NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 18, 2003

12:07 p.m.

REGULAR SESSION

SENATOR PATRICIA K. McGEE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT McGEE: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT McGEE: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 17, the Senate met pursuant to adjournment. The Journal of Monday, June 16, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Johnson, on page number 43 I offer the following amendments to Calendar Number 1295, Senate Print Number 4883A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions to be made at this time?

ACTING PRESIDENT McGEE: Yes, there are.

The Secretary will read.

THE SECRETARY: On page 4,

Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 2263A and substitute it for the identical Senate Bill Number 574A, Third Reading Calendar 54.

On page 11, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 2438A and substitute it for the identical Senate Bill Number 2285A, Third Reading Calendar 312.

On page 17, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 6678 and substitute it for the identical Senate Bill Number 2807, Third Reading Calendar 504.

On page 33, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 5418A and substitute it for the identical Senate Bill Number 2476A, Third Reading Calendar 880.

On page 37, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 6896 and substitute it for the identical Senate Bill Number 2668, Third Reading Calendar 953.

On page 42, Senator Skelos moves to

discharge, from the Committee on Rules, Assembly Bill Number 8707A and substitute it for the identical Senate Bill Number 5310A, Third Reading Calendar 1225.

On page 43, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 7919 and substitute it for the identical Senate Bill Number 4124, Third Reading Calendar 1286.

On page 44, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 4196B and substitute it for the identical Senate Bill Number 1389A, Third Reading Calendar 1348.

On page 45, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8797A and substitute it for the identical Senate Bill Number 2967, Third Reading Calendar 1351.

On page 45, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 3090 and substitute it for the identical Senate Bill Number 3066A, Third Reading Calendar 1353.

On page 45, Senator Maziarz moves

to discharge, from the Committee on Rules, Assembly Bill Number 7148A and substitute it for the identical Senate Bill Number 3245A, Third Reading Calendar 1355.

On page 46, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 7398A and substitute it for the identical Senate Bill Number 3921A, Third Reading Calendar 1361.

On page 46, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 5887 and substitute it for the identical Senate Bill Number 3949, Third Reading Calendar 1363.

On page 47, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 8590A and substitute it for the identical Senate Bill Number 4714B, Third Reading Calendar 1370.

On page 47, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7351 and substitute it for the identical Senate Bill Number 4765, Third Reading Calendar 1371.

On page 47, Senator Flanagan moves

to discharge, from the Committee on Rules, Assembly Bill Number 8477A and substitute it for the identical Senate Bill Number 4774A, Third Reading Calendar 1372.

On page 47, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 7504 and substitute it for the identical Senate Bill Number 4923, Third Reading Calendar 1376.

On page 49, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 8637 and substitute it for the identical Senate Bill Number 5066, Third Reading Calendar 1384.

On page 50, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8514 and substitute it for the identical Senate Bill Number 5160, Third Reading Calendar 1387.

On page 50, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 8572A and substitute it for the identical Senate Bill Number 5163A, Third Reading Calendar 1388.

On page 50, Senator Golden moves to

discharge, from the Committee on Rules, Assembly Bill Number 8609C and substitute it for the identical Senate Bill Number 5216C, Third Reading Calendar 1390.

On page 50, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 7231 and substitute it for the identical Senate Bill Number 5242, Third Reading Calendar 1392.

On page 50, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 689B and substitute it for the identical Senate Bill Number 401B, Third Reading Calendar 1394.

On page 51, Senator Hoffmann moves to discharge, from the Committee on Rules, Assembly Bill Number 8497 and substitute it for the identical Senate Bill Number 5290, Third Reading Calendar 1396.

On page 51, Senator Rath moves to discharge, from the Committee on Judiciary, Assembly Bill Number 8088 and substitute it for the identical Senate Bill Number 5306, Third Reading Calendar 1399.

On page 52, Senator Robach moves to

discharge, from the Committee on Rules, Assembly Bill Number 8141 and substitute it for the identical Senate Bill Number 5433, Third Reading Calendar 1409.

And on page 53, Senator Wright moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 2525 and substitute it for the identical Senate Bill Number 5496, Third Reading Calendar 1416.

ACTING PRESIDENT McGEE: Substitutions ordered.

Senator Skelos.

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

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 3, by Senator Padavan, Senate Print 37, an act to amend the Penal Law, in relation to making citizenship document fraud.

ACTING PRESIDENT McGEE: Read the last section.

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

November.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Padavan, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 130, by Senator Seward, Senate Print 2037A, an act to amend the Insurance Law, in relation to life insurance contracts.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 141, by Senator Volker, Senate Print 1388A, an act to amend the County Law, in relation --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 193, by Senator Nozzolio, Senate Print 438A, an act to amend the Correction Law, in relation to requiring.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 316, by Senator Larkin, Senate Print 1966, an act to amend the Environmental Conservation Law, in relation to solid waste management facilities.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator LaValle, Senate Print 3165C, an act to amend the Retirement and Social Security Law, in relation to twenty-year retirement.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

335, by Senator LaValle, Senate Print 211A --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 355, by Senator Rath, Senate Print 1680, an act to amend the General Business Law, in relation to regulation.

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

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 438, by Member of the Assembly Schimminger, Assembly Print Number 4341, an act to amend the Local Finance Law, in relation to the sale of bonds and notes.

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, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 449, by Senator Volker --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 470, by Senator Volker, Senate Print 843, an act to amend the Local Finance Law, in relation to the sale of municipal obligations.

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, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 539, by Senator Maltese, Senate Print 1182, an act to amend the Retirement and Social Security Law, in relation to deputy sheriffs.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 540, by Senator Padavan, Senate Print 1475, an act to amend the Retirement and Social

Security Law, in relation to the employment of retired New York City police personnel.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 550, by Senator Robach, Senate Print 4101A, an act to amend the Civil Service Law, in relation to suspension.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 572, by Member of the Assembly DiNapoli, Assembly Print Number 6988A, an act creating the New York State Invasive Species Task Force.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 595, by Senator LaValle, Senate Print 4082A, an act to amend the Education Law, in relation to due process.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 618, by Senator Alesi, Senate Print 4420A, an act to amend the Vehicle and Traffic Law, in relation to additional penalties.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 623, by Senator Hannon, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 625, by Member of the Assembly Gunther, Assembly Print Number 6596, an act to amend the Public Health Law, in relation to state hospital review.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 680, by Senator Kuhl, Senate Print 4312A, an act to direct the Education Department.

ACTING PRESIDENT McGEE: There is a local fiscal impact study at the desk.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 706, by Member of the Assembly Lentol, Assembly Print Number 5187, an act to amend the Civil Service Law, in relation to the resolution.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 2. Senators Kuhl and Seward recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 708, by Member of the Assembly Abbate,

Assembly Print Number 5916, an act to amend the Civil Service Law, in relation to jurisdiction.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 718, by Senator Nozzolio --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 742, by Senator LaValle --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 745, by Senator Bonacic --

SENATOR MALCOLM SMITH: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 746, by Senator Bonacic --

SENATOR MALCOLM SMITH: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 790, by Senator DeFrancisco, Senate Print 2993, an act to amend the Navigation Law, in relation to the operation.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 833, by Senator Padavan, Senate Print 24A --

SENATOR MALCOLM SMITH: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 849, by Member of the Assembly Sanders, Assembly Print Number 490, an act to amend the General Business Law, in relation to licensing.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2005.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 880, substituted earlier today by Member of the Assembly Canestrari --

SENATOR MALCOLM SMITH: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 882, by Senator Spano, Senate Print 2524A, an act to amend the Transportation Law, in relation to reestablishing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 900, by Senator Rath, Senate Print --

SENATOR MALCOLM SMITH: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number

906, by Senator Fuschillo, Senate Print 4434, an act to amend the Penal Law, in relation to criminal impersonation.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 943, by Senator Velella, Senate Print 3325A, an act to amend the Retirement and Social Security Law, in relation to the establishment.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 949, by Senator Velella, Senate Print 4970A, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 950, by Senator Farley, Senate Print 4986, an act in relation to prohibiting a county.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 989, by Member of the Assembly Sweeney, Assembly Print Number 7158A, an act to amend the Local Finance Law, in relation to the exclusion.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 996, by the Assembly Committee on Rules, Assembly Print Number 8139A, an act in

relation to creating.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1016, by Senator Marcellino, Senate Print 2174B, an act to amend the Education Law and others, in relation to the practice of geology.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 11. This act shall take effect in two years.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1040, by Member of the Assembly Sweeney, Assembly Print Number 1995A, an act to authorize the Long Island Progressive Baptist Association.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1117, by Senator Little, Senate Print 4620A, an act to amend the County 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, 46.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1136, by Senator Meier, Senate Print 3834A, an act to amend the County Law, in relation to wireless communications.

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, 47.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1196, by Senator McGee, Senate Print 1736A, an act to amend the County 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, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1238, by Senator Maltese, Senate Print 4234, an act to amend the General Municipal Law, in relation to the treatment.

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, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1286, substituted earlier today by the Assembly Committee on Rules, Assembly Print

Number 7919, an act to amend the Retirement and Social Security Law.

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, 49.

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 the creation.

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, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1315, by Senator Velella, Senate Print 5181, an act to amend the Civil Service Law, in relation to the certification.

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, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1346, by Senator Johnson --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1347, by Senator Volker --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1348, substituted earlier today by Member of the Assembly Stephens, Assembly Print Number 4196B, an act in relation to legalizing, validating, ratifying, and confirming.

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, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1349, by Senator Wright, Senate Print 1528, an act to amend the Real Property Tax Law, in relation to partial payment.

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, 49.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1350, by Senator Alesi, Senate Print 1570A, an act to amend the New York City Civil Court Act and others, in relation to civil jurisdictional limits.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1351, substituted earlier today by the

Assembly Committee on Rules, Assembly Print Number 8797A, an act to amend Chapter 505 of the Laws of 1995.

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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Robach, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1353, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 3090, an act to amend the Civil Service Law, in relation to providing.

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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator Little, Senate Print 3206A, an act to amend the County 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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1355, substituted earlier today by Member of

the Assembly DelMonte, Assembly Print Number 7148A, an act to amend the Real Property Tax Law.

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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1356, by Senator Paterson, Senate Print 3306A, an act to amend the Education Law, in relation to publishers.

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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Wright, Senate Print 3422A, an act in relation to granting.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1358, by the Senate Committee on Rules, Senate Print Number 3574, an act to amend the Tax Law, in relation to authorizing.

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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Velella, Senate Print 3836, an act to amend the Civil Service Law, in relation to provisional appointments.

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 on the first of January.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1360, by Senator Robach, Senate Print 3900, an act to amend the General Municipal Law, in relation to including police officers.

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, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1361, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 7398A, 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: Ayes, 51.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

1362, by Senator Flanagan, Senate Print 3927, an act to amend the Tax Law, in relation to residential fuel oil.

SENATOR MORAHAN: Lay it aside temporarily, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1363, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 5887, an act to amend the Civil Service Law, in relation to disciplinary hearings and proceedings.

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, 53.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1364, by Senator Trunzo, Senate Print 3952, an

act to authorize the transfer of service credit.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Saland, Senate Print 4113A, an act to amend the Banking Law, in relation to authorizing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT McGEE: The bill

is passed.

Senator Morahan.

SENATOR MORAHAN: Madam President, can we go back to Calendar 1362, which we laid aside temporarily a moment ago. Can we go back to read that.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1362, by Senator Flanagan, Senate Print 3927, an act to amend the Tax 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, 53.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1366, by Senator Golden, Senate Print 4187A, an act to amend the Retirement and Social Security Law and the Administrative Code of

the City of New York.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. I rise to request unanimous consent to be recorded in the negative on Calendar 123.

ACTING PRESIDENT McGEE: Without objection.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT McGEE: The bill was laid aside, Senator. Senator Hassell-Thompson, the bill was laid aside.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1367, by Senator Alesi, Senate Print 4497, an act to amend the General Business Law, in relation to prohibiting.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of the calendar month next succeeding.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1368, by Senator Kuhl, Senate Print 4500, an act to amend the General Business Law, in relation to extending.

ACTING PRESIDENT McGEE: Read the last section.

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

September.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1369, by Senator Rath, Senate Print 4542B, an act to amend the Social Services Law, in relation to establishing.

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.)

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. I rise to explain my vote.

ACTING PRESIDENT McGEE: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

I will be voting for the bill, because I think that the model of a dual pathway for child protection is an important demonstration for the state to travel the road of.

But I am just highlighting there are two concerns that have brought up by New York City that I share their concern on. One, that the state ought to be making a clearer definition for the localities of what the guidelines are for defining someone as being in a maltreatment situation as opposed to abuse of children.

And I'm also concerned, as is my city agency, that 24 hours for receipt of a report and then only 72 hours for the agency to make a determination whether this family should be put into this dual-track model is too short a time for evaluation. The City of New York is recommending seven days for evaluation of the case.

So I hope -- while I believe this bill will pass, conceivably, both houses this week -- that we will immediately revisit trying to meet the necessities of our

localities.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1370, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8590A, an act to amend the Public Health 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, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1371, substituted earlier today by Member of the Assembly DelMonte, Assembly Print Number

7351, an act to amend the Public Authorities 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, 54.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1372, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8477A, an act to amend the State Administrative Procedure Act.

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, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1373, by Senator Leibell, Senate Print 4816, an act to amend the Transportation Corporations Law, in relation to capacity.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Kuhl, Senate Print 4912, an act to amend the Transportation Law, in relation to the regulation.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 20. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Kuhl, Senate Print 4914, an act to amend the Highway Law, in relation to the establishment.

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, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1376, substituted earlier today by Member of the Assembly McLaughlin, Assembly Print Number 7504, an act to amend the Real Property Tax Law.

ACTING PRESIDENT McGEE: Read the

last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Velella, Senate Print 4962, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1380, by Senator Velella, Senate Print 5029, an act to amend the Administrative Code of the City of New York, in relation to ensuring.

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, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Velella, Senate Print 5030A, an act to amend the Administrative Code of the City of New York, in relation to the powers, duties and responsibilities.

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

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, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1382, by Senator Padavan, Senate Print 5055, an act to amend the Real Property Tax Law, in relation to exemption.

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, 55.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1383, by Senator Saland, Senate Print 5061A, an act to amend the Education Law, in relation to the implementation of the "No Child Left

Behind" Act of 2001.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1384, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8637, an act to amend Chapter 433 of the Laws of 1997.

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, 56.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1385, by Senator Johnson, Senate Print 5140, an act to amend the Education Law and others.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1386, by Senator Skelos, Senate Print 5156A, an act to amend the Public Health Law, in relation to prohibiting.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1387, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8514, an act to amend Chapter 884 of the Laws of 1990.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1388, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8572A, an act to amend the State Finance 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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Padavan, Senate Print 5214, an act to amend the Real Property Tax Law, in relation to extending.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 6. This act shall take effect July 1.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1390, substituted earlier today by the

Assembly Committee on Rules, Assembly Print Number 8609C, an act to amend the Private Housing Finance 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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Fuschillo, Senate Print 5222A --

SENATOR FUSCHILLO: Lay it aside, please.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1392, substituted earlier today by Member of the Assembly Towns, Assembly Print Number 7231, an act to amend the Family Court Act.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1393, by Senator Duane, Senate Print 5348, an act to amend Chapter 292 of the Laws of 1904.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Alesi, Senate Print 5264A, an act to amend the Executive Law, in relation to

requiring.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1396, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8497, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1397, by Senator Rath, Senate Print 5291A, an act to amend the Family Court Act and the Executive Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1398, by Senator Hoffmann, Senate Print 5297A, an act to amend the Agriculture and Markets Law, in relation to retail farm operations.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1399, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8088, an act to amend the Surrogate's Court Procedure Act.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator Saland --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1401, by Senator Padavan, Senate Print 5350, an act to amend the Real Property Tax Law, in relation to administration.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1402, by Senator Saland, Senate Print 5389, an act to amend the Penal Law, in relation to obstructing.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Morahan --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1404, by Senator Volker, Senate Print 5414, an act to amend the Criminal Procedure Law and the Judiciary Law.

