NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:09 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

ACTING PRESIDENT MEIER: The invocation today will be offered by the Reverend Buddy Cremeans, pastor of the Northway Fellowship in Malta, New York.

REVEREND CREMEANS: Let's pray.

Father, thank You, Lord, for this moment, Lord, that we can just take out of a busy day and to be still and to know that You're God.

Father, thank You for Your many blessings. Thank You for the beautiful day that You created for us today. Lord, thank You for the gift of life that You've given to each and every one of us today. And, Father, most of all, Lord, I thank You for being a God who continually pursues us with Your love.

Lord, I thank You for these men and

women here. And, Lord, I lift them up to You. And, Lord, I pray for Your protection on them and their families. And, Lord, I pray for Your richest blessings on them.

Father, I know they get bombarded by a lot of different things. And, Lord, I just ask for discernment and for wisdom that comes from above and not from man.

Lord, I know that Your word says to whom much is given, much shall be required. And, Lord, You've given them the gift of leadership. And I just pray that You'd help them with that and sharpen that. And we thank You for each and every one of them.

And, Lord, lastly, I just thank You again, Lord, for today. And, Lord, I know they're going to just wrap this up in a couple of days. And I pray for a time of refreshment and rest, Lord, as they go home to their families. And may they connect with those that matter most -- God, with You, and with their families.

Lord, we love You. No one compares to You. Thank You for this great state. Thank You for this great country. And thank

You for the liberty and freedom that we have. And, Lord, I ask all these things in the name above all names, Jesus Christ.

Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday June 16, the Senate met pursuant to adjournment. The Journal of Sunday, June 15, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Judiciary, reports the following nominations.

As a justice of the Supreme Court of the Second Judicial District, Michael V.

Ajello, of Staten Island.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I rise to move the nomination of Michael V. Ajello for Supreme Court Justice of the Second Judicial District.

Mr. Ajello appeared before the Judiciary Committee this morning, was found to be well qualified and obviously -- not only well qualified, but having had lifelong experience of practicing law, doing pro bono work, and serving our community as well as his clients, he has been determined to be well qualified.

And I'd like to ask the president to recognize Senator Golden, who is going to second the nomination.

ACTING PRESIDENT MEIER: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President, acting president. Thank you, Senator DeFrancisco.

It was a privilege today to be at your hearing today, Senator, and to watch a

nomination come forward for Michael Ajello, a resident of the community of Richmond County and one that has done many good things for both the community of Kings County and the community of Richmond County.

He is a community-orientated, highly qualified individual. He is accomplished and a dedicated attorney with extensive knowledge in the area of estate and real estate law. And he is highly regarded by his peers in the law community.

He has an extensive professional legal background, from his own company in Brooklyn and in Staten Island since 1965, Ajello & Ajello. He's also worked at the Kings County district attorney's office on pro bono, and working with the assistant DA, active in advising junior district attorneys on various aspects of legal proceedings since 1998 to present.

He was also at civil court and worked at the Civil Court for the State of New York in Richmond County as an arbitrator and has done over 400 cases in the small claims court.

He is also a graduate of my alma mater, St. John's University, and a great individual.

We commend gentlemen like Michael and his family for being here today. And much success to you, sir, and to your family.

Thank you.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: I just want to join my good colleagues Senator Marty Golden and Senator DeFrancisco in extolling the qualifications of Mike Ajello.

Mike has practiced extensively in Staten Island and in Brooklyn, but his reputation goes far afield. He has run many times for office, especially judicial office, and has always been found exceptionally well qualified in those races. Over and over again in Mike's background we hear the words "pro bono, pro bono, community activist, community servant," someone who has acted many, many years for the public good.

This is another example of the type of nominations that our good Governor has made to this body. And certainly Mike Ajello will

continue to serve the public in this new capacity as a jurist.

I also second the nomination, this fine nomination of our Governor.

THE PRESIDENT: The question is on the nomination of Michael V. -- Senator Marchi, excuse me. You wish to be heard?

You have the floor.

SENATOR MARCHI: I would have started crying if I didn't have an opportunity to say all the good things that could be said and should be said about Mike Ajello.

I've known him virtually all of my life -- which, well, was only the last few years as far as he's concerned, because he's still a young man, relatively speaking.

But I didn't have the opportunity of coming in, making sure that there wasn't any interference with the selection of the obvious. And he indeed answers that requisite. And I'm delighted that my colleague from Kings County gave a very accurate report.

And of course, as neighbors and friends of Mike Ajello all these years, I'm

very happy to stand up and proclaim, Madam President, that every inhabitant of the state of New York lives north of Michael V. Ajello.

You're still in Tottenville; right? More or less.

And that means the entire State of New York rests on his shoulders. But they're sturdy shoulders, who will do honor and render great dignity to the office that he will be assuming.

And I'm very delighted -- I was temporarily parked with a little virus until about a few hours ago, but I'm very proud to be here and be able to proclaim my friendship, my wholehearted and full support for this wonderful candidate. And we certainly -- he certainly goes with all our best wishes.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: Yes, I rise also to praise Michael Ajello.

He has been involved in two boroughs, as we have learned. He currently is a pro bono assistant district attorney in the Kings County district attorney's office, and he was and is still an arbiter for the Civil

Court of the borough of Richmond in Staten Island.

And this man not only crosses political parties, he is a man who is strongly committed to the values we are in terms of his legal knowledge. And similar to a senator who also represents Staten Island, he represented Staten Island and Brooklyn in the past, and we look upon him in Staten Island as someone who will grace the bench as an acting Supreme Court justice.

Thank you.

THE PRESIDENT: Does any other member wish to be heard?

Then the question now is on the nomination of Michael V. Ajello as a justice of the Supreme Court of the Second Judicial District.

All those in favor signify by saying aye, please.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Justice Ajello, and best wishes in your position.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a justice of the Supreme Court of the Second Judicial District, Joseph Fisch, of Larchmont.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to move the nomination of Joseph Fisch, who's currently a Court of Claims judge and is soon to be officially a Supreme Court judge of the Second Judicial District.

Mr. Fisch, Judge Fisch appeared before the Senate Judiciary Committee, was found to be well qualified. And his resume is replete with experience of the highest caliber, include including a member of the Judge Advocate's Court in the Army.

I happened to be in the Air Force, and I learned more there than probably anywhere with respect to trying cases.

I also note that he's served in two

district attorney's offices and rose to the highest position in each one of them. And his public service is just too extensive to announce on this floor today. But he was found to be well qualified.

And to second the nomination, I would ask Madam President to recognize Senator Velella.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Thank you, Madam President.

I too join in with Senator DeFrancisco to second the nomination of Judge Fisch. His experience is one of the highest degree that we have seen come before us in this Senate, from the Commission of Investigations on through his service as an IG and again, as mentioned, as assistant district attorney.

Since 1990, he has served on the Court of Claims, conducted over 292 trials, almost 700 motions, and 97 written published decisions. He is an outstanding jurist.

And I commend the Governor for making this nomination, which will entitle the

people of the State of New York to be able to avail themselves of his services for many years to come.

Good luck, Judge.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, I rise to join my good colleagues in commending the Governor for this fine appointment.

I've known Judge Fisch for some 25 years. And in all that time, he has comported himself so splendidly that over and over again he was chosen for positions of great responsibility.

He served in the Queens district attorney's office, as my colleague Senator Velella indicated -- twice, being called back to serve not only as executive assistant DA, but to serve in many capacities, three of the highest capacities in the Queens County district attorney's office.

Again, he was called upon to perform additional public service in the Kings County district attorney's office.

Judge Fisch is a graduate of

Stuyvesant High School. As a fellow alumnus, I'm proud to say that I recognize him as such and am proud to be associated with him.

If Madam President would listen to some of the accolades that over the years have been accorded him in his position as working on behalf of so many religious organizations and so many Jewish religious organizations, he has been preeminent in this state in that capacity, and reaching beyond the state, serving on behalf of those organizations on a pro bono basis.

I'm proud to also second that nomination and praise the Governor for this fine judicial nomination.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, although obviously Judge Fisch is not from my area, I've known Joe Fisch for many, many years, particularly in his time with the Commission on Investigation, when we dealt with a number of issues.

And he has been not only a good criminal justice person, but an excellent judge in the Court of Claims. And as my

colleagues said, he was with the district attorney's office.

I think he knows the law inside out, and I think he will make a fine addition to the Supreme Court. And I'm proud to second his nomination also.

THE PRESIDENT: The question is on the nomination of Joseph Fisch, of Larchmont, as justice of the Supreme Court of the Second Judicial District. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge -- Justice Fisch, Judge Fisch.

(Applause.)

THE PRESIDENT: Justice Fisch is accompanied by his wife, Betty, and daughter, Beth Fisch Cohen.

And Justice Ajello is still here -- we're glad about that -- and you're accompanied by your daughter Nicole,

sister-in-law Rose Varrone, and your friends Angelo Pisano and Mary Ann Tropiano.

Have a great celebration.

Senator Skelos.

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

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

The Secretary will continue to read.

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

As a member of the Board of Trustees of the City University of New York, Rita DiMartino, of Staten Island.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: This is a very -- another delightful -- two in a row like that, almost. And to be able to play a role in the placement of Rita DiMartino is a matter of great personal satisfaction, pride,

and affection.

So I'm very, very happy for all of us. And I think she augurs well and has a great deal to impart. And she has a magnificent background -- consultant and former vice president of the Congressional Relations Committee for AT&T, presently a member of the Foreign Relations Committee; a series of groups -- Hispanic Council on International Relations, Congressional Hispanic Caucus, Association of Latino Elected and Appointed Officials, and the list is endless.

In 1982, President Ronald Reagan appointed Rita DiMartino as ambassador to the UNICEF Executive Board. And she serves with great distinction, as she has with any public responsibility that she has assumed.

In 1992, as I may have mentioned, President George Bush appointed Rita DiMartino to the USO World Board of Governors. And today she's recognized by Who's Who in America, 100 Hispanic Influentials in America Today -- and I would guess that her name is very up close to the top -- and Who's Who in

American Politics.

Where they've had an opportunity to identify her, Madam President, they have done so with great zest and pleasure, as I do here today in earning her confirmation.

All the best, Rita.

THE PRESIDENT: Senator LaValle, first.

SENATOR LaVALLE: Thank you, Madam President.

Rita DiMartino came before the Higher Education Committee this morning and was really well received, well received because of the corporate background that she brings, understanding of legislative processes, and her cultural involvement and involvement in the community.

And I think those skills will serve her well and add to the CUNY board and I believe will make a good contribution. So it is a great pleasure to support her nomination.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

I, like my colleagues, would rise

for this nomination today for Rita DiMartino. I'd seen her earlier in the coffee shop as she was nervous, going over her papers and shaking. And I looked at her and I said, "Don't worry about it." I said, "You'll do fine."

And you did do fine. Because you come with great background, a great history, and you've done so much for our community, for our city and for our state, and so much for the Hispanic population in this country.

We commend you for what you have been able to do. And this is a great nomination. We fought in CUNY to change the standards and to raise those standards under Rudy Giuliani, under Governor Pataki, and under Benno Schmidt when we did that report.

And we continue today to raise those standards and to invite more into our universities and colleges around the state. And you will help to make that a better educational system than it has been in the past, and you will raise those standards.

Thank you, and God bless you.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Madam President, I wish everybody here had a copy of the -- this is a resume you could die for, I must tell you. It is so filled with an extensive background, both in the corporate world, in the business world, in the financial community, and in the international community.

First of all, what I consider to be significant is the fact that she and her daughter are both CUNY graduates.

We know about her background in the corporate world with AT&T, as the intergovernmental relations liaison. But she has served on foreign missions for our government, special missions to countries as diverse as Azerbaijan, Alaska -- Alaska is not a country, but to Alaska, to Israel, and Kenya and all points in between. She currently serves on the board for the Fulbright scholarships.

But I found one other thing even more important. When she and I met this morning, I asked her about CUNY. And the two words that she used, I think, describe CUNY the best way I can describe it. She used the

word "accessible," that CUNY should remain accessible to our students, whether they be native born or born elsewhere; and she used the word "opportunity." CUNY provides a unique opportunity for our young people and for returning citizens from all over the city of New York.

And I'm delighted that she has come before us. I see great things ahead for CUNY, and that's because we have a good CUNY Board of Trustees. So I am delighted to recommend her appointment.

Thank you.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: Yes, I rise to also second the nomination of Rita DiMartino.

And I want to commend the Mayor and the Borough President of Staten Island for giving us such an extraordinarily gifted individual.

I mean, where do you find on a C.V., on a resume, someone who's been involved in top positions at AT&T, the Council on Foreign Relations, UNICEF, and the U.N. Children's Foundation, who has been actively

involved in the local community, has been actively involved in the national scene, and who has been actively involved in the international scene?

She's very, very closely identified and proud of her activities in the Latino community. And she is closely identified with major cultural and educational endeavors throughout the borough of Staten Island, throughout the city of New York, through the nation, and through the world.

As my colleagues have said, it is not only a pleasure to vote for such a person, but also I hope that this will be a benchmark for other appointees to boards of trustees of the State or of the City University of New York.

Rita, if I may, I just want to say something else relating to your new position. This is not a cup of tea, it's not a bed of roses. It's going to be a very, very difficult assignment.

CUNY is, as you know, the third largest public university in the nation and the largest municipal public university in the

nation. And it has had some difficult times that have been alluded to previously.

Under the joint administration of Chairman Benno Schmidt and Chancellor Matthew Goldstein, most of these problems have been resolved. But there are still some that need to be resolved so that CUNY can in the future reach the vision and the goals that we all want for it.

And some of these are a continuation of access, a tuition that is not prohibitive, a ratio that puts full-time faculty ahead of part-time faculty, and a need and a concern for all young adults in the city and the state and the nation.

This is not going to be an easy assignment. But we have a great deal of faith in this candidate that, with the administration that now exists in CUNY, that she will excel in this position as she has excelled in other positions.

