizations in my district is that because of a lack of communication, so many children fall through the cracks. And if there were a closer working relationship between agencies responsible at the government level and those community agencies that are responsible on the

front-line level, we could save a lot more families and prevent a lot more total breakdown in terms of child abuse, foster care, and et cetera.

So this is going in the right direction. I certainly support it. And as I said, Mr. President, the process I thought led to a much better bill. And hopefully we can continue to work with Senator Bonacic on other legislation that seeks to do similarly what his bill is doing today.

I'm certainly supporting this bill. Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Any other Senator wishing to be heard on the bill?

Seeing none, read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Senator Bonacic, to explain his vote.

SENATOR BONACIC: I just want to publicly thank Senator Montgomery. This is a better bill than we first proposed as a result

of Senator Montgomery's recommendations. And we took those recommendations, we put them in amendment format, and it's much tighter, it's clearer, and I thank you, Senator, for your help on this particular bill.

But the other message I'd like to mention to you, this bill has passed since 1996 through 2000. The votes in 1999 and 2000 much 58 to 0, 59 to 0. We can't get the Assembly even to let it out of their committee.

There's something wrong when this house, in a bipartisan way, can agree unanimously that there is -- there are children falling through the cracks and we can try to make it better. And for that committee not to take it up, not to put it, you know, through the committee and to the floor, something is radically wrong.

And I'm not naming individuals. But I would just ask my colleagues, when you talk to your colleagues in the other house, this might be a subject you might want to mention.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Bonacic will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Kuhl, that finishes the calendar.

And we'd like to return to housekeeping. We have some motions.

SENATOR KUHL: Could we go to the order of motions and resolutions. And I think there's a couple of amendments that need to be made.

Would you recognize Senator Fuschillo.

ACTING PRESIDENT MARCELLINO: We will return to the order of motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Marcellino, on page number 46 I offer the following amendments to Calendar Number 1034, Senate

Print Number 3060A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments will be accepted, and the bill will retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Nozzolio, on page number 50 I offer the following amendments to Calendar Number 1156, Senate Print Number 5312, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments will be accepted, and the bill will retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT McGEE: Senator Kuhl.

SENATOR KUHL: Yes, Madam President. There being no further business to come before the Senate today, I move we stand adjourned until tomorrow, June 12th, at 10:00 a.m.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Thursday, June 12th, at 10:00 a.m.

(Whereupon, at 4:40 p.m., the Senate adjourned.)