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, 56.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator Padavan, Senate Print 5415,

an act to amend the Real Property Tax Law and the Administrative Code of the City of New York.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 8. This act shall take effect July 1.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Stachowski, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1407, by the Senate Committee on Rules, Senate Print Number 5427, an act to amend the Tax Law, in relation to authorizing.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1408, by the Senate Committee on Rules, Senate Print Number 5431, an act to amend the Domestic Relations Law and others, in relation to certain fees.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 8. This act shall take effect July 1.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1409, substituted earlier today by the

Assembly --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1411, by Senator Balboni, Senate Print 5439, an act to amend Chapter 15 of the Laws of 1998.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1412, by Senator Nozzolio, Senate Print 5443, an act to amend the General Business Law, in relation to sale.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator Robach, Senate Print 5464, an act to amend the Correction Law, in relation to uniformed personnel.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Robach, Senate Print 5465, an act to amend the Local Finance Law, in

relation to manner of paying.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1415, by the Senate Committee on Rules, Senate Print Number 5470, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the 0roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1416, substituted earlier today by Member of the Assembly McLaughlin, Assembly Print Number 2525, an act to amend the General Business Law.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1418, by Senator Padavan, Senate Print 5507, an act to amend the Criminal Procedure Law, in relation to statements.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1419, by Senator Hannon, Senate Print 5511, an act to authorize.

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, 56. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1420, by Senator Flanagan, Senate Print 5512, an act to amend the Real Property Law, in relation to filing.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1421, by Senator Farley, Senate Print 5513, an act to amend the Banking Law, in relation to the use.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator McGee, Senate Print 5517, an act to amend the Vehicle and Traffic Law, in relation to chemical tests.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 3 of the Laws of 2002.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1423, by Senator Marchi, Senate Print 5520, an act in relation to creating the temporary state commission.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1424, by Senator Marchi, Senate Print 5521, an act to amend a chapter of the Laws of 2003 relating to directing the Commissioner of the Department of Environmental Conservation.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a chapter of the Laws of 2003.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1425, by Senator Balboni, Senate Print 5529, an act to amend Chapter 457 of the Laws of 2001.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of

2003.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1426, by Senator Saland, Senate Print 5532, an act to amend the Family Court Act, in relation to duration.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Little, Senate Print 5533, an act to amend the General Business Law, in relation to manufacturers.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1428, by Senator McGee, Senate Print 5535, an act to legalize, validate, ratify, and confirm.

ACTING PRESIDENT McGEE: There is a local fiscal statement at the desk.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1429, by Senator Skelos, Senate Print 5543, an act to amend the Public Authorities Law, in relation to certain powers.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Saland, Senate Print 5546, an act to amend the Education Law, in relation to the implementation.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1431, ayes, 56; nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

It's been very difficult to get this out. 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.

Thank you, Senator Morahan.

SENATOR PADAVAN: Madam

President.

ACTING PRESIDENT McGEE: Senator Padavan.

SENATOR PADAVAN: May I be recorded in the negative on Calendar 1371, Senate Bill 4765.

ACTING PRESIDENT McGEE: Without objection.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, may I be recorded in the negative on Calendar Number 1400.

ACTING PRESIDENT McGEE: Senator Marcellino, that bill was laid aside.

SENATOR MARCELLINO: I'm sorry. Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1433, by Senator Wright, Senate Print 5548, an act to amend the Vehicle and Traffic 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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1434, by Senator Skelos, Senate Print 5554, an act to amend the Criminal Procedure Law, in relation to eliminating.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT McGEE: Lay the bill aside.

THE SECRETARY: Calendar Number 1435, by Senator Libous, Senate Print 5559, an act to amend the Public Authorities Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Senator Libous, Senate Print 5560, an act to amend Chapter 373 of the Laws of 1998, amending the Public Authorities Law.

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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1437, by Senator Skelos, Senate Print 5564, an act to amend Chapter 549 of the Laws 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, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1439, by the Senate Committee on Rules, Senate Print Number 5566, an act to amend the Education Law and the Civil Practice Law and Rules.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1440, by the Senate Committee on Rules, Senate Print Number 5567, an act to amend the Penal Law, in relation to making technical corrections.

ACTING PRESIDENT McGEE: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as a chapter of the Laws of 2003.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT McGEE: The bill is passed.

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

SENATOR MORAHAN: Thank you, Madam President.

May we return to motions and resolutions. I believe there's a privileged resolution at the desk by Senator Brown and Senator Volker, and I ask that it be read in its entirety.

Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Brown, Legislative Resolution Number 2398, honoring Tom Golisano upon the occasion of becoming the

new owner of the Buffalo Sabres.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those corporate leaders throughout the State of New York who have substantially contributed to the economic vitality of their communities; and

"WHEREAS, Tom Golisano is the founder and chairman of Rochester-based Paychex, Incorporated, the nation's second largest payroll processing company; it employs 8,250 people, including about 2,000 in Rochester; and

"WHEREAS, By purchasing the Buffalo Sabres and committing to keep the team in the community for the long-term, Tom Golisano is advocating his belief that business has a responsibility to give back to the communities where their enterprises are located; and

"WHEREAS, It has been estimated that the Buffalo Sabres and the HSBC Arena provide a direct economic benefit to the Western New York region. In addition, as a result of his purchase, Tom Golisano saved the State of New York, County of Erie and City of

Buffalo taxpayers a substantial amount; and

"WHEREAS, Tom Golisano's deal to buy the Buffalo Sabres has given National Hockey League Commissioner Gary Bettman a reason to believe in the league's viability now that the Sabres' future is more secure and they will be staying in the area. Commissioner Bettman said, 'I think people should stop worrying about the Sabres leaving Buffalo, because our knight on a white horse came riding in'; and

"WHEREAS, The bankrupt Sabres were in jeopardy of folding after the end of the season. Tom Golisano's arrival not only rescued the team, it also provided a lift for a league facing an uncertain future; and

"WHEREAS, As part of the deal to purchase the bankrupt franchise, Tom Golisano has assumed operational control of the Sabres' arena, as well as the National Lacrosse League's Buffalo Bandits. He will also manage the 18,000-seat HSBC Arena, where both of these teams play; and

"WHEREAS, It has been estimated that the Buffalo Sabres and the HSBC Arena

provide a direct economic benefit employing 150 full-time employees and 1,000 part-time employees; and

"WHEREAS, In 1971, when Tom Golisano was working for Electronic Accounting Systems, he noticed that the big companies which were served by the regional payroll processing company were outnumbered by the small firms that were unable to pay for high-end payroll service; and

"WHEREAS, He started with one employee, 40 clients, a little cash and his credit card; gradually, the business began to grow, adding clients and a network of 18 franchises and partnerships; and

"WHEREAS, By 1979, Tom Golisano consolidated to form a single company, which he took public four years later; today, it is on Fortune magazine's list of the 100 best companies to work for in America mainly because of his belief that all employees are equal and should be treated in that manner; and

"WHEREAS, Tom Golisano has given back to his community by awarding a tremendous

amount of grants to his local community in Rochester. The Rochester billionaire has donated his own money to Rochester area colleges, hospitals, health systems and other nonprofit agencies. Since 1986, his B. Thomas Golisano Foundation has also funneled significant funds to agencies dealing with the disabled; and

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to Tom Golisano for his substantial contribution to the economic vitality of the Western New York region by his purchase of the Buffalo Sabres and his commitment to keep the team in the Buffalo community; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Tom Golisano upon the occasion of becoming the new owner of the Buffalo Sabres; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Tom Golisano."

ACTING PRESIDENT McGEE: Senator Brown.

SENATOR BROWN: Thank you, Madam President. Thank you, colleagues.

It's certainly my pleasure and honor today to recognize a New Yorker of distinction, someone that I have had the opportunity to get to know and respect greatly.

Tom Golisano's story is an American story. Certainly he's one someone that grew up not in a family of wealth but, through the American dream, was able to build the company that you just heard about.

The company now employs over 9,000 people, and you heard that 2,000 of those people employed are in the city of Rochester.

This year we will be talking a little bit about some of the financial difficulties in the city of Buffalo. As you know, Buffalo was once one of the greatest cities in this country, and is still a great city. But this year, unfortunately, Buffalo will be facing a control board.

And the Buffalo Sabres are an institution, an organization, a company that is very important to the city of Buffalo. Let

me just talk a little bit about the economic impact and why Tom Golisano's purchase of the Buffalo Sabres is so important to the Buffalo/Niagara region.

It has been estimated that the Buffalo Sabres and the HSBC Arena provide a direct economic benefit of $52.8 million in the Buffalo/Niagara region. The Sabres employs 150 full-time employees and another 1,000 people part-time. This organization provides $3.4 million in sales tax per year in Erie County.

Let me just say also, as you heard in the resolution, Tom Golisano certainly believes that business has a responsibility to give back to the community. And he has given back to the community significantly. The resolution didn't contain the numbers, and I'd like to just mention briefly some of the numbers -- not all of them, because he has contributed significantly.

But in Rochester alone, where Paychex is headquartered and where Tom Golisano lives, he has been tremendously generous. In November 2002 he donated

$5 million to Thompson Health in Canandaigua, which will be used to create the Golisano Center for Emergency and Diagnostic Medicine.

In April of 2002 he contributed $14 million to Strong Children's Hospital in Rochester.

In February 2001 he made a $14 million contribution to Rochester Institute of Technology and in October of 2001 a $5 million contribution to Roberts Wesleyan College, the largest gift in the history of the small liberal arts college.

You know, Tom Golisano has spoken extensively about his belief that too much money is invested in sports franchises, public dollars going to sports franchises which really should be used for the community.

This year, Tom Golisano put his money where his mouth was and invested in the Buffalo Sabres, saving city, county, and state taxpayers over $40 million. And for that, the City of Buffalo and the Buffalo/Niagara region, and indeed the state, owe him a debt of gratitude.

So it is indeed my honor today to

recognize Tom Golisano for his accomplishments, to thank him for his purchase of the Buffalo Sabres, and to wish him continued success and to wish him well.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Volker.

SENATOR VOLKER: Madam President -- and as people know, it is indeed unusual to do this kind of a resolution at this time of the year. But I felt that we should make some recognition of Tom Golisano for what he did.

And there were people, I think, that thought some of us might be unhappy. But I can assure you that I was one of the happiest people in Buffalo when Tom Golisano purchased the Sabres.

There were people in our city and many in the media who thought that the Sabres were not important and who in fact did stories that the Sabres really weren't that heavy an economic contributor to the area.

Many didn't realize that the purchase of the Sabres, with it goes the HSBC

Arena that many of us -- and I was one of those -- spent a great deal of time in working out.

The Knoxes, who owned the Sabres before, previous to the Rigases purchasing it, were very close friends of mine and remain close friends of mine. The accountant is a personal friend of mine. So I knew the numbers pretty well.

And I must say to Tom Golisano -- and many of us thought that he was a very hardheaded, good businessman, so we doubted very seriously that he would invest in a risky -- at best, a risky endeavor. But when he did, what he did for Buffalo -- and I still don't believe that many of the businesspeople in Buffalo realize.

Here's a man that is from the Rochester area, he's not from the Buffalo area. I don't think he was ever a particularly great sports fan. To his credit, he chipped in where other people wouldn't do, purchased the Sabres, reactivated it. In fact the arena, which had been managed very, very poorly by the previous owners, by the way --

which is one reason why the numbers looked as poor as they did. And I know that very well, because I looked into those numbers and I have pretty good connections with the league, by the way.

So I just want to say that everything aside, Tom Golisano has done something that a lot of Buffalo people wouldn't even get near, and that is taking a risk on Buffalo, a risk that probably will bring hundreds of millions of dollars in investment to the area and something which I think that, you know, my children and their children, hopefully, will look back and say there was a time when we nearly lost one of the real jewels in the city.

Because the HSBC Arena doesn't just bring in money from sports but from all sorts of other entertainment. And we hope that it will bring in more to downtown Buffalo, which is on the verge, I believe, of really emerging and coming back.

So my thanks to you, Mr. Golisano, for believing in the Sabres, believing in Buffalo, despite the fact that there's a

tremendous amount of naysayers in our city, unfortunately. And I thank you for investing.

And I want to make it clear that if there's anything that myself and our delegation can do to help you and your investment in sports, we'll be happy to do it.

ACTING PRESIDENT McGEE: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

I think I could reiterate much of what has been said by Senators Brown and Volker in regard to what Mr. Golisano's efforts have done as far as impacting the economy of, of course, the Buffalo area, primarily, and initially the Rochester area but also the economy of this entire country.

And as we have heard most recently, we can expect more growth from Tom Golisano's company Paychex, which means more jobs worldwide, internationally.

I'm especially proud of the fact that Tom Golisano hails from my more immediate area and that his headquarters, of course, is in the heart of my Senate district -- but also

proud of the fact that in addition to the Sabres, Tom Golisano, no matter where you go in the greater Rochester area, is recognized as the George Eastman of the 21st century.

And for those of us who understand that Eastman Kodak Company started in Rochester and who understand that George Eastman was perhaps, to this point, one of the greatest benefactors that our community has enjoyed, we now know that we have someone in the person of Tom Golisano who will share that greatness as this century continues on -- whether it's his efforts to help the children at the Strong Memorial, whether it's his interest in the high-tech growth of our economy, his involvement with Rochester Institute of Technology, St. John Fisher College.

Anywhere you go, any category that you think of that benefits our community, you understand that Tom Golisano is the cornerstone of our hope for the future when it comes to things that help our society. Notwithstanding his great success as a businessperson. And without discussing his

interest in government.

I would just simply like to say that I have appreciated the friendship that I have enjoyed sharing with Tom Golisano and have appreciated the opportunity to share time with him, knowing that he is someone of incredible accomplishment but also knowing that in those times when I've had the opportunity to just sit and chat with him, to share a meal with him -- as I did with Senator Robach recently at the Italian-American Community Center -- that as much as this might sound hard to believe of a man of his stature, he's just a regular guy in so many ways.

And I also got to know Tom Golisano a little better when we were dedicating the Korean War Memorial and he spoke about his brother. And again, it's hard to imagine that a man of such great accomplishment and a man who has contributed so much to our community could express himself in such a regular way and could make you feel as though, yes, he is a titan when it comes to the business world, but when he sits next to you and he talks to you, he is a regular guy.

And that's something that I appreciate as much as his friendship. And I would personally like to welcome Tom Golisano to the Senate chambers.

ACTING PRESIDENT McGEE: Senator Robach.

SENATOR ROBACH: Yes, Madam President.

Let me too briefly just join in and say how fitting it is that we take today to acknowledge anytime something good happens in our communities, as private citizens, as government leaders.

And truly, Tom Golisano coming to the aid of what I call this air of cooperation of really all of expanded Western New York is good in its own right.

But I'd like to really just thank him also not only for the Sabres deal, the jobs he provides and the leadership as a businessperson, but aside, what many people don't know outside of our area is his huge amount of benevolence that has really affected the whole fabric of Monroe County through the good works he's done.

And as Jim Alesi said, my colleague, we've had the opportunity to work with Tom on a lot of different things. And one of the areas that's very important to me and I know to him, having a sister who is developmentally disabled, Tom Golisano is really one of the most benevolent people when it comes to assisting young people and adults who really are in trouble or need help of no volition of their own -- childhood cancers, people with developmental disabilities.

And I think people should know that in addition to his great entrepreneurial spirit, his great community involvement, is a benevolent person. He truly is a champion. And that should be in the record, what he has done for our area and so many of us.

And to my colleague Dale Volker, I'd just like to rectify one thing. You said a lot of accurate things about Tom. One inaccurate thing was actually Tom Golisano is very athletic. He's also very competitive.