And may her nomination, as I said, be a benchmark of quality and the excellence for other nominees that we approve on the floor of the New York State Senate.

Thank you.

THE PRESIDENT: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

As I said this morning in the Higher Education Committee -- I'm going to try to repeat the same words that I said there this morning -- I have been here for six months. During those six months, in every committee that I am a member of I have got an opportunity to interview and to vote for candidates for different positions.

Here on the Senate floor I also have gotten the opportunity to vote for other people. They give me a piece of paper with a resume, and I read the resume and put my trust in the resume and what the paper says, and I have voted for people that I don't even know just based on what the paper said.

But today, as a Puerto Rican, as a member of the Hispanic community, I rise today to say that the person that we are voting -- the person that the Mayor has appointed to be a trustee of CUNY is a person that is a heroine in the Hispanic community, a person

that has done with her credentials, her work, her dedication for our community, has made us proud to have this lady as a member of the Hispanic community.

Rita DiMartino is not another person, she's one of the most outstanding, the most distinguished members of the Hispanic community and a member of the State of New York. Rita DiMartino has put the Hispanic community all over the world.

As a Hispanic member, as a Hispanic Senator, I'm so proud, so proud of this lady, so proud of the Mayor of New York for appointing this lady, so proud to hear all my fellow Senators here talk so well about Rita DiMartino.

I congratulate Rita DiMartino. I congratulate the Mayor of the City of New York. And I am delighted to see that this lady has been appointed to this position.

Thank you, Madam President.

THE PRESIDENT: The question is now on the nomination -- Senator Velella, you wish to be recognized?

SENATOR VELELLA: If I might,

just before we vote, I too would like to add my second to the nomination of Rita DiMartino.

Rita has been a friend of mine for many, many years. And while she has made many, many achievements in the corporate world and has many, many honors from universities throughout the state, actually -- she certainly has made her input on the young people of the Bronx -- her dedication to community and her involvement in local issues has always continued in spite of the great achievements she's made in the corporate and in the academic world.

She will be a very, very welcome voice on the board at CUNY, and I move the nomination.

THE PRESIDENT: The question, then, is now on the nomination of Rita DiMartino to the CUNY Board of Trustees. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

(Applause.)

THE PRESIDENT: Rita, as your friend and colleague, I want you to know what an honor it is for me to be presiding as you're nominated.

I think Rita has many outstanding qualities, as have been enumerated this afternoon. The quality to me that really does single her out is her humility in the face of so many wonderful virtues and qualities.

You're a wonderful asset to CUNY, and thank you for your willingness to serve.

The Secretary will continue to read.

THE SECRETARY: As State Deputy Comptroller for the City of New York, Ken Bleiwas, of Merrick.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Please recognize Senator Schneiderman.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

It is a pleasure to speak on the

nomination of Ken Bleiwas. I would urge all of my colleagues that you all are very familiar with Mr. Bleiwas's work, although you may not know it. He has worked on many, many reports in his 20 years working on behalf of all of us in the State Comptroller's office and looked at virtually every critical issue in the state, from public housing to education to childcare services.

I got to see one of the most extraordinary pieces of work that I've seen from any state agency that I know he was involved with and played a critical role in and really took the lead on, and that was the recent report by the State Comptroller's office that exposed the fact that the Metropolitan Transit Authority was keeping two sets of books and has misrepresented its finances.

Since that report was issued, two New York State Supreme Court justices have issued injunctions against the MTA based on the revelations of misconduct contained in the report.

I have dealt with Mr. Bleiwas, and

I have to say that there are very few people that have as acute an academic understanding of the intricacies of financing of state government and state authorities and yet also combine that with the practical orientation, the dedication to getting things done for the public, as Ken Bleiwas.

I think we have all benefited tremendously from his work. And not every one of his reports has been as high-profile as his examination of the MTA, which I think is going to have a significant effect on the way public authorities operate in the state for a long time to come. But many, many of his reports have had a tremendously beneficial effect.

We have very, very lucky to have him here with us today. And I'm proud to rise in support of his nomination.

Thank you.

THE PRESIDENT: The question is on the nomination of Ken Bleiwas as State Deputy Comptroller for the City of New York. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Mr. Bleiwas, and best wishes.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the Central New York State Park, Recreation and Historic Preservation Commission, Edward J. Audi, of Manilus.

As a member of the Genesee State Park, Recreation and Historic Preservation Commission, Carlton W. Seaburg, of LeRoy.

As a member of the Niagara Frontier State Park, Recreation and Historic Preservation Commission, Minot H. Ortolani, of Williamsville.

As a member of the Advisory Council on Agriculture, Daniel W. Sievert, of Burt.

As members of the Advisory Council on Alcoholism and Substance Abuse Services, Ron Bergstrom, of Jefferson; Robert J. Doherty, of Delmar; and Herbert D. Kleber,

M.D., of New York City.

As a member of the Continuing Care Retirement Community Council, Robert G. Spann, of South Setauket.

As a member of the State Fire Prevention and Building Code Council, Joseph F. Sauerwein, of Middle Island.

As a member of the Board of Visitors of the New York State Home for Veterans and their Dependents at St. Albans, Marjorie Smith, of South Ozone Park.

As members of the Board of Visitors of the State Home for Veterans and Their Dependents at Batavia, R. Stephen Hawley, of Batavia, and Mary Ann O'Coin, of Rochester.

And as members of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Quentin J. Masolotte, of Dansville; Paul F. Swift, of Pittsford; and Judy A. Tubiolo, of Pittsford.

THE PRESIDENT: The question is on the nominations as read by the Secretary. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are hereby confirmed.

Senator Velella.

SENATOR VELELLA: Continue in order, Madam President.

THE PRESIDENT: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Madam President, on behalf of Senator Maltese I wish to call up Calendar Number 743, Assembly Print Number 781.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 743, by Member of the Assembly Grannis, Assembly Print Number 781, an act to amend the Education Law.

SENATOR McGEE: I now move to reconsider the vote by which this Assembly bill was submitted for Senator Maltese's bill,

Senate Print Number 3274, on May 12, 2003.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR McGEE: I now move that Assembly Bill Number 781 be committed to the Committee on Rules and that Senator Maltese's Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered.

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

THE PRESIDENT: The amendments are received and adopted, Senator.

SENATOR McGEE: Thank you.

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Madam President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Seward, page number 4, Calendar Number 54, Senate Print 574;

Sponsored by Senator Alesi, page number 11, Calendar Number 330, Senate Print

123;

Sponsored by Senator Spano, page number 15, Calendar Number 431, Senate Print Number 3129B;

Sponsored by Senator Mendez, page number 23, Calendar Number 647, Senate Print 3367;

Sponsored by Senator Morahan, page 55, Calendar Number 1343, Senate Print 5489.

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

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

SENATOR McGEE: Thank you, Madam President.

THE PRESIDENT: You're welcome.

Senator Meier.

SENATOR MEIER: Thank you, Madam President.

Madam President, I wish to call up, on behalf of Senator Velella, Calendar Number 525, Assembly Print Number 8224B.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 525, by the Assembly Committee on Rules, Assembly Print Number 8224B, an act to amend Chapter 511 of the Laws of 1995.

SENATOR MEIER: Madam President, I now move to reconsider the vote by which the Assembly bill was substituted for the Senate bill, Senate Print Number 4380A, on June 10th.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR MEIER: Madam President, I now move that Assembly Bill Number 8224B be recommitted to the Committee on Rules and that Senator Velella's Senate bill be restored to the order of third reading.

THE PRESIDENT: So ordered.

SENATOR MEIER: Thank you, Madam President.

Madam President, on behalf of Senator Velella, I wish to call up Calendar Number 827, Assembly Print Number 7211A.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 827, by Member of the Assembly John, Assembly Print Number 7211A, an act to amend the Workers' Compensation Law.

SENATOR MEIER: Madam President, I now move to reconsider the vote by which this Assembly bill was substituted for Senator Velella's bill, Senate Print Number 4208, on June 2, 2003.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR MEIER: Madam President, I now move that Assembly Bill Number 7211A be recommitted to the Committee on Rules and that the Senate bill be restored to the order of third reading.

THE PRESIDENT: So ordered.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: You're welcome. Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

On behalf of Senator Oppenheimer, I wish to call up her bill, Print Number 4034, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1172, by Senator Oppenheimer, Senate Print 4034, an act authorizing the City of New Rochelle.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

THE PRESIDENT: The amendments are received and adopted, Senator.

SENATOR MONTGOMERY: Thank you.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Madam President, if we can adopt the Senate Resolution Calendar, with the exception of Resolution 2328.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolution 2328, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar, with the certain exception, is thereby adopted.

Senator Velella.

SENATOR VELELLA: Madam President, can we call up Resolution Number 2328 and have it read, have the title read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 2328, memorializing George E. Pataki to proclaim October 9, 2003, as Quality After-School

Program Day in the State of New York.

SENATOR VELELLA: Madam President, may we adopt the resolution now.

THE PRESIDENT: All those in favor of adopting the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Velella.

SENATOR VELELLA: Are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

SENATOR VELELLA: Madam President, if I might for a moment, Madam President.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Resolution 2328, on behalf of the sponsor, if we can open that up for anyone who wants to join in that resolution, it will remain at the desk.

THE PRESIDENT: Any member who does not wish to be a sponsor of Resolution 2328 please notify the desk.

Senator Velella.

SENATOR VELELLA: And can we now return to substitutions.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 5, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 8018 and substitute it for the identical Senate Bill Number 108, Third Reading Calendar 116.

On page 12, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 7517 and substitute it for the identical Senate Bill Number 281A, Third Reading Calendar 336.

On page 15, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 7232 and substitute it for the identical Senate Bill Number 3564, Third Reading Calendar 423.

On page 16, Senator Volker moves to discharge, from the Committee on Rules,

Assembly Bill Number 4341 and substitute it for the identical Senate Bill Number 1938, Third Reading Calendar 438.

On page 17, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 4812C and substitute it for the identical Senate Bill Number 2225B, Third Reading Calendar 485.

On page 17 Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8180 and substitute it for the identical Senate Bill Number 3766, Third Reading Calendar 496.

On page 21, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 6988A and substitute it for the identical Senate Bill Number 3522A, Third Reading Calendar 572.

On page 21, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 4078A and substitute it for the identical Senate Bill Number 4520A, Third Reading Calendar 574.

On page 26, Senator Robach moves to discharge, from the Committee on Rules,

Assembly Bill Number 5918 and substitute it for the identical Senate Bill Number 4199, Third Reading Calendar 709.

On page 28, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8028A and substitute it for the identical Senate Bill Number 4833A, Third Reading Calendar 776.

On page 30, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 6921C and substitute it for the identical Senate Bill Number 3294B, Third Reading Calendar 808.

On page 34, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 3507A and substitute it for the identical Senate Bill Number 2833A, Third Reading Calendar 866.

On page 36, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 8336C and substitute it for the identical Senate Bill Number 4872C, Third Reading Calendar 912.

On page 39, Senator Maziarz moves to discharge, from the Committee on Rules,

Assembly Bill Number 4436 and substitute it for the identical Senate Bill Number 4412, Third Reading Calendar 948.

On page 39, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 5065 and substitute it for the identical Senate Bill Number 1998, Third Reading Calendar 952.

On page 41, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8139A and substitute it for the identical Senate Bill Number 4421A, Third Reading Calendar 996.

On page 43, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 1995A and substitute it for the identical Senate Bill Number 1053A, Third Reading Calendar 1040.

On page 45, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 8624A and substitute it for the identical Senate Bill Number 4354B, Third Reading Calendar 1208.

On page 46, Senator Oppenheimer moves to discharge, from the Committee on

Rules, Assembly Bill Number 8714A and substitute it for the identical Senate Bill Number 4539A, Third Reading Calendar 1230.

On page 46, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 8739 and substitute it for the identical Senate Bill Number 5373, Third Reading Calendar 1258.

On page 47, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 8768 and substitute it for the identical Senate Bill Number 5383, Third Reading Calendar 1261.

On page 47, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 8799 and substitute it for the identical Senate Bill Number 5412, Third Reading Calendar 1263.

On page 47, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 6339 and substitute it for the identical Senate Bill Number 348, Third Reading Calendar 1267.

On page 47, Senator Nozzolio moves to discharge, from the Committee on Rules,

Assembly Bill Number 2902 and substitute it for the identical Senate Bill Number 959, Third Reading Calendar 1270.

On page 48, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 5416A and substitute it for the identical Senate Bill Number 2682A, Third Reading Calendar 1279.

On page 48, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 7090 and substitute it for the identical Senate Bill Number 3130, Third Reading Calendar 1280.

On page 49, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 7973 and substitute it for the identical Senate Bill Number 3937, Third Reading Calendar 1284.

On page 49, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 7320B and substitute it for the identical Senate Bill Number 3946A, Third Reading Calendar 1285.

On page 49, Senator Breslin moves to discharge, from the Committee on Rules,

Assembly Bill Number 8395 and substitute it for the identical Senate Bill Number 4254, Third Reading Calendar 1288.

On page 49, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8376B and substitute it for the identical Senate Bill Number 4538B, Third Reading Calendar 1291.

On page 50, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 8307 and substitute it for the identical Senate Bill Number 4888, Third Reading Calendar 1297.

On page 50, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 8398 and substitute it for the identical Senate Bill Number 4974, Third Reading Calendar 1302.

On page 51, Senator Hoffmann moves to discharge, from the Committee on Rules, Assembly Bill Number 8356A and substitute it for the identical Senate Bill Number 5110, Third Reading Calendar 1305.

On page 51, Senator Lachman moves to discharge, from the Committee on Rules,

Assembly Bill Number 8463 and substitute it for the identical Senate Bill Number 5001, Third Reading Calendar 1308.

On page 51, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8090 and substitute it for the identical Senate Bill Number 5174, Third Reading Calendar 1313.