One of his areas where he's contributed a lot of money is to the Rochester Institute of Technology. And probably as an

offshoot of that, we've all gotten to be very good friends with Dr. Al Simone, the president. And Tom and I had the opportunity to play broomball against young fraternity kids who are in much better shape than us, but we managed to hold our own. Tom was the MVP. And I want to tell you, at one point trying to score a goal, he even checked me to the ice, and I was on his own team.

So he's indeed athletic and very competitive and certainly a wonderful person who's continuing to do good things here. And we really appreciate it.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I just want to rise and add my congratulations to the new ownership of the Buffalo Sabres, Mr. Golisano, and talk about how hundreds of thousands of sports fans, particularly the young children that saw those headlines, newspaper stories that the Sabres were going to be leaving Buffalo and probably

locate in a faraway place, that now their team is safe.

And we look forward, Mr. Golisano, to having you back here next year with the Stanley Cup champion Buffalo Sabres.

Thank you.

ACTING PRESIDENT McGEE: Senator Stachowski.

SENATOR STACHOWSKI: I too would like to rise and congratulate the new ownership of the Sabres.

Obviously we were all concerned to keep the team in Buffalo. And myself, as a season ticketholder, I was just concerned to keep the Sabres in the Western New York area because I happen to enjoy going to hockey games even when the Sabres aren't as good as the other teams, as they were this year, when they struggled and were young.

But I'm glad Mr. Golisano is here. It's not surprising that he knocked Robach around, considering the shape Joe's in currently. So at least we know that you're a better athlete than Joe Robach, and that's good.

I would like to point out, I noticed when I came in that you have a gentleman named Steve Casey next to you. Don't listen to anything he says about hockey, because he's a Flyers fan. And I don't think he'll give you any good advice helping the Sabres. He might have some trade to the Flyers for something they need. So I would be careful about that.

But the truth is -- and this is an interesting little side story -- I never met Mr. Golisano until last night when I was walking from one event to the other and he was standing on the street corner and I happened to recognize him, walked up, introduced myself, and we talked a little bit.

So it was my pleasure to have met him last night. I wish him all the luck. I hope that he can do for the Sabres what he's done for his other businesses. And I'll be a little bit more patient than Senator Maziarz and hope that someday we'll be here celebrating with you the Sabres winning the Stanley Cup.

ACTING PRESIDENT McGEE: Senator

Paterson.

SENATOR PATERSON: Thank you, Madam President.

I'd just like to lend my voice to all of those who are congratulating Tom Golisano today for a lot of things. This is a person that has been very successful in his own endeavors, an entrepreneur. But unlike some who come back here and try to influence the process from within, he did it publicly. He became a candidate. He wanted to be a public servant.

And that's something that all of us wanted to be at some time, and all of us have things that we believe in and things that drive us to that end. And it's good to see that a more diverse population is thinking of government as a solution to problems at a time when so many people have soured on government.

And who we support or who we endorse or who we're with sometimes is not as important as that we get quality people, people who have a mission and a caliber of credentials that could be contributed to the state.

Tom Golisano is a person that has a rare combination of skills. And the fact that he even thought of going through what it takes to try to become a public servant I think is something that he should be congratulated for.

I wish that a lot of people would do the same, people particularly who don't live in my district, but I hope that they will think of government as a solution to problems.

And to hear that he's taken over the Buffalo Sabres, maybe he and Senator Stachowski will talk Dominic Hasek into coming out of retirement. Maybe they'll go back and get Gilbert Perreault from the seventies, or maybe Rene Robert, or maybe even Bob McAdoo from the old Buffalo Braves.

But they still will not win the Stanley Cup before either the Rangers or the Islanders do. But if they have a chance, it will be because Tom Golisano is at the helm.

Thank you.

ACTING PRESIDENT McGEE: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I'm delighted to see Mr. Golisano in the chambers. And we've never really had much opportunity to talk, but I have a small grudge to settle with him. He actually stole away from me the name of a political party.

When I first ran for office, I thought I needed an extra line, and I created my own little political party and gave it the name "Independent." I had a small farm symbol. You can go to these little press-type cutouts and create your own little symbol. So I was very happy with my little farm symbol. And then discovered that no longer did I have the "Independent Party," it was being confused with an "Independence Party."

I also had another political party stolen from me because I was trying very hard, some of you know -- and I know Mr. Golisano does -- was trying to reform the entire State Legislature for a number of years. I've put that somewhat on hold recently. But I did have some great success getting people enthusiastic about the need to change the way we conducted our business.

Most of those times when I

delivered a speech on that subject, I was speaking from the other side of the chamber. I find it much more effective to speak about virtually anything on this side. But in those days I had the Reform Party, and then Ross Perot stole that from me.

But I assure you that there is no turnabout here. I have no interest in the hockey team. I would, however, like to suggest that perhaps Mr. Golisano could use some of his considerable influence to speak to the good people who run Time-Warner Cable in the Syracuse area and see if we can get the Sabres back on the air.

And I will also share, for Mr. Golisano's benefit, the fact that having engaged in both political pursuits and being a sports fan, there is really a tremendous amount of personal satisfaction in being able to watch a winning victory of a national championship team. And having just done that recently with the Syracuse University Orangemen in New Orleans, in the NCAA basketball championships, I hope that you will give us all that opportunity to cheer on

another national championship team.

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

I just want to put my two cents in the whole conversation on the whole issue this morning. I do not know Mr. Golisano personally. Never met him, don't know about him. The only thing that I know about him was that last year we almost got a minority governor, Carl McCall. And because of Mr. Golisano's involvement, we lost that opportunity. That's the only thing I know about him.

But today I would like to join the group and, you know, join the group in congratulating Mr. Golisano in purchasing the Buffalo team and keeping the team, and using his money well to protect the team in Buffalo.

I hope the next time that a minority runs for a seat in New York, Mr. Golisano could join us so we could put a minority in statewide office.

Thank you very much, Madam

President.

ACTING PRESIDENT McGEE: Senator Rath.

SENATOR RATH: Madam President, my colleagues, Mr. Golisano, Buffalo Sabres fans everywhere, I rise to say congratulations and welcome to Western New York, welcome to one of the fine traditions of hockey in all of North America.

I'm sure Senator Stachowski spoke, because we very often share moments in the arena when the Sabres are at their highs and at their lows and have for the last 25 or 30 years enjoyed Buffalo Sabres hockey.

And I would only say that the sports teams in the state of New York have brought us honor, they have brought us thrills. Will we ever forget the Stanley Cup finals a few years ago when we all celebrated and watched as Buffalo showed itself off proudly to the world in the Stanley Cup finals.

And you're in for quite a ride as the owner of the Buffalo Sabres. And I would say to you that in sports traditions in

Western New York, there are a couple of phrases you should be very familiar with.

One of them doesn't have to do with the Sabres, but it's one everyone from Buffalo could tell you about, and that is "wide right." And we all know that was when we did not win the Super Bowl.

There is another one you need to be familiar with, and it's called "skate in the crease." And everyone knows that's when we did not win the Stanley Cup.

But there was one of our great sports persons in Buffalo by the name of Marv Levy who said it best, and I will close my remarks with this: "Where else would you rather be than right here and right now?"

Thank you.

ACTING PRESIDENT McGEE: Thank you, Senator Rath.

The question is on the resolution. All in favor will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Morahan.

SENATOR MORAHAN: If we can turn now, Madam President, to the controversial reading of the calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 123, by Senator Padavan, Senate Print 52, an act to amend the State Administrative Procedure Act, in relation to denial.

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR PATERSON: Explanation.

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

SENATOR PADAVAN: Thank you, Madam President.

The bill is very simple. It states that if a licensee in the State of New York has knowingly hired illegal aliens and been

found guilty of violating federal law in that regard, that a state agency, a licensing authority may have -- and I emphasize the word "may" -- the opportunity of revoking that license.

A license is a privilege. Individuals who knowingly violate laws that are detrimental to the good order of our society should not enjoy the benefit of that privilege. And this bill would seek to achieve that opportunity.

ACTING PRESIDENT McGEE: Senator Padavan.

Senator Paterson.

SENATOR PATERSON: Madam President, you've confused us again. And we look so much alike, it's amazing. This happens to us every place we go.

(Laughter.)

SENATOR PATERSON: Madam President, would my twin suffer a question or two about this simple bill of his?

SENATOR PADAVAN: Yes.

SENATOR PATERSON: Senator, in all seriousness, if you have a large company,

doesn't this have a chilling effect on the doing of business in the state?

Because there can be one violation under your bill, and a license to a major company which has maybe hundreds of employees could be revoked because of really what is an issue of immigration.

I just don't know that we would want to put that responsibility, given the problems that businesses are having all around the state right now, large businesses and small businesses.

SENATOR PADAVAN: First, Senator, it's not one, it is two violations of immigration law during a five-year period. So it's not an isolated, one-time event but one that has been repetitive.

But as I tried to emphasize in my explanation, we are authorizing a licensing entity in this state -- which could be one of many agencies, such as the Secretary of State, the Health Department, on and on the list goes -- to consider the revocation of that license.

As far as the economic or harm or

any other form of -- any negative impact on the state, I think it is clear that knowingly hiring illegal aliens is already detrimental.

And when the federal government steps in, as it does on occasion, and takes action, I think it's appropriate that the state consider withholding its privilege engendered in a license. And I really don't care what that license is for.

So your point about the frequency is in error, and your conclusion about the impact on the economic well-being of the state is equally incorrect.

SENATOR PATERSON: I'm really hurt, Senator.

Would the Senator yield for another question?

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

SENATOR PADAVAN: Yes, I will.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Senator, I stand corrected. What I really meant by that was that over a five-year period a violation

in two areas could be a very almost nominal conclusion to what is a subjective determination about what the employer knew and when they knew it.

And I was balancing it based on the value of business in our society and the chilling effect I thought that it had on conducting business.

My second question is, does it have a chilling effect on employment? In other words, that companies will be hesitant to hire people who might appear to be illegal aliens so as not to ever be put in the position of having to go through the ordeal.

SENATOR PADAVAN: What is your question, Senator?

SENATOR PATERSON: That question is whether or not that has a chilling effect. We covered the issue of business or at least --

SENATOR PADAVAN: Only if your presumption, underlying presumption is correct. And as I said before, I don't believe that it is.

I think that most employers in this

state are law-abiding, understand the law, are not knowingly -- and here again I emphasize that word -- knowingly hiring an illegal alien.

And keeping in mind the federal government, with its limited resources, addresses a very small part of this problem. But when it does, it usually goes after someone who is quite -- you know, someone who is really deserving of their attention.

And when that happens, if we are a nation of laws, whether they be federal, state, or local, I don't believe we should then extend the privilege of a license to that entity and say, Well, you really haven't done anything wrong, so continue to go on with your business.

Again, I emphasize, Senator -- and you have not really acknowledged this -- that we give the state agency the prerogative of determining whether or not -- whether or not they are to apply this opportunity. Utilize it, I should say. It's not mandatory. They can take into consideration any extenuating factor that is appropriate when they are

making a determination.

But we feel it's a tool that should be at their disposal.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, I want to thank Senator Padavan for his answers.

On the bill.

ACTING PRESIDENT McGEE: Senator Paterson, on the bill.

SENATOR PATERSON: I think that what Senator Padavan has put into legislation does involve some agency discretion. Which I'm thankful of that, because I think this bill errs in a few directions.

I think that the potential punishment, even unless you saw a consistent pattern and practice of this type of conduct on the part of companies, is quite restrictive. I think it would restrict business.

I think that Senator Padavan is in error in that he doesn't believe that there would be a chilling effect on the hiring if

the potential employee, the candidate for employment resembles in some way the perception of an employer of perhaps being an illegal alien.

I think that the amount of business that will be conducted would be diminished if the state agencies actually enforced this with such few incidents of what even at its best is a presumption of subjectivity.

And therefore, I would recommend a no vote on this bill, because Senator Padavan said that I made two errors, I've now documented that he made three errors.

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Madam President, if, through you, the sponsor would yield for a question.

ACTING PRESIDENT McGEE: Senator Padavan, would you yield for a question?

SENATOR PADAVAN: Yes, I will.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SABINI: Senator, you're the senior elected official from the borough I

represent, and you have a wealth of experience in this chamber. And this bill has had some experience as well; it's been here for a number of years.

And I'm just wondering, sharing some of the concerns that Senator Paterson has raised, can you give an example of what company you would seek to have reined in based on past experience that would have been found guilty of this? Or can you cite an example where this law would have been put into play if it became law?

SENATOR PADAVAN: Give you an example? You're looking for an example?

Well, you know, the licenses that are issued by the state are a great many. One that comes to mind is a nursing home. Would you want a nursing home that knowingly hired illegal aliens, having been cited by federal government twice, and the state license not be reviewed by the State Health Department? I don't believe your answer would be no.

So that's an example that comes to mind. I'm sure we could come up with many others.

SENATOR SABINI: Madam President, if I could restate my question, because I don't -- maybe I didn't make it clear, Senator Padavan.

But what I'm saying is, can you cite an example of someone who would have been guilty of this already, a company that had done this? Because you obviously feel that there's a need for this.

And I share Senator Paterson's concern that this might have a chilling effect on employment of people in places like Queens County, where people come from all over the world to share the American dream.

I'm just wondering why the need for this bill, if there's a situation that had arose that, had this bill become law, would have caused someone to be fined. Rather than a hypothetical, is there a company that would have been guilty of this had this been a law?

SENATOR PADAVAN: Senator, let me answer your question a couple of different ways.

This bill is sponsored in the Assembly by Brian McLaughlin, whom you know,

as you know, wears two hats, president of the Central Labor Council. And that suggests, I think, that there is no impact on legitimate employers, nor should there be perceived to be. Which addresses not only your question but also some of the comments made by Senator Paterson.

Now, as far as the justifiable need, we do have many, many examples of the federal government citing violations of this part of the Immigration Reform Act of 19 -- I think it's 1986. Yes, 1986.

One comes to mind, it was a cleaning outfit in Westchester had been cited by the federal government 25 times and continued to enjoy the benefit of a local license to function.

We had a public hearing a number of years ago dealing with various aspects of immigration law. Part of it was employment, economic impact, and this issue was raised.

So the need in terms of how often the federal government finds it necessary to issue violations and then take action in the state of New York, particularly in our urban

centers such as our city, is an established fact. They're doing it all the time. But even at that, they're probably only scratching the surface.

It's not an isolated instance. It's frequent. It's pervasive. And I don't believe we should, in this state, look with a blind eye toward any entity.

Because when you get a license, it is what it is, a statement by the State of New York, the people of this state, that you should continue to do business or provide whatever service or function you are constituted to provide. And to me, there's a contradiction there. And that's the basis for the bill.

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Sabini, on the bill.

SENATOR SABINI: While I agree with the sponsor's point that a license is a privilege and not a right, I don't really

believe that the examples cited outweigh the fact that I think this kind of legislation makes us feel good and makes us feel like we're doing our part to make sure that our borders aren't crashed. And maybe that's good.

But I think the chilling effect this will have on employers far outweighs the need for this legislation. I believe the federal government has every right to police immigration laws and should be doing it perhaps even better than they are.

But I don't believe that we should be using our powers in this house to, I believe, go further and imply that employers should be maybe a little more circumspect in who they employ and maybe deny work to people who, in all honesty, need it and probably are of legal status.

I represent a district where about 80 percent of the people living there are foreign-born and come to our shores for the same reason generations before myself came to these shores, for a better life for their children, for themselves.

And while I share the sponsor's concern, I think that the chilling effect this would have is far larger in its scope that than the benefits we would get from passage of such a bill, and I'll be recorded in the negative.

Thank you.

ACTING PRESIDENT McGEE: Does any other member wish to be heard on this bill?

Senator Liz Krueger.

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

ACTING PRESIDENT McGEE: Senator Padavan, will you yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Senator, I need to approach this, I think, from a slightly different place. I'm concerned with the way you word the bill so that an agency may take away the license of a business. So my concern is, under what grounds do we give agencies discretions --

discretion over when they make that decision?

My concern is that small businesses are more likely to end up losing their licenses under this law because they don't have powerful lobbyists, they don't have attorneys who can come to Albany and make arguments for their case, they won't be able to say "here's the reason this happened," while larger businesses are likely to have the resources to do that.

So I'm actually concerned that this bill, the way it is written with "may," will translate into potentially being discriminatory against smaller businesses as opposed to larger corporations.

SENATOR PADAVAN: Senator, do you have any idea how many times the State Liquor Authority has hearings and procedures relevant to the revocation of a license -- it could be a small deli with a beer license or a bar with a liquor license? Hundreds and hundreds of times during the year.

And they use discretion. They make a determination based on the factors that are presented to them, which I am not that

position here to prejudge.

But your notion that this is discriminatory by allowing any given agency, whether the State Health Department, the SLA, the Secretary of State, so on, all of whom issue various kinds of licenses -- to prejudge that they would be discriminatory against a smaller employer as opposed to a larger one, that just doesn't make sense in my mind.

SENATOR LIZ KRUEGER: 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 November.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 123 are Senators Dilán, Duane, Hassell-Thompson, L. Krueger, Montgomery, Paterson, Sabini, Stavisky. Also Senator González. Ayes, 48.

Nays, 9.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I may have unanimous consent to be recorded in the negative on Calendar Numbers 1389, 1401, 1403 --

ACTING PRESIDENT McGEE: That bill has been laid aside.

SENATOR DUANE: Oh, thank you.

-- and 1418.

ACTING PRESIDENT McGEE: Without objection.

SENATOR DUANE: Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you.

Senator Morahan.

SENATOR MORAHAN: Madam President, may we return to reports of standing committees.

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

ACTING PRESIDENT McGEE: The

Secretary will read.

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

Senate Print 734A, by Senator Maziarz, an act to amend the Retirement and Social Security Law;

746, by Senator Kuhl, an act to amend the Real Property Tax Law;

1199, by Senator Robach, an act to amend the Family Court Act;

1342B, by Senator Bonacic, an act to amend the Education Law;

1470, by Senator LaValle, an act to amend the General Municipal Law;

1558B, by Senator Hannon, an act to authorize;

1760A, by Senator Johnson, an act to amend the Insurance Law;

2586A, by Senator Kuhl, an act to amend the Retirement and Social Security Law;

2765B, by Senator Robach, an act to amend the Retirement and Social Security Law;

2977, by Senator Larkin, an act to amend Chapter 557 of the Laws of 2000;

3328, by Senator LaValle, an act to amend the Environmental Conservation Law;

3744, by Senator Breslin, an act to amend the Tax Law;

4046A, by Senator Golden, an act to amend the Real Property Tax Law;

4141B, by Senator Leibell, an act to amend the Real Property Tax Law;

4184A, by Senator Golden, an act to amend the Retirement and Social Security Law;

4341, by Senator Leibell, an act to amend the General Municipal Law;

4359, by Senator Little, an act to amend the Public Health Law;

4475, by Senator Leibell, an act to amend the Public Officers Law;

4636A, by Senator Johnson, an act to amend the Navigation Law;

4830, by Senator Wright, an act to amend the Public Authorities Law;

5080A, by Senator Velella, an act to amend the Labor Law;

5098, by Senator Nozzolio, an act to amend the Administrative Code of the City of New York;

5164, by Senator LaValle, an act to amend the Education Law;

5190, by the Senate Committee on Rules, an act to amend the Tax Law;

5382A, by Senator Saland, an act to amend the Education Law;

5387A, by Senator Farley, an act to amend Chapter 3 of the Laws of 1997;

5430, by Senator Rath, an act to amend the General Municipal Law;

5440, by Senator Bonacic, an act to amend the Public Health Law;

5452A, by Senator Volker, an act to amend Chapter 824 of the Laws of 1933;

5453, by Senator Johnson, an act to amend the Environmental Conservation Law;

5454, by Senator Johnson, an act to amend the Environmental Conservation Law;

5455, by Senator Johnson, an act to amend the Environmental Conservation Law;

5456, by Senator Johnson, an act to amend the Environmental Conservation Law;

5457, by Senator Johnson, an act to amend the Environmental Conservation Law;

5458, by Senator Johnson, an act to

amend the Environmental Conservation Law;

5459, by Senator Johnson, an act to amend the Environmental Conservation Law;

5463A, by Senator Robach, an act to amend the Correction Law;

5472, by Senator Velella, an act to amend the Civil Service Law;

5482, by Senator LaValle, an act to amend Chapter 468 of the Laws of 2002;

5484, by Senator Fuschillo, an act to amend the General Business Law;

5493A, by Senator Leibell, an act to amend the Public Authorities Law;

5506, by Senator Marcellino, an act to amend the Environmental Conservation Law;

5509A, by Senator Morahan, an act to amend the Election Law;

5518, by Senator LaValle, an act to amend the Public Health Law;

5539, by Senator Morahan, an act to amend the Election Law;

5551, by Senator Johnson, an act to amend the Environmental Conservation Law;

5552, by the Senate Committee on Rules, an act to amend Chapter 454 of the Laws

of 2002;

5561, by Senator Skelos, an act to amend the Penal Law;

5562, by Senator Volker, an act to amend the Criminal Procedure Law;

5581, by Senator Volker, an act to amend the Estates, Powers and Trusts Law;

5582, by Senator Kuhl, an act to amend Chapter 529 of the Laws of 2002;

5588, by Senator M. Smith, an act to amend the Real Property Actions and Proceedings Law;

5594, by Senator McGee, an act to legalize;

5597, by Senator Larkin, an act to authorize;

5606, by Senator Diaz, an act to amend the Alcoholic Beverage Control Law;

5611, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

5631, by Senator Leibell, an act authorizing;

And Senate Print 5637, by Senator Velella, an act to amend Chapter 557 of the Laws of 2001.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Senator Morahan.

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

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

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The report is accepted.

Senator Parker.

SENATOR PARKER: Yes, Madam President. I'd like to request unanimous consent to be recorded in the negative on Calendar Number 123, S52.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: May we return,

Madam President, to motions and resolutions. I believe there's some housekeeping up there.

ACTING PRESIDENT McGEE: Senator Farley.

SENATOR MORAHAN: Senator Farley.

SENATOR FARLEY: Yes, thank you, Senator Morahan.

Madam President, on behalf of Senator Maltese, on page 26 I offer the following amendments to Calendar 743, Senate Print 3274A, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Madam President, on behalf of Senator Fuschillo, I wish to call up his bill, Calendar Number 1391, Senate Print 5222A.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1391, by Senator Fuschillo, Senate Print 5222A.

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

ACTING PRESIDENT McGEE: The amendments are received and adopted.

SENATOR FARLEY: I now move to discharge, from the Committee on Rules, Assembly Print 8290A and substitute it for Senator Fuschillo's identical bill, 5222B.

ACTING PRESIDENT McGEE: Substitution ordered.

SENATOR FARLEY: Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you.

The bill is laid aside.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President, may we return to the controversial reading of the calendar, in regular order.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 141, by Senator Volker, Senate Print 1388A, an act to amend the County Law.

SENATOR BRESLIN: Explanation.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 193, by Senator Nozzolio, Senate Print 438A, an act to amend the Correction Law.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 335, by Senator LaValle, Senate Print 211A, an act to amend the Education Law.

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

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

Senator Sampson.

SENATOR SAMPSON: Madam President, I'd like unanimous consent to be recorded in the negative on Calendar Number 123, Senate Bill Number S52.

ACTING PRESIDENT McGEE: Without objection.

SENATOR SAMPSON: Thank you.

ACTING PRESIDENT McGEE: Thank you.

THE SECRETARY: Calendar Number 449, by Senator Volker, Senate Print 608A, an act to amend the Penal Law, in relation to issuance.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 623, by Senator Hannon, Senate Print 466, an act to amend the Public Health Law.

SENATOR BRESLIN: Explanation.

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

SENATOR HANNON: Who requested the explanation, Madam President?

ACTING PRESIDENT McGEE: Senator Breslin.

SENATOR HANNON: Senator Breslin?

Yes, Senator Breslin, this would ask the Commissioner of Health to establish a common curriculum for nurse's aides and home

health aides.

One of the interesting continuing problems we have in the healthcare field is the shortage of people who are there -- nurses, home healthcare aides, personal care aides, different assistants in the hospitals. And we've discovered that there is a disparity in regard to the different training requirements that are needed in different places.

And the thought is we could -- there is not at all disparate care that's given. So the idea would be to start to try to bring a merger about as to the common training.

You would therefore broaden the pool as to who could be employed, and you could drive down the costs that each of the different entities -- the hospitals, the nursing homes, the home health care agencies -- would have to undergo for having different types of training costs.

So this is trying to implement one step in regard to the shortage in home healthcare and healthcare in general.

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, 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 718, by Senator Nozzolio, Senate Print 963, an act to amend the Correction Law.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

SENATOR MORAHAN: Lay it aside temporarily.

THE SECRETARY: Calendar Number 742, by Senator LaValle, Senate Print 3079 --

SENATOR MORAHAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 745, by Senator Bonacic, Senate Print 1123A, an act to amend the Real Property Tax Law.

SENATOR LIZ KRUEGER: Explanation.

SENATOR MORAHAN: Lay the bill aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 746, by Senator Bonacic --

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 833, by Senator Padavan, Senate Print 24A, an act to amend the Executive Law, in relation to cooperation.

SENATOR BRESLIN: Explanation, please.

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

SENATOR PADAVAN: Thank you, Mr.

President.

The proposed legislation, the proposed law would require that local law enforcement agencies in the State of New York cooperate with immigration authorities when an arrest is made involving an individual who, based on an inquiry by that local law enforcement agency, is determined to be a possible illegal alien.

The reasons, of course, are very clear. If someone is in this country in violation of federal law and then has committed a crime, both our action as a state and local government's action as a police agency should also involve a referral to the appropriate federal agency.

Let me cite a specific example of the efficacy of this legislation. Earlier this year in Flushing Meadow Park, the site of the World's Fair, a man and a woman were attacked by five men who beat the man senseless to the point of being made unconscious, dragged the woman off and for the next three hours repeatedly raped her.

When the man regained his senses,

he did call for police, they did come to the scene, and they did make arrests. And all five of them have been indicted.

Now, what is significant about this instance, this particular horrible experience, is that four of the five men involved were in this country illegally and three had been previously arrested and convicted of violent crimes. But unfortunately, at that point in time those arrests had not been made in terms of a referral, I should say, to appropriate federal agencies.

And the reason for that is that the policy is that in the city of New York in particular, such referrals are discouraged if not, in some cases, prohibited. Now, that applies to all city agencies, whether it be social services or whatever.

Our bill deals primarily and entirely and specifically with local law enforcement. It's hard for me, nor would I think it would be of you, to justify to this woman, who is scarred probably for the rest of her life by this horrendous experience, as well as the man in question, who was almost

killed during this attack, that there was no reason for the prior arrests to have made an appropriate referral to what is now called the -- the new agency that has superseded INS. And so this bill -- the Bureau of Immigration and Customs Enforcement.

So this bill would require that that be done.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Thank the sponsor for his explanation on the bill.

I think that there are serious concerns with any sort of legislation that is open to abuses, particularly in areas that relate to the possibilities of profiling. And the concern about this bill that I think motivates many of us to oppose it is that there is this gray area created where law enforcement agencies are required to report anyone "reasonably suspected" of being an illegal alien.

The fact of the matter is there are people here who are here legally, there are

people who are here illegally. Our local law enforcement officials require the cooperation of the population wherever they are enforcing the law to be effective. There are a lot of immigrants in parts of the district that I represent.

And the notion that the police are somehow being required to become sort of deputy agents of the BICE through this legislation I think would actually have a negative effect on their ability to enforce the law, work with people in the community.

But furthermore, there's just a wide opening for abuse given that in the drafting of this particular statute that someone could be arrested and it might be a wrongful arrest and, under this legislation, it could justify harassment in connection with someone's immigration status when it may not at all be justified.

But the primary concern, I think, we have is that this would -- this thrusts our local law enforcement agents and agencies into an area that's a very, very difficult area for the federal government to enforce. They are

reorganizing now to try and deal with it. And hopefully the reorganization will produce a more effective framework of laws and framework of enforcement procedures than we've had in the past.

But I don't think that requiring police officers and others to report anyone reasonably suspected, whatever that means, of being an illegal alien advances the cause. And in fact I think that in many communities it could have a very negative effect on the extremely delicate relations between the police and the members of that community.

So I am going to be voting in the negative on this bill.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: I have a question, really, if the sponsor would yield.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: On lines 11

through -- well, on page 1 of the bill it talks about some of the methods of determining or things to do once the person is arrested. But the phrase here on line 8, "who is reasonably suspected of being present in the United States in violation of federal immigration laws," that's the phrase that has me troubled.

Could you give us a further explanation of that phrase "reasonably suspected"?

SENATOR PADAVAN: You can't take one sentence out of the bill and not tie it into the others. If you read the rest of it, it goes into some detail as to how the verification process would take place.

The very same way these three men who attacked that woman were determined to be illegal immigrants, that's how they made that determination.

And that's why a Congressional committee held a hearing in New York to determine why the police department had not made that referral in the first instance.

And so the federal government, who

by law is encouraging localities throughout this nation to cooperate -- unfortunately, they can't force to us cooperate, but they are asking to us cooperate. And this was an example of their being concerned about our failure to cooperate, and actually convened a hearing in New York City on this very case that I'm telling you about.

This is not a hypothetical. It is very real.

SENATOR STAVISKY: On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Stavisky, on the bill.

SENATOR STAVISKY: That's why I prefaced my question. Because the other items listed on the first page of the bill and on the second page also do outline some of the areas of review.

But what bothers me -- and I'm frankly torn between voting for this bill and not voting for it. What bothers me, is somebody going to be reasonably suspected of being here illegally if they are wearing the South Asian headdress, a turban, perhaps, that

the Sikhs wear, or other distinguishing clothing? That's what has me troubled.

This incident occurred in my Senate district, and I was troubled when I read about it in the newspaper and I'm troubled about it today. But as I said, what bothers me is the "suspected." People have different attitudes. When you have -- when something is subjective, I'm troubled by it.

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Madam President, through you, if the sponsor would yield for a question.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT McGEE: Senator Padavan yields.

SENATOR SABINI: Senator Padavan, I too am sort of undecided on this. And I just -- because my concern is for the safety of New Yorkers, what I'm not getting is what would trigger this action. In other words, is it the arrest, the arraignment, the conviction, the charge?

SENATOR PADAVAN: The arrest,

Senator.

SENATOR SABINI: The arrest.

SENATOR PADAVAN: In response to the prior speaker, we're talking about someone who has been arrested for committing a crime. The police aren't roaming around the neighborhood acting as INS agents. They've arrested somebody who did something terrible. Then this other process would kick in, if appropriate.

SENATOR SABINI: So if the sponsor would yield for a follow-up question, Madam President.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR SABINI: So the arrest would be for a charge of a felony or some act, and then that would trigger this inquest or inquiry or whatever we want to call it. In every case, or in some cases or --

SENATOR PADAVAN: The phrase here is "reasonably suspected of being present in

the United States in violation of federal immigration law." It's line 11 through 13.

SENATOR SABINI: But the arrest would be for some felony charge based on the New York State Penal Law.

SENATOR PADAVAN: The arrest would obviously be based on state law, yes.

SENATOR SABINI: Thank you, Madam President. Thank you.

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

Senator Krueger.

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

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Something that Senator Sabini just asked, I need a clarification.

It's only a felony or any -- if I am arrested for loitering or not paying my

parking tickets, is that a category? Or is it all categories of arrests or simply, as you put it, something terrible or, as Senator Sabini said, a felony?

SENATOR PADAVAN: It's any category of arrest.

You're not going to be arrested for not paying your parking ticket. I don't know if that happens in your district; it doesn't happen in mine.