On page 52, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 8671 and substitute it for the identical Senate Bill Number 5314, Third Reading Calendar 1320.

On page 52, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 6463 and substitute it for the identical Senate Bill Number 5330, Third Reading Calendar 1322.

On page 53, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8341A and substitute it for the identical Senate Bill Number 5368A, Third Reading Calendar 1325.

On page 54, Senator Bonacic moves to discharge, from the Committee on Rules,

Assembly Bill Number 8314 and substitute it for the identical Senate Bill Number 5448, Third Reading Calendar 1336.

On page 54, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 497A and substitute it for the identical Senate Bill Number 5487, Third Reading Calendar 1342.

And on page 55, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 3679 and substitute it for the identical Senate Bill Number 5499, Third Reading Calendar 1344.

THE PRESIDENT: Substitutions ordered.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

A little bit earlier when we adopted the Resolution Calendar, I had a resolution 2353 there, which commemorates the joining of the U.S. Marines by 319 New York City people. It was the largest enlistment group since World War II, and it was the largest since; there's not been one that high.

This August will mark the fiftieth year of that occasion, when the city celebrates its tercentennial. I want to open that resolution to all my fellow members. Those who would like to be on it, you know, notify the desk.

THE PRESIDENT: Any member who does not want to be a sponsor please notify the desk.

Senator Morahan.

SENATOR MORAHAN: Madam President, there's a privileged resolution by Senator Robach. I'd like to have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Robach, Joint Resolution to create an Ad Hoc Special Committee of the Legislature to conduct a public hearing.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Morahan.

SENATOR MORAHAN: Yes, there's a privileged resolution at the desk by Senator Lachman. I move that the title be read and move the resolution for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Lachman, Legislative Resolution commemorating the 100th birthday of the late Dr. Ralph Johnson Bunche, a 1950 Nobel Peace Prize winner for his work on the United Nations Palestine Commission.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam

President, if we could return to reports of standing committees.

I believe there's a report from the Rules Committee at the desk.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

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

Senate Print 401B, by Senator Breslin, an act to authorize;

579B, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

1108, by Senator Volker, an act to amend the Civil Practice Law and Rules;

1389A, by Senator Leibell, an act in relation to legalizing;

1528, by Senator Wright, an act to amend the Real Property Tax Law;

1570A, by Senator Alesi, an act to amend the New York City Civil Court Act;

2967, by Senator Hannon, an act to amend Chapter 505 of the Laws of 1995;

2980A, by Senator Robach, an act to

amend the Retirement and Social Security Law;

3066A, by Senator Robach, an act to amend the Civil Service Law;

3206A, by Senator Little, an act to amend the County Law;

3245A, by Senator Maziarz, an act to amend the Real Property Tax Law;

3422A, by Senator Wright, an act in relation to granting;

3574, by the Senate Committee on Rules, an act to amend the Tax Law;

3836, by Senator Velella, an act to amend the Civil Service Law;

3900, by Senator Robach, an act to amend the General Municipal Law;

3921A, by Senator Velella, an act authorizing;

3927, by Senator Flanagan, an act to amend the Tax Law;

3949, by Senator Robach, an act to amend the Civil Service Law;

3952, by Senator Trunzo, an act to authorize;

4113A, by Senator Saland, an act to amend the Banking Law;

4187A, by Senator Golden, an act to amend the Retirement and Social Security Law;

4497, by Senator Alesi, an act to amend the General Business Law;

4500, by Senator Kuhl, an act to amend the General Business Law;

4542B, by Senator Rath, an act to amend the Social Services Law;

4714B, by Senator Golden, an act to amend the Public Health Law;

4765, by Senator Maziarz, an act to amend the Public Authorities Law;

4774A, by Senator Flanagan, an act to amend the State Administrative Procedure Act;

4816, by Senator Leibell, an act to amend the Transportation Corporations Law;

4912, by Senator Kuhl, an act to amend the Transportation Law;

4914, by Senator Kuhl, an act to amend the Highway Law;

4923, by Senator Little, an act to amend the Real Property Tax Law;

4924, by Senator Little, an act to amend the Real Property Tax Law;

4930, by Senator Volker, an act to amend the Labor Law;

4962, by Senator Velella, an act to amend the Retirement and Social Security Law;

5029, by Senator Velella, an act to amend the Administrative Code of the City of New York;

5030A, by Senator Velella, an act to amend the Administrative Code of the City of New York;

5055, by Senator Padavan, an act to amend the Real Property Tax Law;

5061A, by Senator Saland, an act to amend the Education Law;

5066, by Senator Maziarz, an act to amend Chapter 433 of the Laws of 1997;

5140, by Senator Johnson, an act to amend the Education Law;

5156A, by Senator Skelos, an act to amend the Public Health Law;

5160, by Senator Hannon, an act to amend Chapter 884 of the Laws of 1990;

5163A, by Senator LaValle, an act to amend the State Finance Law;

5214, by Senator Padavan, an act to

amend the Real Property Tax Law;

5216C, by Senator Golden, an act to amend the Private Housing Finance Law;

5222A, by Senator Fuschillo, an act to authorize;

5242, by Senator Rath, an act to amend the Family Court Act;

And Senate Print 5348, by Senator Duane, an act to amend Chapter 292 of the Laws of 1904.

All bills ordered direct to third reading.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President, I move that we accept the reading of the Rules report.

THE PRESIDENT: All those in favor of accepting the Rules report please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

SENATOR MORAHAN: Madam

President, could we recognize Senator Lachman at this time.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: Yes, I rise, Madam President, and I thank this body for putting this resolution on today. I had been told beforehand that it would not be on until Thursday, so I will not be reading from notes.

This resolution is about one of the greatest Americans in the 20th century. And this is in honor of his centenary, his birth. The man's name is Dr. Ralph J. Bunche.

Dr. Bunche rose to the highest position that any American could at the United Nations, as Undersecretary General for the United Nations. Dr. Bunche grew up in the time of segregation. Dr. Bunche received his Ph.D. from Harvard. He taught African studies as well as politics at Howard University -- he was chairman of the department -- and served President Franklin Roosevelt as the first head of the African desk in the State Department.

The tragedy was that when Dr. Bunche took his colleagues out to lunch, Washington was a southern segregated city and

he could only take his friends to Union Station, which had been federalized by President Roosevelt.

Ralph Bunche also participated in one of the major academic studies of the 20th century, An American Dilemma, by the Swedish political scientist Gunnar Myrdal. He was one of those who contributed to these studies, and it's fitting that he did, because this study revealed that racism was endemic in American society against African-Americans.

Now, Ralph Bunche rose to the highest positions in American life and the highest positions in international affairs. While President Clinton and President Carter and President Bush have all been struggling to bring peace in the Middle East, it was Dr. Ralph J. Bunche, after the assassination of Count Folke Bernadotte, who brought about an armistice agreement between Israel, Egypt, Syria, and Lebanon.

He was truly an extraordinary individual. Lived in Kew Garden Hills. And I want to thank my cosponsors, Senator Padavan; Senator Ada Smith, who represented the area in

which he lived; and Senator Liz Krueger, because his greatness emanated not only from the State Department, not only from the OSS, but from the United Nations as well.

And I really think that a man of this great ability and these great accomplishments should be recognized not only by this body but by all state legislatures in the United States.

So, Madam President, it gives me great privilege to present this resolution and open it up to any Senator who wants to sign on to it: one of the greatest Americans who lived in the 20th century, Dr. Ralph J. Bunche.

THE PRESIDENT: The resolution was previously adopted.

Senator Morahan.

SENATOR MORAHAN: Madam President, following the custom of the house, all those who would like to be on the resolution will be on the resolution. If they don't care to be the resolution, they will notify the desk.

Can we now return to the

noncontroversial reading of the calendar.

THE PRESIDENT: Any member who does not want to be a sponsor of the resolution please notify the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 156, by Senator Kuhl, Senate Print 1876, an act to amend the Vehicle and Traffic Law, in relation to appropriate reduced speeds.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 255, by Member of the Assembly Bacalles, Assembly Print Number 5093A, an act to amend the Tax Law, in relation to sales and use taxes.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 358, by Senator Velella, Senate Print 3194, an act to amend the Labor Law and the State Finance Law, in relation to discriminatory

business practices.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 1st of April, 2005.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 393, by Senator Kuhl, Senate Print 837A, an act to amend the County Law, in relation to wireless communications service.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

420, by Senator Kuhl, Senate Print 3438, an act to amend the Vehicle and Traffic Law, in relation to replacement of deployed air bags.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 458, by Senator Volker, Senate Print 3479A, an act to amend the Penal Law and the Public Authorities Law, in relation to assaults.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 484, by Senator Wright, Senate Print 3800A, an act to amend the Public Authorities Law, in relation to landfill gas power generation projects.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 527, by Senator McGee, Senate Print 2768A, an act to amend the General City Law and others, in relation to service of notice.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 662, by Senator DeFrancisco, Senate Print 3345A, an act to amend the Public Authorities Law, in relation to creating.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 679, by the Assembly Committee on Rules, Assembly Print Number 8098A, an act to adjust certain state aid paid.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 776, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8028A, an act to amend the Private Housing Finance Law and the Public Housing Law.

SENATOR MONTGOMERY: Lay it

aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 780, by Senator Larkin, Senate Print 1374, an act to amend the Insurance Law, in relation to providing.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 795, by Senator Flanagan, Senate Print 4990B, an act to amend the Navigation Law, in relation to lowering the threshold.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

811, by Senator LaValle, Senate Print 4428A, an act to amend the General Business Law, in relation to establishing.

SENATOR CONNOR: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 815, by Senator Alesi, Senate Print 1141, an act to amend the Public Health Law, in relation to directing medical equipment.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Section 1 of Chapter 618 of the Laws of 2002.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 866, substituted earlier today by Member of the Assembly Magnarelli, Assembly Print Number 3507A, an act to amend the Executive Law, in relation to prompt response.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 873, by Senator Trunzo, Senate Print 1369, an act to amend the Public Authorities Law, in relation to establishing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 935, by Senator Maziarz, Senate Print 4991A, an act to amend the Parks, Recreation and

Historic Preservation Law, in relation to lowering the threshold.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 952, substituted earlier today by Member of the Assembly Kolb, Assembly Print Number 5065, an act to amend the Tax Law, in relation to extending the expiration.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 954, by Senator Nozzolio, Senate Print 2746A, an act to amend the Tax Law, in relation to extending the expiration.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 955, by Member of the Assembly Casale, Assembly Print Number 7108, an act to amend the Tax Law, in relation to sales and compensating use taxes.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1017, by Senator LaValle, Senate Print 3405B, an act to amend the Education Law, in relation to creating.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1018, by Member of the Assembly Destito, Assembly Print Number 2317B, an act to amend the Education Law and the Criminal Procedure Law.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1021, by Senator Libous, Senate Print 2691, an act to amend the Mental Hygiene Law, in relation to the oversight and regulation of electroconvulsive therapy.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1072, by Senator Maziarz, Senate Print 3702B, an act to amend the Tax Law, in relation to hotel and motel taxes in Orleans County.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1098, by Senator McGee, Senate Print 2891A, an act to amend the Tax Law, in relation to

authorizing the County of Cattaraugus.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1109, by Senator McGee, Senate Print 3350, an act to amend the Tax Law, in relation to extending the expiration.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1124, by the Senate Committee on Rules, Senate

Print Number 5189, an act to amend the Tax Law, in relation to extending the expiration.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1129, by the Senate Committee on Rules, Senate Print Number 5344A, an act to amend the Tax Law, in relation to authorizing the County of Delaware.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1208, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8624A, an act to amend Chapter 233 of the Laws of 2000.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1220, by Senator Flanagan, Senate Print 5182A, an act to amend the Real Property Tax Law, in relation to providing a tax exemption.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1247, by Senator Johnson, Senate Print 5148, an act to amend the Public Officers Law, in relation to permitting.

THE PRESIDENT: Read the last section.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1252, by Senator Golden --

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1258, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8739, an act authorizing certain housing authorities.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1261, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8768, an act to amend the Private Housing Finance Law, in relation to affordable housing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1263, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8799, an act authorizing certain housing authorities to transfer.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 1265, by Senator Hoffmann, Senate Print 175, an act to amend the Tax Law, in relation to certain tax credits.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1267, substituted earlier today by Member of the Assembly Glick, Assembly Print Number 6339, an act to amend the State Finance Law.

SENATOR MORAHAN: Lay it aside for the day, please.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1269, by Senator LaValle, Senate Print 756, an act to amend the Environmental Conservation

Law, in relation to adding national estuary implementation projects.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1270, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 2902, an act to amend the Criminal Procedure Law, in relation to persons designated.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1271, by Senator Farley, Senate Print 979A, an act to amend the Tax Law, in relation to the requirement to file.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1272, by Senator Volker, Senate Print 1064A, an act to amend the Civil Practice Law and Rules, in relation to requiring disclosure.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1273, by Senator Spano, Senate Print 1390, an act to amend the Vehicle and Traffic Law, in relation to enacting the "Move Over Act."

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1274, by Senator Rath, Senate Print 1692A, an act to amend the General Municipal Law, in relation to authorizing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1275, by Senator Rath, Senate Print 2047, an act to amend the Vehicle and Traffic Law, in relation to suspension.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1276, by Senator Hannon, Senate Print 2639B, an act to amend the Vehicle and Traffic Law, in relation to creating.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1277, by Senator Golden, Senate Print 2669, an act in relation to authorizing the City of New York to sell real property.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1278, by Senator Marcellino, Senate Print 2670, an act to require the New York State and Local Employees Retirement System.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1279, substituted earlier today by Member of the Assembly Tonko, Assembly Print Number 5416A, an act to amend the Long Term Care Integration and Finance Act of 1997.