SENATOR LIZ KRUEGER: So any category of arrests?

SENATOR PADAVAN: Yes.

SENATOR LIZ KRUEGER: But again, while -- prior to being found guilty of this charge?

SENATOR PADAVAN: Most times a traffic violation, you get a ticket or appearance notice or something like that. When the police make an arrest, it's because you've done something rather serious. Isn't that your experience?

SENATOR LIZ KRUEGER: I think it actually varies on the situation.

SENATOR PADAVAN: Well, that's

mine.

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: Again, my concern with this bill is that it will in fact have an impact on the continuation of profiling people, both in police arrests and in turning the police system into a federalized system for vices or what we used to know as INS purposes.

And that because there is discrimination in our law system and there is discrimination in who gets arrested, particularly around profiling issues, that what Senator Padavan describes on the one hand is something that the federal government is ordering us to do, and he uses an example that is terrible, that this woman is raped by people who were actually known to the police system already, and that should never be

acceptable to us -- that this is too broad a law, particularly since you can be arrested -- he's right, perhaps that in rare occurrences would you be arrested for failing to pay your parking tickets.

But you can be arrested and brought into a police precinct in my district or I think in any district for a large number of misdemeanors. And in fact, now in New York City there's a plan to arrest you for vending without a license and fingerprinting you.

And that we are going too far in this. And that if it was just felony charges, I might be comfortable voting for this. But for every imaginable charge and every imaginable arrest, I think we are going too far, too broad, putting at risk the rights and protections of people in this country legally who may not speak English as their first language, may have immigrated here from other countries, and that we need to think this through much more carefully before we move forward.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Any

other Senator wishing to speak on the bill?

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, if the sponsor would yield for one question.

ACTING PRESIDENT McGEE: Senator Padavan, will you yield for one question?

SENATOR PADAVAN: Sure.

SENATOR HASSELL-THOMPSON: Senator Padavan, how does this bill impact the new Mayor's Executive Order 34?

SENATOR PADAVAN: The Mayor's amendment of Executive Order 124 is a step in the right direction. It obviously takes a better approach to the problem than previously had been the case.

However, an executive order is only as effective as the current executive. And what may happen with some future mayors is something that I can't say, nor can you.

In addition, there is a legislative initiative that has been proposed by the City Council to in effect negate Mayor Bloomberg's recent order.

So for both reasons, I feel it's more appropriate that we have state law rather

than rely upon that local administrative directive.

SENATOR HASSELL-THOMPSON: Thank you.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Balboni.

SENATOR BALBONI: On the bill.

ACTING PRESIDENT McGEE: Senator Balboni, on the bill.

SENATOR BALBONI: The breadth of this bill is larger than the bill that -- or the context that Senator Padavan has spoken about.

Talk to any homeland security representative, they will tell you that the need for cooperation and communication between the local governments, the state governments, and the federal government has never been greater.

This bill is but one step in the very necessary process and, frankly, is common sense. The hijackers of 9/11, many of them were illegal. If they had been picked up for the traffic infractions that they incurred

while one of them was speeding 90 miles an hour outside of the Beltway on his way to New Jersey to board the plane in Newark, if that person had been stopped, they wouldn't have gotten on the plane.

And this is consistent with what we've learned in the experience of New York City. During the Giuliani administration, crime dropped faster than at any other time in the history of the City of New York, in most part because of a new program they put together, COMSTAT.

And what they found was going after the squeegee guys and going after the turnstile jumpers, all the things that were nuisance prosecutions actually resulted in catching people who had done other things.

So what you need to do is you need to go after the misdemeanors. Limiting this to felonies would be a mistake. This is a very commonsense, long overdue measure that we should adopt immediately.

Thank you, Madam President.

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

Senator Sabini.

SENATOR SABINI: Madam President, through you, if the sponsor would yield for just one last yes-or-no question.

ACTING PRESIDENT McGEE: Senator Padavan, will you yield for one last question?

SENATOR PADAVAN: Yes.

SENATOR SABINI: Has the city, the Mayor's office taken a position on this, since it affects --

SENATOR PADAVAN: Not that I know of.

SENATOR SABINI: 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 30th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: In voting

no, I just want to clarify something Senator Balboni just said.

In fact, Mayor Giuliani did all the things he described, but he was formally very opposed to the City of New York requiring turnover of people suspected of being undocumented to the INS. Not only did he uphold the executive order, he sued the federal government to continue the city's policy on this.

Thank you, Madam President.

SENATOR BALBONI: Madam President, are we on a roll call?

ACTING PRESIDENT McGEE: She's explaining her vote.

SENATOR BALBONI: Generally we don't mention members' names during roll calls, because that's the purpose of the debate.

I just want a clarification on that. That's the rules.

ACTING PRESIDENT McGEE: Senator, is there a point of order here?

SENATOR BALBONI: It is. Check.

Thank you.

ACTING PRESIDENT McGEE: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 833 are Senators Andrews, Diaz, Dilán, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Parker, Paterson, Sabini, Sampson, Schneiderman, and Stavisky. Ayes, 46. Nays, 14.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Hassell-Thompson, did you want to speak?

SENATOR HASSELL-THOMPSON: Yeah, I was trying to explain my vote. It's fine. It's fine. As long as he recorded me as no.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 880, substituted earlier today by Member of the Assembly Canestrari, Assembly Print Number 5418A, an act to amend the Vehicle and Traffic Law.

SENATOR SCHNEIDERMAN: Explanation.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 900, by Senator Rath, Senate Print 2050, an act to amend the Penal Law and the Criminal Procedure Law, in relation to sentence.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR RATH: Madam President, this bill provides that when a person is convicted of a misdemeanor after being convicted of five or more crimes within the last five years, that defendant must be given a definite sentence of imprisonment of no less than 30 days.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Madam President. If the sponsor would yield for a question.

ACTING PRESIDENT McGEE: Senator

Rath, will you yield?

SENATOR RATH: Certainly.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SCHNEIDERMAN: I'm not clear if this is a rigid five-year standard, or are there circumstances in which the sentencing could go beyond five years under this legislation?

SENATOR RATH: Oh, yes. The maximum term for imprisonment for the misdemeanor being one year, it could be more according to the judge, as I understand it.

I'm sorry, let me go back to this.

SENATOR SCHNEIDERMAN: What I'm actually trying to get at is the five-year period in which you commit the misdemeanors, how -- could that period be -- is that period tolled at any point in time? What are the parameters for the limitations on the five-year period?

SENATOR RATH: It excludes the time the defendant was incarcerated.

Does that answer your question?

SENATOR SCHNEIDERMAN: So through

you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT McGEE: Senator Rath, do you continue to yield?

SENATOR RATH: Surely.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR SCHNEIDERMAN: So it is then my understanding if it excludes those periods, we could in fact be looking at a much, much longer period of time than five years. If someone was incarcerated for a number of years, the time period on both sides of them serving that sentence would be considered under this legislation.

SENATOR RATH: Yes, it could be, Senator.

And I might point out that this bill has been here before. And as we nickname many bills, this one is very often called the petit larceny bill. And it was one that was hailed the last time we voted on it -- a couple of years ago, it was hailed broadly by the retail community because they felt it would put some teeth into the circumstances

that were happening when people were repeat offenders.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Thank the sponsor.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Andrews.

SENATOR ANDREWS: Madam President, I'd like to request unanimous consent to be recorded in the negative on Calendar 123.

ACTING PRESIDENT McGEE: Without objection.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, I would also request unanimous consent to be recorded in the negative on Calendar 123.

ACTING PRESIDENT McGEE: Without objection.

THE SECRETARY: Calendar Number 1346, by Senator Johnson, Senate Print 579B, an act to amend the Vehicle and Traffic Law.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1347, by Senator Volker --

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1352, by Senator Robach, Senate Print 2980A, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

SENATOR MORAHAN: Lay it aside

temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1391, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8290A, an act to authorize the North Lindenhurst Volunteer Fire Department.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator Saland, Senate Print --

SENATOR MORAHAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

1403, by Senator Morahan, Senate Print 5391, an act to amend the Penal Law, in relation to penalties for assault.

SENATOR LIZ KRUEGER: Explanation, please.

ACTING PRESIDENT McGEE: Senator Morahan, an explanation has been requested by Senator Liz Krueger.

SENATOR MORAHAN: Yes, Madam President. This bill creates two new crimes under the Penal Law. One, a new crime of aggravated assault that will occur when the intent to cause physical injury causes such person or third person serious physical injury. That would be made a Class E felony with up to four years.

Also, a new criminal crime of manslaughter in the third degree. A person would be guilty of this offense when the attempts to cause physical injury causes death. And that would be a Class D felony, up to seven years.

SENATOR LIZ KRUEGER: Thank you.

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

ACTING PRESIDENT McGEE: The bill is passed.

Senator Diaz.

SENATOR DIAZ: Madam President, may I please request unanimous consent in voting no on Calendar Number 123.

ACTING PRESIDENT McGEE: Without objection.

SENATOR DIAZ: Thank you.

THE SECRETARY: Calendar Number 1406, by Senator Stachowski, Senate Print 5421, an act to amend Chapter 276.

SENATOR MORAHAN: Lay it aside temporarily.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number

1409, substituted earlier today by the Assembly Committee on Rules --

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT McGEE: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1434, by Senator Skelos, Senate Print 5554, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT McGEE: Read the last section.

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

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT McGEE: Lay the bill aside temporarily.

SENATOR MORAHAN: Can we stand at ease for a few moments until some of the members return to the chamber.

ACTING PRESIDENT McGEE: Thank you, Senator Morahan. The Senate will stand at ease for a moment.

(Whereupon, the Senate stood at ease at 2:28 p.m.)

(Whereupon, the Senate reconvened at 2:30 p.m.)

SENATOR MORAHAN: Madam President.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Madam President, we'll stand out of ease.

And would you please call up Calendar 1352.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1352, by Senator Robach, Senate Print 2980A, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

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

Read the last section.

SENATOR DUANE: Explanation.

ACTING PRESIDENT McGEE: Senator Robach, an explanation has been requested by Senator Duane.

SENATOR ROBACH: Yes, Madam

Speaker.

This bill would give the New York City environmental police officers the 25-year retirement plan regardless of age, and three-quarter pension benefit if an officer is injured while performing official duties.

And this bill also provides a presumptive measure for officers contracting TB, hepatitis, and HIV.

ACTING PRESIDENT McGEE: Senator Duane.

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

ACTING PRESIDENT McGEE: Senator Duane, on the bill.

SENATOR DUANE: Thank you, Madam President.

I flagged this bill because it's an HIV presumption bill. And I want to thank Senator Robach for his courtesy on hearing me out on some of the issues that I have with it.

I just wanted to make sure that we don't stereotype or in any way misinform the public about how HIV is spread. And I just wanted to reiterate that the risk of HIV

infection, how a person could be at risk of HIV infection is contained in the New York State Department of Health Regulation 63.10.

And I know that Senator Robach is going to make sure that this legislation in fact is sensitive to the facts surrounding HIV infection, and I know that we also agree that we want these workers to get a benefit should they become ill.

So I was satisfied with the Senator's explanation, and I am very optimistic that my concerns will be addressed. I will, however, be voting no on this bill. But I know that at the end of the day that the workers will get their protection and stereotypes will not be perpetrated.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays,

2. Senators Duane and Hassell-Thompson recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. Will you call up Calendar 1409.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1409, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8141, an act to amend the Civil Service Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR ROBACH: Yes, Madam President. This legislation would simply expand the court requirement that state agencies give employees 20 days in the cases of certain suspensions or demotions of employees. We're now changing that from 20 days to 60 days.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Can we stand at ease for a few minutes, Madam President.

ACTING PRESIDENT McGEE: The Senate will stand at ease.

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

(Whereupon, the Senate reconvened at 2:38 p.m.)

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. I did have a question on the previous bill, 1409. I was wondering, has it left the house, or could I ask for it to be

recalled?

ACTING PRESIDENT McGEE: Senator Padavan.

SENATOR PADAVAN: Did the bill leave the house?

ACTING PRESIDENT McGEE: We're checking. Just one moment.

The bill has not left the house, Senator Padavan.

Do you wish the bill called for reconsideration?

SENATOR PADAVAN: I wish to reconsider the vote by which the bill passed.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1409, by the Assembly Committee on Rules, Assembly Print Number 8141, an act to amend the Civil Service Law.

SENATOR LIZ KRUEGER: Explanation.

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

First we have to call the roll on

reconsideration, Senator Krueger.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is laid aside temporarily.

Senator Morahan.

SENATOR MORAHAN: We'll just continue to stand at ease.

Can we recall Calendar 1409, Madam President.

THE SECRETARY: Calendar Number 1409, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8141, an act to amend the Civil Service Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT McGEE: Senator Robach, an explanation has been requested by Senator Liz Krueger.

SENATOR ROBACH: All right.

Again, as I just stated earlier, this bill really requires a change to the current 20-day notification period prior to suspending, demoting, or eliminating employees

to what I feel is a much more appropriate time, given the nature of some of the challenges, to a 60-day window.

Also given the fact that at some times there is a process also where people inside civil service are allowed to look at other positions that may be available, and bump and move given the circumstances.

Hence the genesis of the bill.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Madam President, if, through you, the sponsor would yield to a question.

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

SENATOR ROBACH: Indeed I will.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you. And I do apologize for having left the chamber. I thought we were on a moment off before, and I missed your first explanation.

SENATOR ROBACH: Liz, I'm all about [patting heart].

(Laughter.)

SENATOR LIZ KRUEGER: Thank you.

And in fact, a move from 20 days to 60 days for someone who's being laid off or someone who's being demoted seems very legitimate to me.

My concern is that it includes 60 days notice before a suspension. And my understanding of a suspension is that an employer believes an employee has done something unacceptable by the standards of behavior or policy.

And that having a 60-day timeline before someone is actually asked to be away from their work setting may, in many situations, result in a very difficult situation continuing at the work site. It may even be a situation where other employees have brought a grievance or objection, the employer or the manager has said, you know, we must do a suspension.

So my concern is that a 60-day window is too large for suspension, while I think it's a right -- I agree with your bill for layoff or demotion.

SENATOR ROBACH: Just a point of clarification. For certain things that are already carved out that would require immediate suspension, this would not change those. This would apply more to -- you know, I worked in the personnel department at Monroe Community College, and sometimes we'd have somebody where -- I mean, this really isn't a digression -- somebody was accused of calling in a bomb scare. As it turned out, it wasn't that individual.

For them to have that time frame for them, their union, even in this case an attorney to come on board and fight that, I think the 60-day time period is good for cases like that.

And also, in current law, the 20 and 20 days have stayed together. I think if we're going to make it 60, we should keep it consistent. But again, knowing, in the cases that you spoke of which are already carved out -- obviously, anything with arrests, incarceration, or things of that nature -- that would be -- that's already agreed upon contractually for that suspension to occur

immediately. It wouldn't affect that part.

This would be more cases that are, I guess, being challenged. If that makes it easier for you.

SENATOR LIZ KRUEGER: Yes.

Thank you, Madam President.

Thank you, sponsor.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Madam President, would you please call up Calendar 449, by Senator Volker.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 449, by Senator Volker, Senate Print 608A, an

act to amend the Penal Law, in relation to issuance of junior licenses.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR VOLKER: Madam President, this is a bill that was before us about a month and a half ago. And we had a discussion on this floor as regards the bill which allows 14-to-20-year-olds to obtain junior licenses for the purpose of target shooting and firing with the guidance of -- well, for firearm training, target practice, shooting competition and so forth.

Presently under the law, young people under 21 are banned from even learning target shooting with firearms. Which has put some people at a gross disadvantage in competition shooting, as there's a lot of competition shooting goes on throughout this country.

The initial bill had a provision in it that applied to more than just junior licenses, and it said that there could be no

change in the licensing status by rule of local jurisdictions.

Senator Paterson and I had a discussion on this floor, very honestly, about that, and I pointedly said to him, "What if I took that provision out?" And he said, "That would be very good. I would look at the bill differently."