THE PRESIDENT: Read the last section.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1280, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 7090, an act to amend the Tax Law, in relation to sales and compensating use taxes.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Spano, Senate Print 3225, an act to amend the Local Finance Law, in relation to bonds and notes of the City of Yonkers.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1282, by Senator McGee, Senate Print 3320, an act to amend the Election Law, in relation to

the declination of designations.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator Farley, Senate Print 3465, an act to amend the Retirement and Social Security Law, in relation to service credit.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1284, substituted earlier today by the

Assembly Committee on Rules, Assembly Print Number 7973, an act to amend the Tax Law, in relation to extending the period.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1285, substituted earlier today by Member of the Assembly Gromack, Assembly Print Number 7320B, an act granting retroactive membership.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator Seward, Senate Print 4137C, an act to amend the Tax Law, in relation to authorizing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1288, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8395, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator DeFrancisco, Senate Print 4404, an act to amend the Civil Practice Law and Rules, in relation to eliminating demands.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1290, by Senator Volker, Senate Print 4409, an act to amend the Public Authorities Law, in relation to creation.

ACTING PRESIDENT McGEE: There is

a home-rule message at the desk.

SENATOR VOLKER: Madam President.

ACTING PRESIDENT McGEE: Senator Volker.

SENATOR VOLKER: Lay that bill aside until tomorrow, please. The Assembly would like me to hold it. We're going to pass both bills at the same time from the Assembly.

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

THE SECRETARY: Calendar Number 1291, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8376B, an act authorizing the County of Westchester.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1292, by Senator Balboni, Senate Print 4754, an act to amend Chapter 340 of the Laws of 2001 amending the Judiciary Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect September 1.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1293, by Senator Leibell, Senate Print 4815, an act to amend the New York State Urban Development Corporation Act, in relation to the power of the New York State Urban Development Corporation.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1296, by Senator Leibell, Senate Print 4887, an act to amend the Waterfront Commission Act, in relation to empowering the commission.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1297, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8307, an act to amend the Real Property Tax Law, in relation to tax exemption.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1298, by Senator Kuhl, Senate Print 4915, an

act to amend the Vehicle and Traffic Law, in relation to knowingly operated uninsured motor vehicles.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Kuhl, Senate Print 4918, an act to amend the Vehicle and Traffic Law, in relation to sanctions.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1300, by Senator Leibell, Senate Print 4943, an act to amend the Waterfront Commission Act, in relation to empowering the Waterfront Commission.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect upon the enactment into law.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1302, substituted earlier today by the

Assembly Committee on Rules, Assembly Print Number 8398, an act to amend the General Business Law and the Executive Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1304, by the Senate Committee on Rules, Senate Print Number 5090A, an act to amend the Education Law, in relation to extending.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1305, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8356A, an act to amend the Agriculture and Markets Law, in relation to the inspection and sale of seeds.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 90th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1306, by Senator Golden, Senate Print 5460, an act to amend the Alcoholic Beverage Control Law and the Vehicle and Traffic Law, in relation to requiring the suspension.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1307, by Senator Onorato, Senate Print 2452, an act to amend the Labor Law, in relation to requiring.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect one year.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1308, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8463, an act to authorize Congregation.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1309, by Senator Kuhl, Senate Print 5127, an act to amend the Vehicle and Traffic Law, in relation to violations.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1310, by Senator Johnson, Senate Print 5138, an act to amend the State Finance Law, in relation to authorizing.

ACTING PRESIDENT McGEE: Read the

last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1311, by Senator Volker, Senate Print 5145, an act to amend the Criminal Procedure Law, in relation to the procedure.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 120th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1312, by Senator Leibell, Senate Print 5165,

an act to amend the Public Authorities Law and the State Finance Law, in relation to providing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1313, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8090, an act to amend the Estates, Powers and Trusts Law, in relation to permitting.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1314, by Senator Velella, Senate Print 5180, an act to amend the Retirement and Social Security Law, in relation to disability benefits.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator LaValle, Senate Print 5204, an act to amend the Executive Law, in relation to accreditation of police officers.

ACTING PRESIDENT McGEE: Read the

last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1317, by Senator Little, Senate Print 5217, an act to authorize the creation of the Cossayuna Lake Management District.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

1318, by Senator Rath, Senate Print 5249, an act to amend the Family Court Act and the Social Services Law, in relation to reports.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1319, by Senator Hannon, Senate Print 5303A, an act to amend the New York Health Care Reform Act of 2000.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1320, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8671, an act to amend the Vehicle and Traffic Law, in relation to changing the expiration.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I just want to point out that we keep extending the deadlines for when these pilot programs have to make their reports, but we never get their reports and there's no

consequence for them. So I'm going to vote in opposition to this as a protest, because --

ACTING PRESIDENT McGEE: Senator Duane, you wish to be listed in the negative on what bill?

SENATOR DUANE: 1320.

ACTING PRESIDENT McGEE: Without objection.

SENATOR DUANE: Well, I'm speaking on the bill, Madam President.

ACTING PRESIDENT McGEE: We're on the noncontroversial right now.

SENATOR DUANE: No, no, I was standing.

ACTING PRESIDENT McGEE: Well, the bill has already been passed. It's my understanding the bill has already been passed. We will have to reconsider the vote by which it passed.

SENATOR DUANE: Okay.

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

(The Secretary called the roll.)

THE SECRETARY: In relation to

Calendar Number 1320 --

(The Secretary called the roll.)

THE SECRETARY: -- ayes, 62.

ACTING PRESIDENT McGEE: The bill is laid aside.

SENATOR DUANE: I don't want to lay it aside.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1321, by Senator Trunzo, Senate Print 5323A, an act to amend the Real Property Tax Law, in relation to adjusted base proportions.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1322, substituted earlier today by Member of

the Assembly Magnarelli, Assembly Print Number 6463, an act to amend the Executive Law, in relation to annual reporting.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1324, by Senator Rath, Senate Print 5346B, an act authorizing the Commissioner of Transportation.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 1324 are Senators LaValle, Leibell, and Oppenheimer. Ayes, 59. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1325, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8341A, an act to amend the Environmental Conservation Law, in relation to restricting.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1327, by Senator Johnson, Senate Print 5381, an act to amend the Environmental Conservation Law, in relation to prohibiting.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1327 are Senators LaValle, Leibell, and Oppenheimer. Also Senator Stavisky. Ayes, 58. Nays, 4.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1328, by Senator LaValle, Senate Print 5386, an act to amend the Education Law, in relation to requiring.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2005.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1329, by Senator Morahan, Senate Print 5388, an act to amend the Penal Law, in relation to authorized dispositions.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1330, by Senator Volker, Senate Print 5407, an act to amend the Criminal Procedure Law, in relation to admissibility of a witness's sexual conduct.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

SENTATOR SABINI: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1331, by Senator Skelos, Senate Print 5416, an act to amend Chapter 138 of the Laws of 1998, amending the Navigation Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1332, by Senator Maziarz, Senate Print 5417, an act to amend Chapter 352 of the Laws of 1999, amending the Parks, Recreation and

Historic Preservation Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1334, by Senator Golden, Senate Print 5425, an act to amend the Penal Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1335, by Senator Meier, Senate Print 5442, an act to amend the Social Services Law, in relation to receipt of nonrecurring lump-sum income.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1336, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8314, an act to amend the Social Services Law, in relation to requiring.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1337, by Senator Bonacic, Senate Print 5449, an act to authorize the Town of Saugerties to discontinue.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1338, by Senator Robach, Senate Print 5461, an act to amend the Alcoholic Beverage Control Law, in relation to increasing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1339, by the Senate Committee on Rules, Senate Print Number 5467, an act to amend the Administrative Code of the City of New York and the Education Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect June 30.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1341, by Senator Morahan, Senate Print 5480, an act to amend Chapter 601 of the Laws of 1999 relating to authorizing.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1342, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 497A, an act to amend the Eminent Domain Procedure Law, in relation to requiring.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 90th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1344, substituted earlier today by Member of the Assembly Weprin, Assembly Print Number 3679, an act to amend the Civil Practice Law and Rules, in relation to the service of subpoena.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

Senator Duane.

SENATOR MONTGOMERY: Madam President.

ACTING PRESIDENT McGEE: Senator Duane has the floor.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I could have unanimous consent to be recorded in the negative on Calendar Number 1275, S2047.

ACTING PRESIDENT McGEE: Without objection.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I would like to be recorded in the negative on Calendar 1334.

ACTING PRESIDENT McGEE: Without objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President, we inadvertently laid aside Calendar 1267 for the day. I'd like it just to be laid aside temporarily and taken in its

regular order as we go to the controversial reading of the calendar.

ACTING PRESIDENT McGEE: So ordered.

Senator Stavisky.

SENATOR STAVISKY: Madam President, I would like to be recorded in the negative on Calendar 1324, Senate 5346B.

ACTING PRESIDENT McGEE: Without objection.

Senator Sabini.

SENATOR SABINI: Madam President, I request unanimous consent to be recorded in the negative on Calendar Number 1275, Senate 2047.

ACTING PRESIDENT McGEE: Without objection.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. When we did the Resolution Calendar before, I didn't have the opportunity to open up for cosponsorship to anyone who would like to my Resolution 2339 celebrating the 150th anniversary of Central Park.

While it is in my district, I don't

think there's any question that Central Park is a treasure for every Senator of New York State. So I would just like to open that up for cosponsorship.

ACTING PRESIDENT McGEE: Anyone not wishing to be on the resolution please notify the desk.

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

SENATOR MORAHAN: Madam President, can we take up the controversial reading of the calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 420, by Senator Kuhl, Senate Print 3438, an act to amend the Vehicle and Traffic Law, in relation to replacement of deployed air bags.

SENATOR MONTGOMERY: Explanation.

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

SENATOR KUHL: Thank you, Madam President.

This bill would regulate the sale of new and recyclable restraint systems,

commonly known as air bags to most of us, and the replacement of deployed air bags, and would amend Chapter Law 161 of the Laws of 1996.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, if Senator Kuhl would yield --

ACTING PRESIDENT McGEE: Senator Kuhl, will you yield?

SENATOR MONTGOMERY: -- for a question.

SENATOR KUHL: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR MONTGOMERY: Senator Kuhl, I just wanted to know from you, it's my understanding that there is no recognized national testing body that could verify the function of an air bag once it has been deployed.

SENATOR KUHL: That's essentially correct, Senator.

We passed a bill that requires

national certification. The problem is that there is no national certification. So at this point, the only way that you can get a replaceable air bag is to buy a brand-new one.

There are preowned bags that are available for a much lower cost. And so what this bill does would allow that type of replacement, if the owner wishes to do that.

And I should say that the replaceable air bag has to meet the same kinds of standards, requirements, and criteria which the new one would anyway, and has to be certified by the replacer in fact that it is in workable condition.

So what we're trying to do is to create a secondhand market, if you would, to people who don't feel that they can pay $800, I think is the standard going cost for a new air bag, whereas opposed to you can find a salvaged one that is perfectly workable, meets the criteria, and it would cost you a quarter of the cost.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Madam

President, if I may continue to -- may I continue with Senator Kuhl?

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

SENATOR KUHL: Yes.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR MONTGOMERY: Senator Kuhl, I understand that the Greater New York Automobile Dealers Association has expressed some concern, which I would just like to raise with you. And that is the problem that the bill may inadvertently create with stolen air bags.

In other words, if this will encourage auto theft, as they seem to suggest, because people will now -- the air bags will become much more desirable since it's allowable for them to be recycled.

SENATOR KUHL: Senator, I guess I would say to you that if I had a monopoly on the market and all of a sudden there was a piece of legislation that was offering another alternative, I'd raise every potential issue in objection to that proposal. And I view

that as exactly what is happening coming from the Greater New York Auto Dealers Association.

It's unfortunate that every other aspect of an automobile you can have preowned parts, replaceable parts put in, except right now, because of the failure of a national certification association, air bags are not on that list.

SENATOR MONTGOMERY: All right. Thank you, Senator.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Madam President.

On the bill.

ACTING PRESIDENT McGEE: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: I'm certainly going to vote for the legislation. I think it's certainly -- Senator Kuhl is promoting a consumer-friendly legislation.

But I did want to just raise the issue of the possibility that we may see an increase in auto theft because people are now looking to get the air bags and resell them.

So -- but I'm still going to vote yes on this legislation.

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

Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

My wife had a car accident. And the car that she was driving, when we purchased that car, it had no air bag. My wife almost got killed because of no inflatable air bag in that car.

And the people that sold the car to us, they knew, they knew about it. They knew about it. They took the air bag and sent it to other people, and they sold the car to us. And that's criminal. That's putting other people's lives in your -- that's playing with people's lives.

This is a magnificent, a beautiful bill, and I congratulate Senator Kuhl for this bill. Because this bill will tell those guys, if you know that that car doesn't have an inflatable air bag, tell the people who's buying it or don't sell it.

My wife was put through that incident, and I -- I'm glad that we tried to prevent other people from going through the same situation. And this is a beautiful bill, and I ask all my colleagues to support this bill.

Thank you, Senator Kuhl, for this beautiful bill.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator McGee recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Volker, Senate Print 3479A, an act to amend the Penal Law and the Public Authorities Law.

SENATOR SCHNEIDERMAN:

Explanation.

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

SENATOR VOLKER: Madam President, very quickly, I understand why my colleagues laid this bill aside, but let me explain it.

This bill passed -- a bill identical to this passed last year which was supported by the Transit Workers Union and sponsored by Assemblyman Roger Green. And that bill provided for a number of people who were part of the Metropolitan Transit Authority employees -- transit employee authority, particularly the MTA, would be covered by a potential increase -- now, I'll tell you why I say potential increase -- in the penalty on assault.

You should remember one thing, that the Assembly has refused for years -- and it was one of my projects through the '90s to get the Assembly to increase the penalties for assault, which the Assembly has refused to do.

In fact, the Governor himself has come out and said that the penalties for assault are clearly underscored, as I call it.

They clearly are not strong enough. And that is particularly in New York City, where misdemeanors now are treated almost like offenses or traffic violations in most of the courts. And unless you actually get a felony, most of the DAs virtually ignore them.

All this bill does is essentially say that now, for a person who is a station manager -- a station agent, I'm sorry, thank you, would be treated the same as the rest of the people who were put in last year.

What would be the penalties now? Generally a misdemeanor, which would allow -- would say that you could be up to a year in jail, or in certain cases an E felony, which is one year to three years.

What this bill does is say that if you assault one of these people now, instead of being a misdemeanor or an E felony, it would be a D felony. It's not as big a deal as it sounds. So they could be subject to one to seven years in jail instead of one to three.

But unfortunately, most of the time these assaults are treated as misdemeanors

because of the difficulty in physical injury -- in showing physical injury.

So essentially what this bill does is say that if you assault one of these people that are listed in this bill, and we add station agents to it, then the sentence could be higher, subject to a judge. And of course what it would mean is how serious was the actual assault.

It's the same principle. So it's not really that big a deal. And it's easy to say, well, we should be do this for everybody. Except that realistically that's not going to happen.

So what people are trying to do is get added protection because they happen to believe, as I do, in the concept of deterrence. And it's been proved over the years that deterrence does work.

So that's what this is about. Assemblyman Green expects to pass this bill, which will add essentially just this one group to the issue of assaults on transit workers.

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President, briefly on the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I appreciate the explanation.

And I do want to -- I strongly support this legislation. I'm particularly pleased to hear that Senator Volker does believe in the theory of deterrence -- and we'll discuss that at some future date -- as opposed to the theory of incapacitation, which sometimes seems to motivate some legislation here.

This bill, though, is about a very simple issue, and that is that our mass transit system is increasingly a place that we have to focus on when we're talking about security issues. We talk a lot about issues of homeland security here. Our station agents are the first line of defense for many, many millions of people who rely on our mass transportation system.

And I would urge that in the same

vein that we're seeking to protect them and focus on security issues, we also take the steps necessary to see that we keep open all of the token booths in the system in New York City which are currently at risk. And I hope it's not going to require legislative action here.

But if it does, I certainly think the security concerns that motivate this and other legislation more than justify keeping the eyes and ears of the station agents in the system to protect all of our citizens from any harm from enemies foreign or domestic.

Thank you.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 776, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8028A, an act to amend the Private Housing Finance Law and the Public Housing Law.

SENATOR SCHNEIDERMAN: Explanation.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR BONACIC: Thank you, Madam President.

This is a bill that passed the Assembly yesterday, and it was a bill that was introduced at the request of the Division of Housing and Community Renewal. It provides for a continued real estate tax exemption for Mitchell-Lama projects whose existing exemptions will expire.

If the property owner continues to have the exemption, they will continue to provide reduced rents and affordable housing.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If, through you, the sponsor would yield for a question.

SENATOR BONACIC: Yes. Yes, of course.

ACTING PRESIDENT McGEE: Senator Bonacic yields.

SENATOR LIZ KRUEGER: Senator, is it your understanding that the reason we need this law is in order to continue to protect the limited stock of affordable housing we have in New York City through the Mitchell-Lama program?

SENATOR BONACIC: No. The reason that we're doing this extension is to provide an option for the owners of those buildings if they want to do one of two things: if they want to convert, raise the rents; or if we allow them to have the tax exemptions, hopefully they will make capital improvements, continue to improve the asset at reduced rents to the tenants in those units.

SENATOR LIZ KRUEGER: Madam

President, briefly on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I certainly support this bill. I perhaps just don't quite agree with the sponsor's explanation.

This is a bill that would allow landlords to stay in the Mitchell-Lama program beyond the 30-year mark if they choose and continue to get tax exemptions and support if keeping those units affordable for tenants.

I support this bill strongly because it does something we desperately need to do in my city, protect the existing stock of affordable housing which is in such short supply and is why the City of New York has requested this legislation.

So I'm very pleased to support this legislation. It's just a drop in the bucket of what we ought to be doing for affordable housing in my city.

Thank you.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 780, by Senator Larkin, Senate Print 1374 --

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR LARKIN: By who?

ACTING PRESIDENT McGEE: Senator Krueger has asked.

SENATOR LARKIN: Thank you, Senator Krueger.

Madam President, this is a bill that many of us in this house have been waiting for for about six or seven years. We've had the small business community, NFIB, we've had chambers of commerce and just

individuals who didn't belong to any society say: I'd love to provide health insurance to my employees, but I don't want to buy the whole package. I would like to provide my employees with the basic essentials they need. If they would like to buy something else, they can add on to it.

Well, what we put into this bill tacks into Health New York. It has the support of NYSUT, it has the support of NFIB and many other organizations who are looking to see us reduce the number of uninsured people that we have in the state of New York. And that's exactly has this bill does.

It also says that we will reduce the cost of that plan by at least 10 percent.

I'd vote for this if I were you.

(Laughter.)

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If, through you, the sponsor would yield.

ACTING PRESIDENT McGEE: Senator Larkin, do you yield?

SENATOR LIZ KRUEGER: Thank you, Senator.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: I appreciate your recommendation that I should vote for this. And certainly I want to vote to expand health insurance for New Yorkers.

My concern is that in this bill it goes further than we went with the Healthy New York bill, in the sense that when we established the previous coverage, it was for employers who didn't carry coverage already. And this bill could conceivably translate into a company that currently provides a broad-based healthcare insurance policy to end that program for its employees and instead go to a program that provides a much lesser package of health insurance, perhaps a package that doesn't cover prescription drugs or chronic care services or mental health services when in the past they did.

So my question is, how do we avoid allowing people to use this bill to in fact lower the standards of the health insurance

provided rather than increase the universe of people who can have healthcare coverage?

SENATOR LARKIN: We've been tracking Healthy New York and all of the others, and we're finding that a lot of employers are dropping because they didn't want the entire package. And the stop-loss that we cite here in our bill prevents that, from everybody jumping off the ranch and then coming in to say, I'm only going to provide this.

If you know, in the other bill that we said, in Healthy New York they had that one-year limitation in there. This will ensure us in picking up. We say in New York that there's probably 2 million uninsured citizens of our state. It is estimated by those who have calculated this for us that this will help us because we will take a lot of businesses -- and we've done a lot of homework on this -- where the small businesses never got into Healthy New York because they were afraid of the size of the package and the premium rises that would come.

We believe that this package, Liz,

will take care of ensuring that we're going to provide the best available at a real reasonable cost. It's got the chambers' support, it's got the Business Council, it's got NFIB. You can rest assured that if those people were thinking that we were making a lateral transfer, they would not be supporting us.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If, through you, the sponsor would continue to yield.

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

SENATOR LARKIN: One more.

ACTING PRESIDENT McGEE: The Senator yields for one more question.

SENATOR LIZ KRUEGER: Thank you, Senator. I think you've partially answered my question, but again I just want to --

SENATOR LARKIN: Liz, excuse me, I can't hear you.

SENATOR LIZ KRUEGER: I'm sorry. You've partially answered my

question. Again, my concern is -- we would love to expand health insurance, I would love to expand health insurance health insurance for people in businesses who currently can't afford to provide it.

But what in this bill prevents a business that currently provides health insurance to their employees from dropping that larger package of broader coverage and instead going to this lesser -- less complete package of health insurance?

SENATOR LARKIN: Well, number one, Senator, once you have the plan that you're in, you have a commitment for it.

SENATOR LIZ KRUEGER: Twelve months, maybe. Maybe a maximum of 12 months.

SENATOR LARKIN: But still, there's no guarantee that you would have had to -- you would have carried that insurance, Senator.

You know -- and we were worried about that. And all of the people who we talked to around the state said we need something that will enable us to continue the workforce, provide the health, and then if

somebody else wants to add something to their package -- which they will be able to do with this -- we will provide a well-rounded plan.

They didn't see a problem in it. I don't see a problem in it. We had only one company that, Senator, said anything about it, was Empire Blue Shield and Blue Cross. The others we talked to, they said they did not believe it would create a problem.

As a matter of fact, they believed that it would strengthen their place in the market in providing coverage to all groups, specifically small groups.

SENATOR LIZ KRUEGER: Thank you.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Madam President, briefly on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate Senator Larkin's responses.

I will argue that while I will vote for this bill, we are still walking down the

wrong path to expand health insurance for New Yorkers.

I'll support the bill because I think it's so important that we broaden the world of health insurance coverage for sole proprietors and small companies and others who can't currently actually get a health insurance policy for themselves and for their workers, and that is large numbers of people.

But I also fear that in piecing together, the way this bill does, yet another lesser health insurance plan for a sub-sub-universe of workers that we move ourselves further away from what really is the answer for this state, which is a single-payer universal healthcare policy.

And that when we talk about dumbing down the standards in education and the concern we should have about that, what we are potentially doing with this kind of bill is dumbing down the standards for health insurance coverage.

So that while we here who work for the Senate may be assured that we can get prescription drug coverage and mental health

services and long-term chronic care services or health care even if we develop serious chronic diseases, that we will be offering health insurance for other New Yorkers, other working New Yorkers that is just a minimal package that does not really meet their families' needs, and we will go home and say "Now everyone has healthcare" when in fact they won't have equal healthcare coverage, they won't have equal access to doctors.

And I do fear that there are businesses who will choose to decrease the package of health insurance they offer their employees, as opposed to expanding the universe of people who offer health insurance, which I believe is the intent of the bill -- which is why I'll support it, but with a hesitation that when we look at this two years from now, three years from now, we will discover it did not have the intended consequence we hoped.

Thank you, Madam President.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Spano.

SENATOR SPANO: Madam President, I'd like to be recorded in the negative on Calendar 1324, please.

ACTING PRESIDENT McGEE: Without objection.

THE SECRETARY: Calendar Number 811, by Senator LaValle, Senate Print 4428A, an act to amend the General Business Law, in relation to establishing minimum distances.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR LaVALLE: Yes, Madam President. This bill is very similar to a bill that we passed through both houses last

year but was vetoed by the Governor. And we had made some changes, which I'll discuss, that were requested by the Governor's veto message.

This bill attempts to protect franchisee dealers selling gasoline from company-owned stations.

As we know, there have been several mergers of refiners, and today company-owned stations play a greater role in the retailing of motor fuel. When you look at the agreements that companies have with franchisees, they are very, very restrictive. And so without some sort of protection from the company-owned station, the franchisee dealer could be put out of business very, very easily.

This bill sets up mileage limitations, depending whether it's a city, where it would be 1 mile; in counties, most counties, 2 miles; and in counties with a population of 900,000 or more, it would be a 1.5 mile distance.

Now, the changes that we made are in Section 2(a), (b), and (c) of the bill that

allow for company-owned stations where there is a divided highway, some sort of navigable waterway, or in the case of an Indian tribe within New York State.

It also provides for an arbitration situation on any dispute between the parties. And that's basically what this bill does.

Senator Connor, I know that you had some questions. Those were the changes over last year's bill.

ACTING PRESIDENT McGEE: Senator Connor.

SENATOR CONNOR: Thank you, Madam President. Will the sponsor yield for a question?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT McGEE: Senator LaValle yields.

SENATOR CONNOR: Thank you, Madam President.

One of the objections the Governor raised in his veto message was that there was potential liability for the company, the refiner, even in situations where the station owned by the company was beyond the mileage

distance set forth in your bill.

Is that still the case, that there's potential liability, albeit not a presumption?

SENATOR LaVALLE: That was taken out. There was a prime facie. And that does not apply. It does not apply.

SENATOR CONNOR: But -- Madam President, if the Senator would yield for a further question.

SENATOR LaVALLE: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR CONNOR: Would it not be true, though, that even if the location were beyond the distances set forth in your bill, that were there actual proof of a predatory intent on the part of the company that there would still be liability on the part of the company?

SENATOR LaVALLE: Senator, I believe we've addressed those concerns.

SENATOR CONNOR: Madam President, if the Senator would yield for a further question.

SENATOR LaVALLE: Yes, I do.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR CONNOR: One of the other objections the Governor set forth was apparently a concern expressed in the opposition registered to this bill by the mayor of the City of New York and the borough president of the Bronx, which focused on the discouragement of investment by the companies in new facilities, new stations in particular parts of the city. And I'm sure in the case of the president of the borough of the Bronx, he was concerned about investment in the Bronx.

Is there anything in the current version of the bill that would address those concerns?

SENATOR LaVALLE: Senator, it's very interesting, because I had not nor -- I asked my counsel while you were speaking if there were any memos, you know, from the city, from the borough of the Bronx. We have not received any.

I think we're talking about

something that we just don't know. It's kind of hypothetical as to whether companies will make investments in certain areas.

I mean, I don't believe that there is anything in this bill that reaches a level that a company would make a decision not to make an investment in a particular area.

This bill really attempts -- and I had said this last year -- to level the playing field, to have a fair opportunity for the small businessperson who's a franchisee to really exist in the marketplace. Because the company -- and today, with mergers, they can really put a company, a franchisee dealer out. They can just squeeze him right out of business.

That's what this attempts to do. I don't believe that it goes to the business decision of a company not going into certain areas.

SENATOR CONNOR: Thank you.

Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Connor, on the bill.

SENATOR CONNOR: Thank you, Madam

President.

I was one of two members that voted in the negative last year. And I'm still going to vote against this. Because I believe in fair competition. I think the sponsor certainly intends to set up a scenario of fair competition here. But I think under existing law, a franchisee -- albeit I'm not suggesting that vis-a-vis a big refining company the franchisee is not on the short end of a very disparate competitive position in terms of negotiating.

But that said, I think under existing antitrust laws, under existing federal and state laws against predatory pricing, against unfair business practices, that the franchisee who became a victim of a predatory move by the refiner, by his franchiser, would have adequate legal remedies under present law.

And I don't think -- and I think if you read the Governor's memorandum -- and we have to rely on the Governor, I guess, saying that the mayor of the City of New York and the borough president of the Bronx oppose this.