So we have taken that provision out. So this bill now just applies to junior licenses. It has no applicability to any other licenses and, even in the case of junior licenses, does not say that the rules could be changed by local jurisdictions.

So what the bill does is very simple. It allows somebody between 14 and 20, under supervision, strict supervision -- and you can't purchase a gun, obviously, under 21, so the weapon has to be provided by someone else who is licensed and, in the case of training on a target course, would have to be a safety training person. Because technically, under the law now, you can't even touch a firearm when you're under 21, whether it's licensed or unlicensed.

By the way, this provision was not really intended when we did the major so-called gun bill. What happened is that a agreement arose and there was no licensing at all, or no ban on licensing -- no age limit.

And what happened is that in the discussion that went on, the licensing of young people for purposes of competition and so forth was frankly omitted. And the intention was to come back the next year and to put back in some sort of junior licensing.

The problem is, of course, at the time we had all the frenzy nationwide which has now, you know, subsided about opposing guns and that guns kill people and all that other nonsense.

So what this bill simply does is restore what was once provided on a very limited basis. Which you could do target shooting years ago. But this provides specifically for a junior license. But the person has no right to carry, has no right to possess, they only have the right to handle weapons as part of a target-shooting ability or part of a sport.

ACTING PRESIDENT McGEE: Senator Sampson.

SENATOR SAMPSON: Madam President, would the sponsor yield for a question?

SENATOR VOLKER: Sure.

ACTING PRESIDENT McGEE: The sponsor yields.

SENATOR SAMPSON: Through you, Madam President, to the sponsor, would this -- if a person obtains just a junior license, once they reach a certain age, beyond the ages that the bill describes, 14 to 20, and they reach the age of 21, and they apply for a carry permit, when looking upon their record, possessing a junior license, would it make it easier for them to obtain a carry permit?

SENATOR VOLKER: You mean if they have previously been checked? Because when you get this license, you have to be checked. And of course obviously you have to submit your fingerprints and you have to go through the normal procedure before you're approved.

So I would assume, since you had already gone through the normal procedure, it

would be easier to do.

However, this bill does not provide -- as was requested, by the way, by some people -- that you automatically can receive a full carry or target permit or whatever when you're 21. I would think it would certainly help you if you could already assert and show that there was no problems during your junior permitting period. But it does not automatically allow you to receive a full gun permit.

ACTING PRESIDENT McGEE: Senator Sampson.

SENATOR SAMPSON: Through you, Madam President, would the sponsor continue to yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT McGEE: He continues to yield.

SENATOR SAMPSON: Yes, through you, Madam President.

So if in fact a youngster who is 20 years of age applies for a junior license and the following year he turns 21 and he applies for a carry permit, and in his application he

submits that he is in possession of a junior license, wouldn't in fact it make it a lot easier for him to obtain a carry permit?

Because they could look at his prior history with respect to his junior license and say, Well, he passed certain requirements. And as a result, certain barriers that would exist if he just initially applied for a carrying permit would not exist.

SENATOR VOLKER: That probably is true, although he still has to comply with the rules for permitting, for normal permitting. He would again have to have his record checked.

I would assume that certainly in the City of New York, and probably anyplace else, they would ask for another set of fingerprints. Which is normally the way, frankly, it's done. Because the records are the records. You know, there may be some way that you could recheck them, I don't know.

But I just assume that when you turn 21 that you would have to go through the exactly same procedure. But I suppose if you had a junior license, it probably would speed

the procedure up.

SENATOR SAMPSON: On the bill.

ACTING PRESIDENT McGEE: Senator Sampson, on the bill.

SENATOR SAMPSON: You know, I understand the purpose of the bill. But the problem I have with this bill is just it leaves a loophole and a way to get over the strict requirements of obtaining a carry permit.

Because if I'm 19 years of age and I know that it will be difficult for me to obtain a full carry permit, so therefore I'll apply for a junior license, knowing that the requirements are less restricted. And at the time I hit 21, I have a history under my junior license. As a result, I would use that history in order to obtain a carry permit.

So I just think this is a way to really circumvent the requirements of obtaining a carry permit. And as a result of that, I'll be voting in the negative.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR VOLKER: Can I respond?

Madam President, I just want to respond to that.

John, I just don't agree with you. And I think I know what you're saying. I just don't know anybody who, if they wanted to get a permit -- they're going to go through the same procedure whether they had a junior permit or not. As you say, it's -- the procedure usually takes, even upstate, four to six months, in many cases.

The one thing that probably would -- you could say would be circumvented would be maybe a little bit of time, because -- if the fingerprints had already been submitted and you're submitting them a second time.

In other words, the licensing provisions for actual licenses, full licenses, are not changed. You still have to comply with those rules.

So I suppose somebody might think about doing that. But the only thing is why you'd want to go through the same process twice, I'm not exactly sure. Unless you really wanted to learn weapons safety and so

forth.

But I just don't see where -- and by the way, if you have any kind of violation while you get your junior license, you'll probably never get a full license.

SENATOR STAVISKY: Madam President.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR STAVISKY: I have just one question, if the sponsor will yield.

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

SENATOR VOLKER: Sure.

ACTING PRESIDENT McGEE: The sponsor yields.

SENATOR STAVISKY: I'm trying to reconcile the legislation we passed several weeks ago involving junior licenses for archery, where we lowered the age to 12.

And if that archery bill passes the Assembly and becomes law, are we going to be back here next year with a bill to lower the age to 12 on the theory that there should be comparability between archery and shooting?

SENATOR VOLKER: Let me answer that question. No.

SENATOR STAVISKY: Thank you.

SENATOR VOLKER: And I'll be very honest with you, there's a whole different culture involved in archery than in pistol shooting. The 14-year-old issue came because that's basically over the years when they began to do this sort of thing and learn safety and all that, before the statute passed that changed the whole system.

The archery to 12 is because that -- there are people certainly who now do archery at 12 years old, I'll tell you right now. In fact, what we're trying to do is sort of license something that's already being done and make it legal.

But I don't see any way that we're going to make any further changes in junior licensing, frankly, in the immediate future.

SENATOR STAVISKY: Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Madam

President, on the bill.

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciated Senator Volker's comments on his bill and the fact that he made some adjustments to it that may have satisfied some of the members of this house.

I will just cite one section in my objection to this bill. The American Academy of Pediatrics believes that the absence of guns from children's homes and communities and and limiting their free access to them is the most reliable and effective measure to prevent firearm-related injuries in children and adolescents.

We shouldn't be making it easier for children to get access to guns. I won't disagree that safety training, if you're going to use guns, is preferable to not having safety training. But again, as I brought up on this floor with the archery and bear-hunting debate, really the best way to protect children from getting hurt by guns or hurting others with guns is to not encourage

children to use guns.

So in 2001, before I was in this Senate, we passed a law excluding young people under 21 from having easier access to guns. And I think we should hold by the rule that we passed then. We should be encouraging our young people to participate in other kinds of sports activities that don't involve putting their lives in danger or other people's lives in danger.

Thank you, Madam President. I'll be voting no. I hope others will too.

ACTING PRESIDENT McGEE: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

Madam President, I rise because I feel compelled to make an observation. There is probably more gun ownership per capita in my Senate district than any other Senate district in the state. Senator Wright's may be a rival, and Senator Little's, but I think we're close.

There ought to be bodies lying in the street up there, if Senator Krueger were

correct, but I don't notice that. And places that have much more restrictive laws, such as the city of New York, should be relative islands of tranquility when it comes to gun violence.

And what I suggest to you is that Senator Volker mentioned the word "culture." There is a culture of respect in the North Country for the use of guns. There is an understanding that is widespread that they're not to be used for violence or to deprive others of their life, liberty, or property.

And the context in which Senator Volker offers this legislation is one which fits with that culture, which involves a respect for the proper and lawful use of guns. I'll be voting yes.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Madam President. If the sponsor would yield for a question.

SENATOR VOLKER: Yes.

ACTING PRESIDENT McGEE: The sponsor yields.

SENATOR SCHNEIDERMAN: The discussion earlier related to the fact that this bill purportedly deals with target shooting and training related to target practice and competition shooting.

At the bottom of the second page, though, Section 2, where it's referring to the types of licenses that -- and it says a license for a pistol or revolver shall be issued to A, B, C, D, and it adds here H: "A person between the ages of 14 and 20, while undergoing firearm safety training, target practice, shooting competition or lawful hunting."

So that seems to indicate that this authorizes the issue of a junior license for revolver for a young person to engage in lawful hunting. And presumably meaning that if someone is out with a parent or someone else in the woods, they would be allowed to hunt under circumstances which are now prohibited.

So I'm not sure if this is intentional or not, but it does look like a loophole in the existing law. And I wonder if

the sponsor could address that.

SENATOR VOLKER: The answer is no. But, you know, what's interesting is we were trying to figure out if there's any place in this state where you can hunt with a pistol. And we believe that in the Adirondacks, I believe there's -- I believe that somebody who already has a rifle can.

But there's something you should know. This only applies to handguns, to firearms. It does not apply to rifles. A 14-year-old can obtain a hunting license now, because our -- the law that we did -- unless you carry a -- would have carried an illegal firearm. I mean, a machine gun or something like that. Which of course no one can do now.

But you can hunt right now under it. But what this means is, I suppose, if you are with a person who is a lawful -- has a lawful firearms license, that is an instructor or whatever, if you're walking around in the woods, I suppose you could do target practice. But you couldn't even carry that weapon, because you're not authorized to carry a firearm.

What I believe that section refers to is that in the process of hunting, I suppose if you have somebody who is responsible, then you would be, I suppose, empowered to do some target shooting.

But keep in mind that in the vast majority of this state, you can't hunt with a handgun anyways. It's illegal. You can only hunt with long arms. So this wouldn't give a junior licensee any advantage over anyone else.

SENATOR SCHNEIDERMAN: Through you, Madam President, if the sponsor would yield for one more question.

SENATOR VOLKER: Mm-hmm.

SENATOR SCHNEIDERMAN: I guess that I'm really baffled by the inclusion of the phrase "or lawful hunting" in this provision at the bottom of the second page, because I don't see any way to read it.

What you're suggesting is that lawful hunting with a pistol is so extraordinarily limited that this would only apply in a small area. But I don't see that this indicates someone is out hunting and all

of a sudden stops for target practice. I'm not sure I understand that that could possibly -- there's a reference to hunting, not target practice while hunting.

This does seem to create a loophole. And I guess what -- what you're saying is there's only a small area of the state in which this loophole would apply. I understand that. But it doesn't seem to me that this applies to target shooting.

SENATOR VOLKER: You know, I think the problem here is that we -- and I hesitate to say that, but because people who are not familiar with hunting, when you talk about this -- this doesn't provide any loophole at all.

And it really doesn't matter whether -- remember, the person can't legally hunt with a pistol in any case unless that person has a pistol permit. In other words, you just can't walk out because you've got a hunting license. And there are extremely limited parts state where even that could be done.

But if this junior licensee puts

that gun on his hip and walks around hunting, he could be arrested for illegally carrying firearm, because this bill does not give any junior license the power to carry firearms. But it would give him the power -- if, let's say, that his father is with him, he's carrying a firearm, they're hunting together, whether you can legally hunt or not, he could stop and say, in the middle of the woods -- which, by the way, happens a lot -- and safely do some firing. And when that son touches the gun, he's not illegal.

And that really is what this is all about. I mean, there is nothing here that allows a junior licensee to go out and hunt.

What allows that junior licensee to go out and hunt is to go get a hunting license and pay the State of New York and go out and -- technically, he can go out himself.

SENATOR SCHNEIDERMAN: Thank you, Madam President. I appreciate the sponsor's explanation.

It seems to me that this still does authorize lawful hunting, although admittedly the provisions for lawful hunting under these

circumstances are very, very limited. But it does -- it does seem to be an exception that may in fact result in the junior licensee getting a handgun from someone who fits the categories of this bill and being able to hunt with it, you know, in addition to safety training, target practice, and shooting competition, which are listed before the phrase "lawful hunting."

Thank you, Madam President.

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, 59. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Madam President, we will stand at ease. There will

be an immediate meeting of the Majority in the Majority Conference Room.

And will you recognize Senator Schneiderman.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. And there will be an immediate conference of the Minority in the Minority Conference Room.

ACTING PRESIDENT McGEE: Immediately conference of the Minority in the Minority Conference Room.

Immediate conference of the Majority in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:05 p.m.)

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

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. Is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: Yes,

there is.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President. On behalf of Senator Farley, I offer the following amendments to Calendar Number 733, Senate Print Number 3871, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Are there any substitutions at the desk, Madam President?

ACTING PRESIDENT McGEE: Yes, there are.

The Secretary will read the substitutions.

THE SECRETARY: On page 8, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 2546 and substitute it for the identical

Senate Bill Number 2301, Third Reading Calendar 175.

ACTING PRESIDENT McGEE: Substitution ordered.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

For the information of the members, we're going to be working off Calendar Number 59A. There's one bill that we're going to call up that's not on that calendar. That's Calendar 1394, by Senator Breslin.

If we can have the noncontroversial reading, please.

ACTING PRESIDENT McGEE: The Secretary will read Calendar Number 1394.

THE SECRETARY: Calendar Number 1394, substituted earlier by Member of the Assembly Casale, Assembly Print Number 689B, an act to authorize approval.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

SENATOR MORAHAN: Calendar 59A, please.

ACTING PRESIDENT McGEE: Senator Morahan, there was a local fiscal impact note on that last bill that we just passed.

SENATOR MORAHAN: Thank you.

ACTING PRESIDENT McGEE: Thank you.

Senator Morahan.

SENATOR MORAHAN: We're now going to take the noncontroversial reading of Supplemental Calendar 59A.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1417, by Senator Maziarz, Senate Print 734A, an act to amend the Retirement and Social Security Law, in relation to retirement.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1438, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 1410 and substitute it for the identical Senate Bill Number 746, Third Reading Calendar 1438.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1438, by Member of the Assembly Magee, Assembly Print Number 1410, an act to amend the Real Property Tax 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1442, by Senator Robach --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1443, by Senator Bonacic, Senate Print 1342B, an act to amend the Education Law, in relation to the parent's right to know.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1444, by Senator LaValle, Senate Print 1470, an act to amend the General Municipal Law, in relation to requirements.

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.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1445, by Senator Hannon, Senate Print 1558B, an act to authorize the Village of Garden City, in the County of Nassau.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1446, by Senator Johnson, Senate Print 1760A, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to establishing.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1447, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 5205A and substitute it

for the identical Senate Bill Number 2586A, Third Reading Calendar 1447.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1447, by Member of the Assembly Schimminger, Assembly Print Number 5205A, an act to amend the Retirement and Social Security 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1448, by Senator Robach, Senate Print 2765B, an act to amend the Retirement and Social Security Law, in relation to the 25-year/age 50 retirement.

ACTING PRESIDENT McGEE: There is

a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1449, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 6691A and substitute it for the identical Senate Bill Number 2977, Third Reading Calendar 1449.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1449, by Member of the Assembly Gantt, Assembly Print Number 6691A, an act to amend Chapter 557 of the Laws 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1450, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 2533A and substitute it for the identical Senate Bill Number 3328, Third Reading Calendar 1450.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1450, by Member of the Assembly Smith, Assembly Print Number 2533A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1451, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 7879 and substitute it for the identical Senate Bill Number 3744, Third Reading Calendar 1451.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1451, by the Assembly Committee on Rules, Assembly Print Number 7879, an act to amend the Tax Law.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1452, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 3803A and substitute it for the identical Senate Bill Number 4046A, Third Reading Calendar 1452.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1452, by Member of the Assembly Stringer, Assembly Print Number 3803A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays,

1. Senator Kuhl recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1454, by Senator Golden, Senate Print 4184A, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

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

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1455, by Senator Leibell, Senate Print 4341, an act to amend the General Municipal Law, in relation to authorizing.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1456, by Senator Little, Senate Print 4359, an act to amend the Public Health Law, in relation to rates payable.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1457, by Senator Leibell, Senate Print 4475, an act to amend the Public Officers Law, in

relation to residency requirements.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1458, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 7050A and substitute it for the identical Senate Bill Number 4636A, Third Reading Calendar 1458.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1458, by Member of the Assembly Sweeney, Assembly Print Number 7050A, an act to amend the Navigation Law.