And hello, city office, why doesn't the Legislature get the memo? Why do we communicate -- I guess it's one of those things the mayor only communicates with the Governor and the Governor only speaks with God. Was it the Cabots? I don't know, somebody's in there, in that saying.

But the fact of the matter is that the concern that seems to have been expressed there about discouraging investment, I do worry about that. I think fair competition by a refinery-owned retail establishment is -- if it's fair, is not anything that the franchisee should get any extraordinary protection from the Legislature of the State of New York from.

And I think existing law ensures that it can only be fair competition. I think, were a refinery-owned facility to be placed proximate to a franchisee and then for the franchiser, the refinery, the company, to, for example, short the franchisee on supply, to give an unfair advantage to its own facility or somehow or other not fairly evaluate cost in the pricing of the company-owned retail establishment and

therefore force the franchisee to be noncompetitive or at a competitive advantage in pricing, would give the franchisee a cause of action under existing law.

And I just hesitate to carve out sacred ground, geographical ground and say, oh, you have a franchisee there and you can't compete within a mile or a mile and a half.

I can think of parts of certainly the so-called outer boroughs, the heart of New York City -- the Bronx, Queens, Brooklyn -- where there are, frankly, service stations that aren't in the best of shape, that certainly aren't attractive. And to discourage or forbid a company-owned facility from locating nearby, from investing, from improving a service station I think is an unwise decision.

And if the only basis on which the company-owned facility has a better chance to compete is because they invested more money in amenities, in rest rooms, in those sorts of things, I don't think that's an unfair or predatory practice vis-a-vis a franchisee.

So, Madam President, I'm sticking

to my guns. I voted no last year, and I intend to vote no this year.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

Let me just rise and compliment the sponsor, Senator LaValle, on this bill.

And I've listened to Senator Connor for two years on this. And I agree with your argument, but in the real world, that's not what's happening. And what's happening to these independents is a corporate-owned station is moving in down the block.

And I'll give you an example. Where I live, last year in Merrick I spoke to an independent Mobil operator, franchisee, who I asked him, "Why is your gas 10 cents more than the corporate-owned down the block?" He says, "They sell it to me for more than they sell it on the market here."

I asked him, "Why don't you have a snack shop?" "They won't allow it. They came in, put their own in there."

Why don't you have a service

station repair? They won't allow it. But down the block 250, 300 feet, they're selling gas for cheaper, they're offering snacks to customers who come in, they're offering repairs and services to their cars.

So it put them at a competitive disadvantage. But under the current laws, it allowed them to come in, so thereby creating that unfair market. That we thought that the federal laws, as you just mentioned, and current state laws, would apply, but these guys are getting squeezed out and they're getting choked, and they can't go through years and years of litigation and to stay in the current operation.

Senator LaValle's bill, I think, corrects the inequities that currently exist in New York State. So I compliment the sponsor and will be voting yes on the bill.

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

Senator Sabini.

SENATOR SABINI: Thank you, Madam President. On the bill.

I want to compliment the sponsor as

well. You know, I'm normally not big on regulation of business from government. But this is a case not of regulating any business but, rather, setting an even playing field.

Small business owners that own service stations get their customers to a brand loyalty for the brand that they sell. And then a decision at a corporate board room, sometimes in other nations, or a change in merger or acquisition of different oil companies, leads to a station showing up down the block from them, selling their own product cheaper, without them having any recourse.

And over the years I've learned that local independent service station owners are often at the mercy of factors beyond their control. And I compliment the sponsor, and I intend to vote aye.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. Just on the bill.

With all due respect to the borough president of the Bronx, there are sections of the Bronx that don't agree with the borough

president.

And I think that Senator Fuschillo has made my argument very appropriately for me. Because one of the concerns that happens when you work with the small businesses, you find that the very things that you would think that the franchisees would be susceptible to helping them with, they don't. Once they become independents, they no longer want anything to do with them.

And yes, their businesses are those that look the most disheveled and need the most support and help in our communities, and that help is not forthcoming from the franchisers.

So I think that this bill will go a long way, and I congratulate the sponsor. And I will continue to support this bill.

ACTING PRESIDENT McGEE: Any other Senator wishing to speak?

Senator Stavisky.

SENATOR STAVISKY: Very briefly, I too want to compliment the sponsor.

I've had the same experience as Senator Fuschillo, exactly the same, in Queens

County.

And I think this is a very good bill, and I'm delighted to support it.

ACTING PRESIDENT McGEE: Any other Senator?

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I also compliment and congratulate the sponsor, Senator LaValle.

I certainly have had this experience over the years, and it's always troubling when a small business owner is actually run out of business by the megapeople. And this kind of vertical business practice I think is very destructive as it relates to small business in particular.

So I'm in support of this legislation.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Connor and Paterson recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1017, by Senator LaValle, Senate Print 3405B, an act to amend the Education Law, in relation to creating.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR LaVALLE: Madam President, this legislation is establishing a new paradigm for the way we operate the boards, the 41 boards that run the professions, the licensed professions within the State Education Department.

As this legislation was developed, we were ever-mindful of the preeminent role that the Board of Regents plays in so many areas. Certainly here we're dealing with the professions. And what this bill does is to give to the Legislature appointments on the

boards that run the professions.

This legislation also allows for rule-making authority by these boards. Today, under existing law, the boards have advisory power, and the preeminent power is with the Board of Regents in the establishment of rules and regulations.

As exists today, each board has a board secretary. The Board of Regents will continue to appoint the board secretary. But we in the Legislature, and the Governor, will have appointment power.

Each board has different numbers of members, and we don't change that. We don't change the number of members of any one of the 41 boards. But if we look overall, just to give you an idea, the Governor would have 76 appointments, the Majority Leader 76 appointments, the Speaker 76 appointments, the Assembly Minority 38, and the Senate Minority Leader 38 appointments.

As we are all aware, many of our constituents come to us and ask us about certain rule-making, rules that are made by the Board of Regents that are done in

cooperation with the boards in a particular profession. And we might shrug and we say, Well, look, you know, we don't have any influence. The Board of Regents appoints those members.

We might have some influence. Many times on some of the boards, quite honestly, there may be difficulty filling the board, and you might get a call because you're on the Education Committee or the Higher Ed Committee or the Health Committee: Is there someone in your community that would like to serve on this board?

As you also know, each board has public members. Here we change the term to "consumer protection members." And the Board of Regents would appoint those two public members.

There are two very important provisions in this bill vis-a-vis the authority by the Board of Regents, and it's twofold. If one board establishes a rule that could affect another board, then that gets bounced up to the Board of Regents so that they would make that change, so that you do

not have conflicts.

The last and most important thing is that on line 12, on page 2, "The Board of Regents may override, amend, or replace any rules and regulation promulgated by an independent state board for a profession by a two-thirds vote of the entire membership of the Board of Regents. The Board of Regents shall develop rules and regulations for the implementation of this paragraph."

So that we both -- and as a matter of policy, and in all candor in terms of the politics of how things are put together, we were very mindful that we were not going to take the Board of Regents out. But we're also aware that we have reached a point in time where our committee, the Higher Education Committee, and same in the Assembly, are dealing with scopes of practices, the greater involvement of the professions and their societies in trying to move that profession forward.

Today, more than at any other time in our history, professionals are involved and understand what the regulations should be

governing their professions. And so the new paradigm is let us give the professions and those professionals that live in our districts the opportunity to make rules that govern their profession.

If they exceed certain authority, the Board of Regents is there to be involved. And so I think that this legislation has achieved that delicate balance that we need in giving professionals greater authority but yet having oversight by the Board of Regents and the department.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR STAVISKY: Madam President, rather than ask the sponsor some questions, the hour is getting late, and let me respond with my objections to this legislation.

ACTING PRESIDENT McGEE: Senator Stavisky, on the bill.

SENATOR STAVISKY: On the bill.

First of all, the sponsor spoke about the rule-making. But he hasn't told us what's going to happen if there's a conflict

between the -- let me put it this way. We're asking for a conflict between the so-called independent boards and the Regents. That is one question.

The other question concerns that of accountability. This legislation does not give the state boards the accountability -- any more accountability than they currently have under existing law.

And, lastly, I want to mention the appointment process, appointment by the Legislature. Earlier today we approved a whole host of nominees, all with impeccable political credentials. Hopefully that will not be the case with these independent boards.

What we're looking for are to have the professional societies recommend the best they have to offer for service on the boards, as is the case now. Hopefully their appointments will be based upon qualification and not political recommendation.

And in the situation we have now, under current law, we do have a system of checks and balances, which I think would be lacking under the proposed legislation. And,

Madam President, I intend to vote no.

Thank you.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Briefly on the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Echoing what Senator Stavisky said, I think what we're seeing here is another far more genial and elegant attack on the system of Regents than we've seen in the past, but it is essentially another attack on the system.

It's no secret here how the Regents are elected. It's no secret that some of our colleagues on the other side of the aisle do not like to participate in that because of the political process.

However, the Regents does provide protection from politics in this particular area. And as much as we all would love to have more appointments to things and be able to wheel and deal and give out appointments, in the area of regulation of the professions I

think that the citizens of this state are better served by the current system where we do have a level of protection, we have a system in place for soliciting the input of experts in the professions.

And I think that a system of all these different independent boards answerable to the Legislature, with limited checks and balances from the Regents, could actually have a more harmful effect even than just politicizing things, because you could end up with rule-making authority with independent boards that could end up being in conflict with others.

I think it's a more complicated system, I think it's a more politicized system, and I don't think that it is something that we should be supporting.

I think that some of the sentiments expressed by the sponsor are excellent, and I think there are some areas in which we could improve the present system, but I don't think this legislation does it. I think it would make it worse. And I intend to vote no.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Lachman.

SENATOR LACHMAN: I also rise and echo my colleagues Senator Schneiderman and Senator Stavisky.

I'm going to oppose this for two reasons. And I regret I have to oppose it, because I think that Senator LaValle, as he sees it, is trying do the right thing.

I think that this bill diminishes the power of the Board of Regents without in any way increasing the power of the professional organizations.

Furthermore, on the bill it says "The profession of medicine licensed pursuant to Article 131 of this title shall have an independent state board to whom shall be doctors of osteopathy," et cetera. "The Governor, the Temporary President of the Senate, and the Speaker of the Assembly shall each have six appointments, and the Minority Leaders of the Senate and the Assembly shall each have three appointments."

What this does, basically, it increases the stereotype that others have that

there are three men in a room running the State of New York. It does not increase the power of the Minority in the Assembly or the Minority in the Senate.

But primarily I will be voting against the bill because there is no reason for this bill, which diminishes the authority of the State Board of Regents without major benefit to both.

ACTING PRESIDENT McGEE: Senator Marcellino.

SENATOR MARCELLINO: Just briefly on the bill.

I couldn't agree with my colleague from Long Island, Senator LaValle, more. This bill would further the Board of Regents and further the democracy of the Board of Regents. Right now it reflects only one side of the aisle with no input from the other side.

I'd be other very happy with the current system if it reflected just my way of thinking and only my way of thinking. And if I had total control of the complete appointments -- you talk about politics. When only one side, when only one point of the view

is reflected in the appointments, I'm very happy if it's my point of view.

What we're trying to do is open the door so there's more than one kind of point of view. And if that leads to some debate and some open discussion, so be it. It might be refreshing in the Board of Regents to have open debate and some free discussion.

So, Senator LaValle, congratulations. And I fully intend to vote for this bill.

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

Read the last section.

Senator LaValle.

SENATOR LaVALLE: To explain my vote.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 6. This act shall take effect September 1, 2003.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator

LaValle.

SENATOR LaVALLE: Madam President, I didn't want the record to go -- I wanted to correct the record to make sure that everyone was clear that I had mentioned in my remarks that where there is a conflict between the rule-making between boards, that it's dealt with in this legislation and the department and the Board of Regents would be in the position to be involved in the rule-making -- in rule-making.

Lastly, this keeps the Regents in play. And to simply say that -- when we try to create a new paradigm and the Regents are involved, to say that we are trying to do something bad to the Board of Regents, that it's political, I think is not fair and is not right.

I vote in the affirmative.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR STAVISKY: To explain my vote. I vote no.

However, Senator LaValle is absolutely right. When there is a conflict,

the Regents do resolve any conflict.

But I want to respond very briefly to the question of appointments. With very few exceptions, the people who serve on the professional boards are local people. And they are Republicans, they are Democrats, they are not registered or not enrolled in any party, it doesn't matter.

You take a look, Senator, and you'll find that it's a broad cross-section of professionals, period. They're not Democratic professionals or Republican professionals, they're just professionals.

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1017 are Senators Andrews, Breslin, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Lachman, Montgomery, Onorato, Paterson, Sabini, Sampson, Schneiderman, A. Smith, Stachowski, and Stavisky. Also Senator Oppenheimer. Ayes, 45. Nays, 17.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Fuschillo.

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

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

The Secretary will read.

THE SECRETARY: Calendar Number 1018, by Member of the Assembly Destito, Assembly Print Number 2317B, an act to amend the Education Law and the Criminal Procedure Law.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR MEIER: Thank you, Madam President.

This bill authorizes the board of trustees of a community college to designate one or more of its campus security officers as a peace officer.

ACTING PRESIDENT McGEE: Senator

Krueger.

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

ACTING PRESIDENT McGEE: Senator Meier, will you yield to Senator Krueger?

SENATOR MEIER: Gladly.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Senator Meier.

As you may know, I've been concerned about a series of peace officer bills that have been coming through this Senate throughout the year. And I had to rise on this one because instead of doing it one institution by another by another, now we're doing 30 at a time.

In the memo it talks about the need for this because of increasing incidents of violent behavior on community college campuses. The data for the state is that the crime rate keeps going down. What is happening upstate at colleges and hospitals where everyone suddenly needs powers to do warrantless searches, detentions, police

arrests? And now, under this bill, we also have the right, at a college president's request, for them to carry guns.