ACTING PRESIDENT McGEE: Call the

roll.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1459, by Senator Wright, Senate Print 4830, an act to amend the Public Authorities Law and the Energy Law.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number

1460, by Senator Velella, Senate Print 5080A, an act to amend the Labor Law, in relation to explosives.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 16. This act shall take effect on the 180th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1461, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 7427 and substitute it for the identical Senate Bill Number 5098, Third Reading Calendar 1461.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1461, by Member of the Assembly Ortiz, Assembly Print Number 7427, an act to amend

the Administrative Code of the City of New York.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, I would request that we recall Calendar Number 1459.

SENATOR MORAHAN: Will you finish the roll call, please.

SENATOR SCHNEIDERMAN: I apologize, Madam President, I thought we were completed.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Schneiderman, Calendar Number 1459 has left the house.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1462, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 8573 and substitute it for the identical Senate Bill Number 5164, Third Reading Calendar 1462.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1462, by the Assembly Committee on Rules, Assembly Print Number 8573, an act to amend the Education Law and the Tax 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1463, by the Senate Committee on Rules --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1464, by Senator Saland, Senate Print 5382A, an act to amend the Education Law, in relation to contact lenses.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1465, by Senator Farley, Senate Print 5387A, an act to amend Chapter 3 of the Laws of 1997.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1466, by Senator Rath --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1467, by Senator Bonacic, Senate Print 5440, an act to amend the Public Health Law, in relation to general hospital payment.

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, 60.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1469, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8447A and substitute it for the identical Senate Bill Number 5453, Third Reading Calendar 1469.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1469, by the Assembly Committee on Rules, Assembly Print Number 8447A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1470, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8310A and substitute it for the identical Senate Bill Number 5454, Third Reading Calendar 1470.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1470, by the Assembly Committee on Rules, Assembly Print Number 8310A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1471, Senator Johnson moves to discharge, from the Committee on Rules,

Assembly Bill Number 8317A and substitute it for the identical Senate Bill Number 5455, Third Reading Calendar 1471.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1471, by the Assembly Committee on Rules, Assembly Print Number 8317A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1472, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8445A and substitute it for the identical Senate Bill Number 5456,

Third Reading Calendar 1472.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1472, by the Assembly Committee on Rules, Assembly Print Number 8445A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1473, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8308A and substitute it for the identical Senate Bill Number 5457, Third Reading Calendar 1473.

ACTING PRESIDENT McGEE:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1473, by the Assembly Committee on Rules, Assembly Print Number 8308A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1474, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8309A and substitute it for the identical Senate Bill Number 5458, Third Reading Calendar 1474.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1474, by the Assembly Committee on Rules, Assembly Print Number 8309A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1475, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8510A and substitute it for the identical Senate Bill Number 5459, Third Reading Calendar 1475.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1475, by the Assembly Committee on Rules,

Assembly Print Number 8510A, an act to amend the Environmental Conservation 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1477, by Senator Velella, Senate Print 5472, an act to amend the Civil Service 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, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT McGEE: The bill

is passed.

THE SECRETARY: Calendar Number 1478, by Senator LaValle, Senate Print 5482, an act to amend Chapter 468 of the Laws of 2002 relating to certain domestic partners.

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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1479, by Senator Fuschillo, Senate Print 5484, an act to amend the General Business Law, in relation to the no telemarketing sales calls.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect June 30.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Just on the bill, to explain my vote.

This is in answer to the federal government, the FTC, creating a nationwide "do not call" registry. There have been some questions to me and to my office, will the state maintain a separate list and will the federal government maintain their own list.

There will only be one "do not call" registry, it will be the federal government, and the New York State will work off of that list with its enforcement powers.

But I vote aye.

ACTING PRESIDENT McGEE: Senator Fuschillo will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1481, by Senator Marcellino, Senate Print 5506, an act to amend the Environmental

Conservation Law and others, in relation to establishing.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 16. This act shall take effect on the 180th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. I rise to request unanimous consent in the negative to be recorded on 1459.

ACTING PRESIDENT McGEE: Without objection.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I could have unanimous consent

to be recorded in the negative on Calendar Number 1438, on 1459, and if I may change my vote from no to yes on Calendar Number 1477.

ACTING PRESIDENT McGEE: Without objection.

SENATOR DUANE: Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Andrews.

SENATOR ANDREWS: Madam President, I'd like to be recorded in the negative on 1459.

ACTING PRESIDENT McGEE: Without objection.

Senator Stavisky.

SENATOR STAVISKY: Madam President, with unanimous consent I'd like to be recorded in the negative on Calendar 1459.

ACTING PRESIDENT McGEE: Without objection.

SENATOR STAVISKY: Thank you.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Madam President, I would also request unanimous

consent to be recorded in the negative on Calendar 1459, and also on behalf of Senator Paterson, without objection.

ACTING PRESIDENT McGEE: Without objection.

Senator Wright.

SENATOR WRIGHT: Madam President, I would request unanimous consent to be recorded in the negative on 1452.

ACTING PRESIDENT McGEE: Without objection.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. I would also like unanimous consent to be recorded in the negative on 1459.

ACTING PRESIDENT McGEE: Without objection.

SENATOR LIZ KRUEGER: Thank you.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

On behalf of Senator Parker, I would move that Senate Bill Number 5367 be

discharged from committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT McGEE: So ordered.

Senator Lachman.

SENATOR LACHMAN: Madam President, with your permission I would also like to be recorded in the negative on 1459.

ACTING PRESIDENT McGEE: Without objection.

Senator Farley.

SENATOR FARLEY: 1452, I'd like to be in the negative. I'll be in the affirmative on 1459.

ACTING PRESIDENT McGEE: Without objection.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President. I would like unanimous consent to be voted in the negative on Calendar Number 1454, please.

ACTING PRESIDENT McGEE: 1454, Senator Bonacic?

SENATOR BONACIC: No, scuse, I

got my numbers mixed up. 1452.

ACTING PRESIDENT McGEE: 1452, without objection.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1482, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 8455B and substitute it for the identical Senate Bill Number 5509A, Third Reading Calendar 1482.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1482, by the Assembly Committee on Rules, Assembly Print Number 8455B, an act to amend the Election 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, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1483, by Senator LaValle, Senate Print 5518, an act to amend the Public Health Law, in relation to the registration.

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.)

ACTING PRESIDENT McGEE: Senator LaValle.

SENATOR LaVALLE: Not on this bill, Madam President.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator LaValle.

SENATOR LaVALLE: Madam President, may I have unanimous consent to be

recorded in the negative on Calendar Numbers 1469, 1470, 1471, 1472, 1473, 1474, and 1475.

ACTING PRESIDENT McGEE: Without objection.

SENATOR LaVALLE: Thank you.

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Madam President, I ask unanimous consent to be recorded in the negative on Calendar Number 1459.

ACTING PRESIDENT McGEE: Without objection.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like unanimous consent to be recorded in the negative on Calendar 1459.

ACTING PRESIDENT McGEE: Without objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT McGEE: Senator Dilan.

SENATOR DILAN: Madam President, I request unanimous consent to vote in the negative on 1459.

ACTING PRESIDENT McGEE: Without

objection.

Senator Diaz.

SENATOR DIAZ: Ditto.

ACTING PRESIDENT McGEE: Without objection.

Senator Onorato.

SENATOR ONORATO: I'd like unanimous consent to be recorded in the negative on Calendar 1459.

ACTING PRESIDENT McGEE: Without objection.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1484, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 8832 and substitute it for the identical Senate Bill Number 5539, Third Reading Calendar 1484.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1484, by the Assembly Committee on Rules, Assembly Print Number 8832, an act to amend the Election Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 50th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. I don't know how I could possibly have missed it, but I missed an opportunity to lay aside Bill Number 1478. So that I would like to be recorded in the negative on that bill.

ACTING PRESIDENT McGEE: Without objection.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1485, by Senator Johnson, Senate Print 5551,

an act to amend the Environmental Conservation Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1486, by the Senate Committee on Rules, Senate Print Number 5552, an act to amend Chapter 454 of the Laws of 2002.

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, 60.

ACTING PRESIDENT McGEE: The bill

is passed.

Senator LaValle.

SENATOR LaVALLE: Madam President, may I have unanimous consent to be recorded in the negative on 1485.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: Madam President, can I ask the members to hold their requests to change their votes until we finish the consent calendar to register any negative votes or different votes.

ACTING PRESIDENT McGEE: Thank you very much. We'll do so.

The Secretary will read.

THE SECRETARY: Calendar Number 1487, by Senator Skelos, Senate Print 5561, an act to amend the Penal Law, in relation to the possession of disguised knives.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 3. Senators Duane, McGee, and Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1488, by Senator Volker, Senate Print 5562, an act to amend the Criminal Procedure Law.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

Senator Morahan, that completes the reading of the noncontroversial calendar, Supplemental Calendar Number 1.

SENATOR MORAHAN: Thank you, Madam President. I'd like to go back to Calendar 59, starting with Calendar Number 880, by Senator Johnson.

ACTING PRESIDENT McGEE: Senator

Duane.

SENATOR DUANE: Madam President, I believe this is the right moment to change a vote.

ACTING PRESIDENT McGEE: Now is the time.

SENATOR DUANE: Then I would like unanimous consent to be recorded in the negative on Calendar Numbers 1469, 70, 71, 72, 73, 74, and 75.

ACTING PRESIDENT McGEE: Without objection.

SENATOR DUANE: And also Calendar Number 1485.

ACTING PRESIDENT McGEE: Without objection.

The Secretary will read Calendar Number 880.

THE SECRETARY: Calendar Number 880, substituted earlier today by Member of the Assembly Canestrari, Assembly Print Number 5418A, an act to amend the Vehicle and Traffic Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR JOHNSON: Thank you, Madam President.

Many of our counties and New York City have passed laws where they seize the vehicle of a drunk driver, keep it, sell it, and they don't notify the owner, they don't notify the bank if a bank financed it, they don't notify the leased company if it's a leased vehicle, and they dispose of the vehicle.

It's a big loss to the owners of the vehicle, and it's of no real benefit to anybody. And we're trying to correct that situation by requiring that the local agency who seized the vehicle shall notify the owner or the lienholder of the seizure so they can make arrangements to pick up the car and get back the value which they have in that vehicle.

And of course the driver will pay the penalties, whatever he has to do for his infraction, but the owner of the vehicle doesn't have to lose the vehicle.

And this is a bill that is overdue, it just passed the other house, and I'd like your support for this today.

Thank you.

ACTING PRESIDENT McGEE: Senator Liz Krueger.

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

ACTING PRESIDENT McGEE: Senator Johnson?

SENATOR JOHNSON: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Just for clarification, would this law then override New York City's current policy when it takes vehicles?

SENATOR JOHNSON: Well, New York City, I'm glad to say, essentially follows this procedure. But most other -- like Rensselaer County doesn't, Nassau doesn't, Suffolk doesn't, generally. And we would like everyone to follow the same procedure which the city does.

But the city is a part of this bill because it's a statewide bill. And we made it statewide because other counties may start this procedure; we'd like that to be followed the same way in the future.

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

ACTING PRESIDENT McGEE: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

Senator Johnson, I am very happy with your bill. My understanding was that New York City actually opposed the bill because they were actually going further than you were proposing would be state law.

But I agree with you, New York City is going beyond what it should be doing in protecting the rights of vehicle owners or others involved with the vehicle even if the driver may be guilty and should be found guilty under the law of violating whatever rules.

So my understanding is your law would actually stop the City of New York from going as far as it has gone, which I support

and hope that we will get into law this year.

Thank you very much. I hope people will vote for this.

ACTING PRESIDENT McGEE: Thank you.

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.

Senator Morahan.

SENATOR MORAHAN: Next can we take up 1346, on Calendar 59.

ACTING PRESIDENT McGEE: Senator Morahan, would you repeat that?

SENATOR MORAHAN: We're going to be taking up 1346, by Senator Johnson; 1347, by Senator Volker. Then we're going to go to 193, by Senator Nozzolio, and 718, by Senator

Nozzolio.

ACTING PRESIDENT McGEE: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 1346, by Senator Johnson, Senate Print 579B, an act to amend the Vehicle and Traffic Law.

SENATOR SABINI: Explanation.

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

SENATOR JOHNSON: Madam President, this bill adds a new section to the Vehicle and Traffic Law to define an electric personal assistive mobility device, commonly referred to as a Segway.

It also -- this vehicle is a tandem vehicle, two wheels, electric motor, gyroscopes. You can ride it on sidewalks, you can use it in factories, which they do already. In some communities they use them to deliver the mail. And they're a very new invention by a very clever man named Dean Kamen, who invented this. The fellow also runs the first robotic competitions for our school districts.

And this provides that we interpret what they are and the city or jurisdiction has jurisdiction over the sidewalks, may regulate the time, place, or manner of operation, they can permit it or not permit it.

They've excluded them from the city already, because New York City is opposed to the idea of having these vehicles run on their sidewalks because of the crowded condition of the city.

And this is one also, I think, which has passed the other house. And we're just acquainting everyone with a new method of transporting oneself about the community.

Any questions?

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. I'm just going to speak briefly on the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: There's some concerns that have been raised about this piece of legislation by some groups concerned

with the environment and by some organizations that represent biking groups and groups concerned with traffic safety.

The two-wheel motorized scooters that this relates to, while the sponsor has acknowledged that this would not apply in New York City, this would essentially preempt local governments from banning such devices on -- their use on sidewalks.

It does, I believe, provide essentially unlimited ability of local governments to regulate the time, place, and manner of the use of these devices on the sidewalks. But these two-wheeled motorized scooters would be allowed in other parts of the state and the city to be ridden on the sidewalks.

And essentially, my understanding is that all this would do would be to preempt the ability of the local government to ban them. It does preserve the ability of the local government to regulate them in every other way.

SENATOR JOHNSON: I'm responding to a question from Senator Schneiderman.

Senator Schneiderman, my attorney informed me that the power to regulate time, place, and manner of operation also includes the ability to ban them completely. That's the interpretation of my attorney.

SENATOR SCHNEIDERMAN: Oh. All right. Then I'm not completely sure what this bill accomplishes at all.

SENATOR JOHNSON: Just if they are being used, they can regulate when and where, who can operate them, things of that nature.

SENATOR SCHNEIDERMAN: So through you, Madam President, if the sponsor would yield for one more question.

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

SENATOR JOHNSON: Yes, Madam President.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR SCHNEIDERMAN: So just to clarify this, then, this would provide a ban for the City of New York and in all other areas essentially confer unlimited authority

on the political subdivisions having jurisdiction over the sidewalks at issue to regulate the time, place, and manner, including a ban?

SENATOR JOHNSON: That's correct.

SENATOR SCHNEIDERMAN: Thank you. Thank you, Madam President.

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: Those recorded in the negative on Calendar Number 1346 are Senators Duane, Hassell-Thompson, L. Krueger, LaValle, Leibell, Marcellino, McGee, Morahan, Onorato, Parker, Sabini, Schneiderman, Spano, and Stavisky. Ayes, 48. Nays, 14.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Seward.

SENATOR SEWARD: Yes, Madam President, I rise to ask unanimous consent to

be recorded in the negative on Calendar Number 1452 on the supplemental calendar.

ACTING PRESIDENT McGEE: Without objection.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1347, by Senator Volker, Senate Print 1108 --

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR VOLKER: Madam President, this is a bill that has been around for some years and has frankly been changed over the years. It was vetoed the by Governor Cuomo in '93 and by Governor George Pataki in '96.