I'm very concerned that we have this massive need for expanded police protection throughout upstate institutions.

SENATOR MEIER: Well, Madam President, first of all, community colleges have changed substantially in character. They were once primarily just that, places where people commuted just a few miles to go to school. We now have people who've come from far and wide, all over the state, to study in our community colleges, and they are living not with their families in the community, they're living in residences right on campus.

Community colleges throughout the state need the ability to provide a safe atmosphere to those students residing and studying on those campuses, and to do so without calling upon, every single time there's a problem, without calling upon the resources of the local municipal police department.

As you know, community college

campuses don't pay taxes or fees to local municipal police departments. And so this permits the local community college security force, acting as a peace officer, to provide adequate protection on campus.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If, through you, the sponsor would continue to yield.

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

SENATOR MEIER: Yes, Madam President.

ACTING PRESIDENT McGEE: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Is it my understanding that because community colleges don't pay taxes, they can't call the local police and expect that they'll respond?

ACTING PRESIDENT McGEE: I don't know what your understanding is, Senator, but no, that's not what I said.

What I said was that they can of

course call the local police department. And in many cases that's what they have to do now, because their security officers don't have peace officer status.

But what I'm saying is this is both something that's more immediate and efficacious for the security officer as a peace officer to be able to detain or to effect an arrest, and it's also more equitable to the local community for the community college to have that resource available.

SENATOR LIZ KRUEGER: Madam President, briefly on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I want to thank the sponsor for answering my questions.

And again, my issue is not alone with this bill but with all of the peace officer bills we keep passing. Again, it's a ten-week class, maximum, for peace officers, is my understanding in New York State. It's specific in this bill. We're giving them the power to do searches, do detentions, do

arrests, carry guns, in this case at the request of college presidents.

I'm very fond of college presidents. I could name several of them I believe to be close friends. My husband is a college professor. They are not the people who should make decisions about who carries guns and arrests people in our society.

I am very, very concerned at this continuing trend, of the perception that we need secondary police forces throughout institutions -- college campuses, hospitals -- who knows what next -- in the state of New York, and that we keep giving people who at one time played a security role, a reasonable security role in institutional settings, basically default powers to be their own independent police forces. And this bill would allow that at 30 additional sites throughout the state of New York.

So I will vote no on this bill. But again, I raise the issue we need to talk about in a broad-based sense, what is the need for security in our institutions, on our college campuses, and why are we creating a

secondary, second-class police system.

Thank you.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1247, by Senator Johnson, Senate Print 5148, an act to amend the Public Officers Law, in relation to permitting former state officers.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR JOHNSON: Yes, Madam President.

This bill would permit any state

agency to employ an individual who has particular expertise which he gathered as a former state employee, to provide advice, services to any state agency which certifies in writing to the State Ethics Commission that such former officer or employee has expertise, knowledge, or experience with respect to a particular matter which meets the needs of the agency and otherwise are unavailable at a comparable cost.

And this may also require the approval of the Comptroller, and he would have to certify it also in many cases.

This is very similar to the provision which permits the Attorney General to employ people who were formally employed by them for a particular matter.

It's a wonderful bill. We should all support it.

ACTING PRESIDENT McGEE: Senator Schneiderman.

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

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Given all of the revelations that have come before us in the last year relating to conflicts and people exercising influence improperly behind the scenes at agencies, and in particular at public authorities, which has gotten a great degree of attention, it seems to me that rather than creating a loophole in the Public Officers Law -- specifically, the revolving door restrictions in the Public Officers Law -- we should be seeking to strengthen the restrictions on actions by former employees relating to the agencies at which they serve.

To say that there's a crisis of public confidence regarding the public authorities and agencies of this state is really to understate things. And you only have to look at headlines in the newspapers over the last week to see that this issue is before the public, that this is a problem that needs to be addressed.

And I really don't understand why, given these circumstances, we are seeking to actually dilute the existing bars, which clearly are inadequate, given all of the

revelations that have come forward. I personally have dealt to a great extent with allegations of influence peddling at several state authorities.

And I think that this is an area in which we should be taking action immediately. I'm sorry that the Governor waited till the very end of the legislative session to make proposals to deal with this issue. I think if he were more serious about it and we started earlier in the session, we might be able to do something.

I hope that we will address this issue soon, but I hope that we will address it in a way that moves in the opposite direction of this bill -- not weaken the restrictions, but rather strengthen them.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1247 are Senators Hassell-Thompson, Onorato, Paterson, Schneiderman, and Stavisky. Ayes, 57. Nays, 5.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1252, by Senator Golden, Senate Print 5321, an act to amend the Criminal Procedure Law, in relation to eliminating.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise first to congratulate Senator Golden on this bill that he has put forth in his attempts to limit the statute of limitations on Class B violent felonies and to extend the current limitation period for the sexual conduct against children from the age of 5.

In this bill it goes on to talk about a great deal that is of great concern to us here in the state of New York. Among the

crimes that are eliminated from the state of limitations, manslaughter in the first degree, rape in the first degree, sodomy, aggravated sexual abuse in the first degree, and so on.

And while I agree that Senator Golden's bill is a step, a giant step in the right direction, why shouldn't we eliminate the statute of limitations for the course of sexual conduct against a child in the second degree as well? Should this crime against children, and involving sexual contact, be exempt because it's a Class D felony?

Likewise, rape in the first degree will be eliminated from the statute of limitations, but rape in the second degree will not. Why can't we protect all children under 18 from the horrors of rape and let them know that the law is truly on their side?

In 2000 we passed and the Governor signed the Sexual Assault Reform Act. This law we thought sure at that time would give protection to all children. But here we are three years later and children still are in need of being protected.

We need to act now. That is why I

had introduced the Child Sexual Abuse Reform Act of 2003, with key components that would eliminate the statute of limitations for prosecuting sexual offenses committed against a child less than 18 years of age, eliminating the statute of limitations for the offense of hindering the prosecution of a sexual offense against a child less than 18 years of age, and providing for criminal liability for the conduct of another after the commission of the offense when a person conceals or hinders the discovery or evidence of the offense, adding two new penalties of endangering the welfare of a child in the first and second degrees, and adding members of the clergy and persons volunteering at a religious institution to the list of mandated reporters.

On May 29th, in my letter to the editor of the Times-Union, I called for the Legislature to -- and I will repeat here -- "I look forward to working with my colleagues in both houses, on both sides of the aisle, to pass legislation during this session that will protect all children, punish those individuals who commit these crimes of sexual abuse, and

hold criminally liable those who hinder its prosecution."

I stand here today with you, Senator Golden, willing to work with you on an ongoing basis to improve a very good bill that could be so much better. The elimination and the protection of all children is what is important to us in the state of New York.

And while I commend you on this and also your bill that establishes the crime of endangering a child in the first and second degree, I am suggesting that my bill also creates the crime of endangering the welfare of a child in the first and second degree.

The main difference is in that my bill, endangering the welfare of a child in the first degree includes all children under 17 years of age when, Senator Golden, your bill only includes children less than 13.

I call on you and this Legislature to help me to protect all children in the state of New York. And I am willing to work with you to make this the best bill the state has ever seen.

ACTING PRESIDENT McGEE: Senator

Golden.

SENATOR GOLDEN: I just wanted to contradict two statements that were made. And one was that rape one does not have -- I want to make sure that you know that rape one does not have statute of limitations.

And I look forward to working with both sides of the house in getting a bill that is a good bill that can go forward. But we need the assistance of the State Assembly to be able to make this real legislation and real laws.

I look forward to working with you in the future to make a better bill. Right now this is the best bill that we can put forward. And I'm looking forward to getting this bill passed and will negotiate with you next year and work with you to pass a much better bill.

Thank you, Senator.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1258, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8739, an act authorizing certain housing authorities.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Through you, Madam President, if the sponsor would yield for a question.

ACTING PRESIDENT McGEE: Senator Meier, will you yield for some questions?

SENATOR MEIER: Certainly.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SCHNEIDERMAN: This pertains to two bills that are before us, Calendar 1258 and Calendar 1263.

And the question is simply this. In Calendar 1263, Senate 5412, there's a very

explicit requirement relating to the availability of some units of the housing to be provided under this bill for low-income tenants, Section 3, lines 25 to 32.

For some reason, in the bill before us now, Calendar 1258, there is no such requirement. There's a vague reference to a finding by the commissioner that this housing will provide safe and sanitary housing within the financial reach of persons and families of low income.

The question is, why do we have the very specific provisions ensuring the provision of low-income housing for tenants with definitions as to their income in one bill and not in the other bill?

SENATOR MEIER: Madam President, it's good to know that someone reads my bills. I'm beginning to wonder sometimes.

SENATOR SCHNEIDERMAN: Oh, everyone reads them. We're just silently admiring most of the time.

SENATOR MEIER: Undoubtedly so.

The reason for that is these are entirely two different circumstances. The

first bill involves the Municipal Housing Authority of the City of Utica.

And if you look at that bill and the supporting material behind it, this is part of a much broader program of urban and neighborhood revitalization within the city of Utica, a community of some 60,000 people where the municipal housing authority operates in fact several projects and also has been involved in other areas of urban revitalization.

The plan with regard to the Goldbas Apartments, which this authorizes lease or sale of, is that that area, those units which are severely deteriorated will be demolished and removed, and the tenants will be placed in newer housing.

Some of that, Senator, you may be interested to know, will be housing which is integrated into what amounts to an existing neighborhood, thus taking them outside of the so-called project kind of setting.

The second bill that you referred to involves the village of Potsdam, some 140 miles north of the city of Utica in my

district, and a much smaller community, about 10,000 people.

That project is the only public housing project operated by that authority, and so the transfer or lease is being done to raise additional capital for rehab. And we want to be able to protect the existing low-income tenants there, which is why you see an extensive set of protections.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, thank you, Madam President.

I'd like to thank the sponsor for his response and for his legislation and his good work attempting to provide more affordable housing in his part of the state.

And I certainly hope that we will get support in our efforts to provide affordable housing for the tenants in my part of the state.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1263, substituted earlier --

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Madam President, I ask unanimous consent to be recorded in the negative on Calendar 1247, Senate Bill 5148.

ACTING PRESIDENT McGEE: Without objection.

SENATOR SABINI: Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1263, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8799, an act authorizing certain housing authorities to transfer.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1267, substituted earlier today by Member of the Assembly Glick, Assembly Print Number 6339, an act to amend the State Finance Law, in relation to a qualified transportation fringe benefit program.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

1269, by Senator LaValle, Senate Print 756, an act to amend the Environmental Conservation Law, in relation to adding national estuary implementation projects.

SENATOR SCHNEIDERMAN: Explanation.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR LaVALLE: Just lay it aside for a minute, please.

ACTING PRESIDENT McGEE: Lay the bill aside temporarily, please.

THE SECRETARY: Calendar Number 1279, substituted earlier today by Member of the Assembly Tonko, Assembly Print Number 5416A, an act to amend the Long Term Care Integration and Finance Act of 1997.

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR HANNON: Who is it that asked for an explanation?

ACTING PRESIDENT McGEE: I believe Senator Krueger did.

SENATOR HANNON: Krueger.

SENATOR LIZ KRUEGER: Yes, thank you.

SENATOR HANNON: I just couldn't see you, Senator, through Senator Duane. He may be big, but he's not invisible.

New York State conducts, from the 1997 long-term-care demonstration projects, several managed-care, long-term-care programs. Some of these programs predated the enactment of the 1997 statute because they were begun under the sponsorship of a demonstration with the federal government called the PAICE program, "PAICE" standing for Program of All-Inclusive Care for the Elderly.

In '97 we took those four programs, some other programs, and established the possibility of up to 24 managed-care, long-term-care programs to service the frail

elderly and the adult disabled. And we incorporated, within those 24, four PAICE programs, which happened to be the ones that are the subject of this extension, as well as some what we call the Commonwealth programs, which were the subject of a sponsorship from the Commonwealth Fund.

Currently there are 14 managed long-term-care programs operational in New York, and as of November of 2002 there were about 8500 enrollees, half of which are right in your home borough, with the leading program being sponsored by the Visiting Nurse Service of New York.

We have held, as a joint hearing with Senator Meier's Social Services, Senator Maziarz, who had been the chair of Aging, and Senator Golden, who is the current chair of Aging, a roundtable in regard to the status of these programs and what to do with them.

We believe that sometime in the relatively near future we'll try to get away from the demonstration status and go to a permanentized status, but we're not there yet. Questions of organization, of management, of

rate setting, et cetera, all really need to be finalized. There are a different number of initiatives that are going on throughout the state.

And so what we're doing in the meantime, until we get to that state of making this a uniform program, growing even more than the 8500 we now have, is we want to make sure that these four that are subject to this statute particularly are continued. And we envision that at some point in the future we'll do what we want to be able to do.

SENATOR LIZ KRUEGER: Madam President, briefly on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: I want to thank the Senator for his detailed explanation, and he answered my questions in his explanation.

Because my question is, if we've been in a demonstration model since 1987, I think it started, or 13 years, as I counted from the first, what were we demonstrating or not demonstrating? If it's successful, we

should be expanding this. And if it's not successful, we shouldn't keep extending it.

But I appreciate his response that in fact there has been a review of this and they think they're getting close, or we think we're getting close to expanding on this.

So I will be voting for the bill.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Madam President, can we go back to Calendar 1269, by Senator LaValle.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number

1269, by Senator LaValle, Senate Print 756 --

SENATOR LIZ KRUEGER:

Explanation, please.

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

SENATOR LaVALLE: Yes, thank you very much.

And I had an opportunity to chat with Senator Krueger, who indicated her concerns about this legislation.

This legislation would allow those estuary programs, the national estuary implementation projects that are delineated in the legislation, to qualify for EPF funds, Environmental Protection Fund monies.

Under the last bond act that we had, there was a whole separate category for the Taconic Estuary and South Shore Estuary monies that were put into the bond issue. This would allow, in the EPF, the estuaries to also put in for grants, as we do for open space, for farmland protection and others.

This really adds to the category, says to the commissioner there are estuary

projects that should qualify as some of the other things of open space, farmland protection. That's what this is.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 6. This act shall take effect April 1, 2003.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1293, by Senator Leibell, Senate Print 4815, an act to amend the New York State Urban Development Corporation Act.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT McGEE: Senator Leibell, Senator Krueger has requested an explanation.

SENATOR LEIBELL: Yes, Madam President.

This bill authorizes the New York

State Urban Development Corporation to enter into a variety of interest rate exchanges, including fixed to floating rate swaps and floating to fixed rate swaps.

The UDC had this authority to enter into such exchanges previously, and used it without incident. But such authority was viewed as unnecessary, due to the expanding market conditions, and was allowed to sunset in July 2000.

Market conditions today have dramatically changed since that time, and the authority has once again asked for the UDC to have this authority so that they can use it to save money.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would yield.

ACTING PRESIDENT McGEE: Senator Leibell, will you yield for Senator Krueger?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Madam President.

To try to keep this brief, if I

could just ask a number of questions in one question, if that was all right.

My understanding is -- my concern is that rate swaps can be risky. I mean, Orange County actually lost a lot of money on these kinds of arrangements years ago.

What assurance do we have that the UDC has the financial management capacity to handle this kind of financial arrangement where there are greater risks involved than the way they invest their money now? You can win some, you can lose some, and it's a volatile market.

How will they be reporting to the Legislature or to the Comptroller's office on this? Because my understanding is that they may not have to report to us or the Comptroller's office on these investments.

And, finally, I suppose just as a concern, again, for me, that these are a risky type of investment. When I was doing homework, I learned the Comptroller's office has decided not to use these kinds of rate swap arrangements anymore because of his concern about the volatility of the markets.

And so I'm concerned that we are allowing the UDC to go into a type of investment that is considered perhaps relatively high risk in today's market, and how do we get assurance, since they're an off-budget authority, that someone is taking a look at all this and making sure that the right decisions are being made?

SENATOR LEIBELL: Well, first, historically, they have used -- as I noted in my explanation, there has been a history of using these, and there has not been a problem in using them.

The advantages to using them are now, with our particular interest rate structure, they've become more attractive, again, because of the market conditions.

My understanding is also that the UDC does report and will make those reports available to the Comptroller, to the Legislature.

With respect to the risk involved, there are guarantors involved in this. So I can't say to you that there's anything in finance that's risk-free, but I don't see that

there's a -- there's nothing that we've had -- no historical reference, no indication that these are a great risk.

SENATOR LIZ KRUEGER: Thank you.

Madam President, briefly on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I appreciated the sponsor's response.

I will vote no for this bill because, frankly, I think we give our off-budget authorities too much autonomy already to make the decisions they make and to report what they choose to or not choose to to this Legislature.

And I am concerned that this is a relatively high-risk approach to investment of their or, in this case, the taxpayers' money.

So I appreciate the sponsor's comments, but I'll vote no.

Thank you.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1297, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8307, an act to amend the Real Property Tax Law, in relation to the tax exemption.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

1306, by Senator Golden, Senate Print 5460, an act to amend the Alcoholic Beverage Control Law and the Vehicle and Traffic Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1320, by the Assembly Committee on Rules, Assembly Print Number 8671, an act to amend the Vehicle and Traffic Law, in relation to changing the expiration.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1330, by Senator Volker, Senate Print 5407, an act to amend the Criminal Procedure Law, in relation to admissibility.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

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

SENATOR MORAHAN: Thank you, Madam President.

ACTING PRESIDENT McGEE: You're welcome.

SENATOR MORAHAN: May we return to reports of standing committees.

I believe there's a committee report from the Rules Committee.

ACTING PRESIDENT McGEE: The Secretary will read.

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

Senate Print 3306A, by Senator Paterson, an act to amend the Education Law;

5264A, by Senator Alesi, an act to amend the Executive Law;

5290, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

5291A, by Senator Rath, an act to amend the Family Court Act;

5297A, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

5306, by Senator Rath, an act to amend the Surrogate's Court Procedure Act;

5341, by Senator Saland, an act to amend the Environmental Conservation Law;

5350, by Senator Padavan, an act to amend the Real Property Tax Law;

5389, by Senator Saland, an act to amend the Penal Law;

5391, by Senator Morahan, an act to amend the Penal Law;

5414, by Senator Volker, an act to amend the Criminal Procedure Law;

5415, by Senator Padavan, an act to amend the Real Property Tax Law;

5421, by Senator Stachowski, an act to amend Chapter 276 of the Laws of 1993;

5427, by the Senate Committee on Rules, an act to amend the Tax Law;

5431, by the Senate Committee on Rules, an act to amend the Domestic Relations Law and others;

5433, by Senator Robach, an act to amend the Civil Service Law;

5436A, by Senator Flanagan, an act to amend the Executive Law;

5439, by Senator Balboni, an act to amend Chapter 15 of the Laws of 1998;

5443, by Senator Nozzolio, an act to amend the General Business Law;

5464, by Senator Robach, an act to amend the Correction Law;

5465, by Senator Robach, an act to amend the Local Finance Law;

5470, by the Senate Committee on Rules, an act to amend the Administrative Code of the City of New York;

5496, by Senator Wright, an act to amend the General Business Law;

5507, by Senator Padavan, an act to amend the Criminal Procedure Law;

5511, by Senator Hannon, an act to authorize;

5512, by Senator Flanagan, an act to amend the Real Property Law;

5513, by Senator Farley, an act to amend the Banking Law;

5517, by Senator McGee, an act to amend the Vehicle and Traffic Law;

5520, by Senator Marchi, an act in relation to creating;

5521, by Senator Marchi, an act to amend a chapter of the Laws of 2003;

5529, by Senator Balboni, an act to amend Chapter 457 of the Laws of 2001;

5532, by Senator Saland, an act to amend the Family Court Act;

5533, by Senator Little, an act to amend the General Business Law;

5535, by Senator McGee, an act to legalize;

5543, by Senator Skelos, an act to amend the Public Authorities Law;

5545A, by Senator Bruno, an act to amend the Public Authorities Law;

5546, by Senator Saland, an act to amend the Education Law;

5547, by Senator Leibell, an act to amend the Public Authorities Law;

5548, by Senator Wright, an act to amend the Vehicle and Traffic Law;

5554, by Senator Skelos, an act to amend the Criminal Procedure Law;

5559, by Senator Libous, an act to amend the Public Authorities Law;

5560, by Senator Libous, an act to amend Chapter 373 of the Laws of 1998;

5564, by Senator Skelos, an act to amend Chapter 549 of the Laws of 2000;

5566, by the Senate Committee on Rules, an act to amend the Education Law;

5567, by the Senate Committee on Rules, an act to amend the Penal Law;

And Senate Print 5652, by the

Senate Committee on Rules, an act to amend Chapter 576 of the Laws of 1974.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, I move that we accept the report of the Rules Committee.

ACTING PRESIDENT McGEE: The motion is to accept the report of the Rules Committee. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The report is accepted.

Senator Brown.

SENATOR BROWN: Thank you, Madam President.

I request unanimous consent to be recorded in the negative on Calendar 1017.

ACTING PRESIDENT McGEE: Without

objection.

SENATOR BROWN: Thank you.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, I wonder if we could take up Calendar 1441.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: In relation to Calendar 1441, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 9073 and substitute it for the identical Senate Bill Number 5652, Third Reading Calendar 1441.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1441, by the Assembly Committee on Rules, Assembly Print Number 9073, an act to amend Chapter 576 of the Laws of 1974.

SENATOR MORAHAN: Is there a message of necessity at the desk?

ACTING PRESIDENT McGEE: There is a message of necessity at the desk.

SENATOR MORAHAN: Move to accept the message of necessity, Madam President.

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

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The message is accepted.

Senator Krueger.

SENATOR LIZ KRUEGER: Yes, Madam President. There's an amendment at the desk to this bill. I move to waive its reading and ask to be heard on the amendment.

ACTING PRESIDENT McGEE: You may be heard on the amendment.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Well, we have a feeling of deja vu. We were here yesterday, we had another one-day extender on rent regulation. But I fear we're going backwards, because now we hear that members of this house, the Senate, are

proposing reduction in the maximum cap for people in rent regulated housing. We hear that there are proposals to try to deregulate apartments if a landlord is charging less than the legal maximum.

People are calling my district office, I'm sure they're calling other people's district offices, in panic about the future of rent regulation. And yet today we face one more one-day extender, when the consequences of our not moving forward and acting proactively to reverse some of the most harmful decisions of the 1997 rent regulation law and replace those harmful decisions with proposals that would improve tenant protections, which would assure a future for affordable housing for the people of the city of New York and other sections of the state that are protected by rent regulation -- today in this house I happily voted for a bill that extended the protections for Mitchell-Lama tenants in a specific situation if the landlord chooses to participate. This is exactly the kind of bill we should be passing, not one-day extensions where the clock ticks.

Nonetheless, my amendment is as it was yesterday, for this house to pass a same-as bill with the Assembly bill, Senator Padavan's Senate Bill 2954, which as I discussed yesterday, and will repeat, would renew the existence of rent regulation that have expired other than these one-day extenders, that would repeal vacancy decontrol provisions, that would amend and assure rent stabilization coverage for Mitchell-Lama rental buildings and project-based Section 8 buildings whose landlords take them out of the state and federal subsidy programs, and would plug owner-use eviction loopholes.

I believe that my colleagues here on the floor of the Senate should share my outrage that a bill that we knew that was set to expire on June 15, 2003, since the day this house voted for the bill in 1997, are sitting here pretending that we don't have a serious housing crisis and a clock or a dagger, perhaps I should say, hanging over tenants throughout New York City.

So I urge my colleagues to vote with me for this amendment. I urge my

Republican colleagues who are sponsors of Senator Padavan's bill to join us in voting for a bill they support themselves through this amendment. Because they know, as we know, that for close to 2 million people in the state of New York they wait with bated breath about the future of their ability to stay in their homes.

Thank you, Madam President.

ACTING PRESIDENT McGEE: All those Senators in favor of the amendment please signify by raising their hands.

THE SECRETARY: Those recorded in agreement are Senator Andrews, Brown, Gonzalez, Hassell-Thompson, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Paterson, Sampson, Schneiderman, A. Smith, M. Smith, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

Senator Andrews.

SENATOR ANDREWS: Madam President, I would like to request unanimous consent to be recorded in the negative on Calendar 1247.

ACTING PRESIDENT McGEE: Without objection.

Senator Krueger.

SENATOR LIZ KRUEGER: Madam President, I believe there is another amendment at the desk for Calendar 1345. And I would like to waive reading and be heard on the amendment.

ACTING PRESIDENT McGEE: The reading is waived. You can be heard on the amendment.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Well, again, our amendment failed. We leave 2 million New Yorkers unknowing about the future of their housing.

One thing has changed since yesterday. We have a growing call throughout the state, and certainly from city elected officials, that Albany should not be deciding the future of housing in New York City. It's a New York City local housing policy issue. It should not be decided by Albany. And apparently we can all agree it's not capable, we're not capable in Albany of deciding this

timely and appropriately.

So my second amendment is a bill identical to Senator Frank Padavan -- he and I apparently see eye to eye on housing policy -- this amendment is a parallel to his Senate 3123, which would repeal the Urstadt Law and give decision-making over New York City's rent regulation, rent stabilization, and rent control rules back to city elected officials.

Every day in this house we pass local laws with home-rule messages where we agree that local decisions should be made at the local level by the elected officials who must be accountable to the people whose lives they are impacting. This is a perfect example.

Albany, with all due respect, should not be making the decisions over the future of tenants' lives in New York City. The elected officials from the city of New York, the Mayor and the City Council, should be making these decisions. Mayor Bloomberg was quoted throughout the newspapers today saying this should be city policy. The City Council of New York has already sent us a

resolution calling for repeal of the Urstadt Law. It's exactly what we should be doing here today or immediately in the future.

So again, I ask all of my colleagues here in the Senate, whether you come from New York City or upstate New York or Long Island and recognize the importance of local control over local policy issues, to join us in voting for this amendment.

Thank you, Madam President.

ACTING PRESIDENT McGEE: All the Senators in favor of the amendment please signify by raising their hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Brown, Gonzalez, Hassell-Thompson, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Paterson, Sampson, Schneiderman, A. Smith, M. Smith, Stachowski, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I was in Rules prior, and I would

like to be recorded in the negative, with unanimous consent, on Calendar 1247.

ACTING PRESIDENT McGEE: Senator Krueger, we are still on the bill.

SENATOR LIZ KRUEGER: I'm so sorry, Madam President.

ACTING PRESIDENT McGEE: We will recognize you after the roll.

SENATOR LIZ KRUEGER: Thank you .

ACTING PRESIDENT McGEE: Thank you so much.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

And I apologize, Senator Morahan, I got confused with the schedule here.

Again, unanimous consent is

requested to be recorded in the negative on 1247, S5148.

ACTING PRESIDENT McGEE: Without objection.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like unanimous consent to be recorded in the negative on Calendars 1247 and 1306.

ACTING PRESIDENT McGEE: Without objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. I'd like to be recorded in the negative on Calendar 1324.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: I think we'll stand at ease for a few minutes.

ACTING PRESIDENT McGEE: The house will stand at ease.

SENATOR MORAHAN: Is there any

housekeeping at the desk?

ACTING PRESIDENT McGEE: The house is clean, Senator Morahan.

SENATOR MORAHAN: The house is clean?

ACTING PRESIDENT McGEE: The house is clean.

SENATOR MORAHAN: Thank you, Madam President.

Madam President, there being no further business to conduct at this time, I move that the Senate stand adjourned until Wednesday, June 18th, 12:00 noon.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Wednesday, June 18th, at 12:00 noon.

(Whereupon, at 6:34 p.m., the Senate adjourned.)