It is kind of a fascinating bill. And the reason -- and, by the way, it's passed both houses on many occasions. And it's actually in a modified form from what it was years ago.

If you -- and I'll be the first to admit, having been a police union official

myself back some 30 years ago, I realize what this bill, more so I think than a lot of people, is about. And there's very, very good reason why the City of New York in the past has opposed it, although I don't think they opposed this version. Well, maybe they do. The Conference of Mayors opposes it.

And the reason is it has to do with negotiations -- even though negotiations are specifically excluded here -- and it has to do with the fact that some law enforcement officers at times -- and this is not necessarily a crime, by the way. This has to do with charges brought against police officers, and sometimes those charges are brought for political reasons and other reasons.

Madam President, I hesitate to do this, but I'm having trouble hearing myself.

ACTING PRESIDENT McGEE: Can we have some order, please.

SENATOR VOLKER: Thank you.

At any rate, what this bill does -- and it by no means, as I think some people have thought, says that if you communicate

with an elected police official, that everything that is talked to that official is excluded. And where -- unless the person speaks to -- that is, the police officer who is involved in some sort of an incident -- which often, by the way, is an issue that has to do with disciplinary reasons -- then that elected police official cannot be forced to speak to whatever it is, whether it's superiors or in some cases it could be to speak to a court. It rarely would be a grand jury, because normally that doesn't happen.

And if there's any issue of a crime, for instance, outside of his employment, then that police officer, even the elected police officer, has to be candid. Now, most of the time what happens with these sort of things is that the local jurisdiction never would call the police official in, frankly, unless it has more to do with discipline than anything else.

This bill, if you read the bill you'll see that it's quite specific, quite limited. It establishes a privilege for very limited communications with an elected union

official only after the person has sought counsel. It does not really involve bargaining. As you'll see in Section 3, it says notwithstanding the protections. They can be waived for the usual reasons.

The person who may claim the privilege is the member, the guardian, committee or conservator of the member or personal representative of a deceased member.

Now, the reason, by the way, that the Trial Lawyers have opposed this is partly for civil reasons, where there's some sort of civil suit. And they're not so worried certainly about criminal issues, but I think they're more worried about civil issues, because this would lap over into civil cases.

I would only say that there are a number of people, as you well know, who have certain privileges, privileged communications. The particular problem for a law enforcement officer is that he or she is in a different position from many other people. In a regular union negotiation, the representatives of the union ignore anybody, they just don't tell them. And there's really nothing, almost

nothing that anybody can do to force them to do it. So they are in a unique position.

This is really not as much about criminal issues as I believe it's about disciplinary issues. And that's a major reason why the Conference of Mayors and why the various people that deal with law enforcement operations oppose this. If you ask them, they'll say, Well, they've got binding arbitration and we, we don't have enough strength. It really has nothing to do with any of that.

It has to do with individual law enforcement officers who get themselves into some sort of a problem and want to confer with an official, elected official of the union, who sometimes then can decide on how the representation will be provided for them; in fact, very often is the reason that they'll provide representation.

Sometimes the law enforcement union -- it happened to me once, said we're not going to defend you because you've got yourself a problem, good luck. But most of the time you would provide that person with

some sort of assistance in clearing up a particular situation.

ACTING PRESIDENT McGEE: Senator Schneiderman.

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

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: It is a bill that we've seen often, as the sponsor acknowledges. The difficulty many of us have with this piece of legislation, which is opposed by the Bar Association and the Conference of Mayors and Municipal Officials, is that this essentially elevates a union official, a conversation with a union official into the very, very carefully circumscribed realm of privileged communications -- psychologists, social workers, attorneys, members of the clergy, a doctor.

And it does so in a way that essentially creates a privilege only because this happens to be the way people are doing business and they want to have protection for something that otherwise would be a regular

unprivileged communication.

It really comes very close to being unlicensed practice of law, in my view, if you're talking about providing a broad sphere in which a long conversation can go on about the nature of the incident and what kind of legal representation would be required. And if you don't have that sort of a broad conversation, then you don't really need the privilege, because there's really nothing to hide.

I also note that this really takes the union officials out of all of the areas with which they have substantive responsibility and knowledge, because it excludes from the official duties that might be subject to this privileged conversation issues concerning wages, hours and working conditions, collective bargaining agreements, and retirement benefits.

So it really is just sort of creating this special bubble of privilege for the unlicensed practice of law by particular union officials in these very particular circumstances. And I don't see that it's

required. I think there are plenty of other ways to accomplish the same result. And if this is just something they've gotten used to doing, I don't think that's a reason to modify the law.

So I will vote no, as I did last year and the year before. And maybe we can come up with an alternative way to confront this issue that doesn't improperly enlarge what should be a very circumscribed realm legally, which is the realm of privileged communications.

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 1347 are Senators Andrews, Dilán, Duane, Hassell-Thompson, L. Krueger, Montgomery, Parker, Paterson, Schneiderman, M. Smith, and

Stavisky. Ayes, 51. Nays, 11.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1347, also Senator Lachman. Ayes, 50. Nays, 12.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I'd like unanimous consent to be recorded in the negative on Calendar 1346.

ACTING PRESIDENT McGEE: Without objection.

Senator Lachman.

SENATOR LACHMAN: She took the words out of my mouth, Madam President. I ask unanimous consent to be recorded in the negative on 1346.

ACTING PRESIDENT McGEE: Without objection.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, I ask to be recorded in the negative on Calendar Number 1452, Bill Number

4046A.

ACTING PRESIDENT McGEE: Without objection.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, I would request unanimous consent to be recorded in the negative on Calendar Number 1346.

ACTING PRESIDENT McGEE: 1346?

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: Madam President, without objection, I'd like to be recorded in the negative on Calendars 1459 and 1358.

ACTING PRESIDENT McGEE: Without objection.

The Secretary will read Calendar Number 193.

THE SECRETARY: Calendar Number 193, by Senator Nozzolio, Senate Print 438A, an act to amend the Correction Law.

SENATOR MALCOLM SMITH:

Explanation.

SENATOR LIZ KRUEGER:

Explanation.

SENATOR SCHNEIDERMAN:

Explanation.

ACTING PRESIDENT McGEE: Senator Nozzolio, an explanation has been requested by several people.

SENATOR NOZZOLIO: All at once, Madam President?

ACTING PRESIDENT McGEE: Yes, Senators Schneiderman and Krueger.

SENATOR NOZZOLIO: Thank you, Madam President. My colleagues, I'd be pleased to explain S438A.

It's an A print because we took the Assembly print, sponsored by Assemblyman Aubry, and placed it as an amendment to my original bill, which establishes a requirement to have those who are going through our correctional system, prisoners in our state system, to be required to go forward in the process, to prepare our inmates for the outside world by giving them at the very minimum the opportunity, the encouragement to

obtain a GED.

That a high school equivalency diploma is the absolute minimum that is required in today's workforce, and that it is apparent that the Department of Corrections is extremely involved in educating inmates. And that what we're suggesting by this legislation is that those who are capable should be participating in high school equivalency degree programs in our state prisons.

No inmate shall be denied parole or conditional release or supervision or otherwise penalized for failure to meet these requirements who has not been afforded reasonable opportunity to comply with them. But rather than have someone sit in a prison cell and not go to school in our prison system is prison malpractice.

And that we should have, at the very minimum, inmates instilled in a program so that they, when they get out on parole, will have with them at the very minimum a high school equivalency.

ACTING PRESIDENT McGEE: Senator Krueger.

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

ACTING PRESIDENT McGEE: Senator Nozzolio, will you yield for some questions?

SENATOR NOZZOLIO: To some questions, Madam President?

SENATOR LIZ KRUEGER: Perhaps some questions.

ACTING PRESIDENT McGEE: I suspect some.

SENATOR NOZZOLIO: Let's take a question at a time, Madam President.

ACTING PRESIDENT McGEE: One at a time, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

And I apologize, I did realize there's the A memo and your previous. So I was reading an old memo, your new bill, and now looking through the new memo, the amended version. And I think many of my questions are addressed actually through your amended version, so I appreciate that.

But I would like to ask you, what

is the definition of somebody who is determined capable of completing the academic work required for a general equivalency diploma? Because as I read your A version, if somebody evaluates them as capable of completing a GED then they have to complete a GED.

But what's the definition of who's evaluating it, and by what standards? Because you and I might not agree that somebody is or is not capable of completing a GED.

SENATOR NOZZOLIO: Page 2, Madam President, of the legislation, Section 2, lines 12 through approximately 40 outline how this process unfolds and that every prisoner coming into the system is evaluated. That evaluation is taking a number of steps, and that the evaluation looks at the inmate's ability to read and write and compute and that math skills and reading skills are then determined.

That evaluation is as every school child in our state is evaluated and given a grade level of competence. That competence level is part of the evaluation. And that is

I believe, Madam President, what Senator Krueger is referring to.

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. And if the sponsor would yield to an additional, second question.

ACTING PRESIDENT McGEE: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Madam President, I'd be happy to yield to an additional question.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Madam President. Thank you, sponsor.

So this bill, again, would take effect three years after it becomes law and only if we actually offer the programs available to allow prisoners in any individual prison to participate and only after they've been evaluated as being potentially able to pass a GED.

So that there are a number of safeguards built in that would make sure that

somebody is not kept in prison and not allowed parole because of their own educational limitations or the fact that the programs weren't available; is that correct?

SENATOR NOZZOLIO: Madam President, I believe Senator Krueger's interpretation is correct.

SENATOR LIZ KRUEGER: Thank you, Madam President.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. Just briefly on the bill.

ACTING PRESIDENT McGEE: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes, thank you.

I appreciate Senator Nozzolio's concern that we should be doing everything in our power to encourage inmates to raise their level of functioning. And literacy is certainly important. I do, however, have some reservations, because there are a couple of things that operate against the idea of the

bill.

One is that there are so many of the inmates who are currently coming before the parole board who are just automatically refused any parole, any -- so there's loss of hope of receiving parole by many people. And it certainly doesn't help if this is not, in fact, going to be helpful to people when they come before the parole board. And at this present time it doesn't seem that participation in programs in Corrections is helpful.

The other problem is I'm not convinced at this moment that we have the capacity in DOCS to actually provide the GED programming for enough inmates. So that even if it were to be considered as part of their rehabilitation, it may not be possible for them to access it. And therefore, it might impede their parole possibilities.

I know that there are organizations who are very much involved in providing educational services within DOCS, and I'm extremely supportive of that. I believe that we need to do not only GED but even beyond.

And I certainly hope that we will at some point get to the point where we can discuss increasing the educational opportunities that are available for inmates, especially those who are going to be returning to communities, because many of them return to communities like mine.

So I do have some reservations about this legislation, but I will support the legislation because I believe that it moves in the right direction. And hopefully Senator Nozzolio will consider going even beyond the GED at some point in time.

Thank you.

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. Would the sponsor please yield for a question or two. Or three or four.

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

SENATOR NOZZOLIO: Yes, Madam President.

SENATOR DIAZ: Thank you.

Senator, when a person violates the

law and appears in front of a judge for sentencing, the judge in charge of the sentencing will dictate to that person the penalties and the amount of time that the person should serve and the condition to which that person should be released, ain't that so?

SENATOR NOZZOLIO: Madam President, I believe --

SENATOR DIAZ: I can repeat myself, Senator Nozzolio.

SENATOR NOZZOLIO: -- that in sentencing there are certain procedures and that judges follow those procedures outlining to the convicted how long -- what they're being sentenced for and how long that sentence is to be.

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: Through you, Madam President, would he continue to yield?

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

SENATOR NOZZOLIO: Yes, Madam President.

SENATOR DIAZ: Why I'm concerned,

Senator, is that if I violate the law and the judge sentences me to four years in prison and with some time to see a parole board, your bill, is that an extra sentencing to the inmate besides the one that the judge already gave?

SENATOR NOZZOLIO: Madam President, the Senator's question -- to answer the Senator's question, I'd say absolutely not. This is not extending an inmate's sentence.

It is, in effect, telling the inmate and the parole board that that is certainly -- that receiving a high school equivalency degree is something that would in fact hasten their ability to be paroled.

SENATOR DIAZ: Madam President.

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: On the bill.

ACTING PRESIDENT McGEE: On the bill. Senator Diaz, on the bill.

SENATOR DIAZ: I for one would like to see some kind of program in our -- in the prison institutions that would motivate

the inmates to prepare themselves to acquire an education.

But it bothers me to impose onto a person, an inmate, another sentencing besides what the judge already dictates: If you don't get a high school diploma, you will not be able to get released on parole. I think that that's too much for me to swallow.

I would like to see a program in which our institutions will motivate the inmates to better themselves. But to tell a person who just violated the law and he was sentenced and the person just behaved as a good human being in the jail and do his or her time and they don't want to go to school, I think that's up to the person. As long as they behave as a human being in the prison.

But to tell them if you don't get an education, you are not coming out, I think that that's too much for me to swallow. That's why I will be voting no on this bill.

SENATOR NOZZOLIO: Madam President.

ACTING PRESIDENT McGEE: Senator Nozzolio.

SENATOR NOZZOLIO: Would the Senator yield?

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

SENATOR NOZZOLIO: Not a question, Madam President.

But I would just like to point out, Madam President, through you, that the Senator's comments need to be tempered with the knowledge that the actual diploma, although we would certainly prefer someone to have that high school diploma, that we're not going to -- this legislation does not eliminate the possibility of parole because you do not have it.

But we are asking the inmates of this state to participate in at least 150 hours of coursework prior to their release. And that, my colleagues, is I think the essence of what the prison system should be all about, which is to rehabilitate. And that the quintessential element of rehabilitation I believe exists in education.

And that's -- Madam President, I just wanted to clarify that point. The

Senator's good question I believe certainly required us to point out that the actual diploma is not what this bill is requiring. It certainly prefers it, but we're saying the coursework would also be sufficient to receive consideration for parole.

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: Would the Senator yield, please?

ACTING PRESIDENT McGEE: Senator Nozzolio?

SENATOR NOZZOLIO: Yes, Madam President.

ACTING PRESIDENT McGEE: He yields.

SENATOR DIAZ: Let me see if I can get a clear understanding on this. The bill does not require a GED diploma in order for them to get parole?

SENATOR NOZZOLIO: If, Madam President, the individual had made a good faith effort to participate and that that participation amounted to at least 150 hours of coursework.

SENATOR DIAZ: Would the Senator yield?

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

SENATOR NOZZOLIO: Yes, Madam President.

SENATOR DIAZ: Senator, don't you think that that's imposing an extra sentencing to the inmate?

SENATOR NOZZOLIO: Madam President, it may. But the fact of the matter is I have been in too many prisons across this state where inmates are idle, where inmates are not participating in programs, where inmates are not involving themselves in the educational opportunities that are available.

You can lead a horse to water, you cannot make the horse drink. That we are asking those inmates to say -- to evaluate their own lives, saying yes, I do have to do this now, it's something that we do want to move forward with.

SENATOR DIAZ: Madam President --

ACTING PRESIDENT McGEE: Senator Diaz.

SENATOR DIAZ: -- on the bill.

My problem, I am for, I am thoroughly, heartfully, I believe in giving the opportunity to people to better themselves. And an inmate should, should try to better himself or herself who are there in prison. And they should take into consideration and take the opportunities offered to them to better themselves. I believe in that. I believe that they should better themselves.

What I don't quite understand is why, if a person -- as long as the person don't violate the law inside prison, if the person has been sentenced and they are a role model and they behave in a manner that they are not violating anyone, that they are doing their time in peace, why tell them, You cannot go out on parole unless you get a GED diploma? That's what bothers me.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I just want to underline that there are two parts of this legislation, which I think is -- I think this is a good bill dealing with a difficult area.

In addition to the requirement that inmates make a good-faith effort -- and again, you know, 150 hours of study is a lot of study. But if you've got a long time in prison -- and I must admit to being prejudiced in this area. I actually, before I went to law school, worked in a program that provided these services to prisoners and it was tremendously satisfying to see some people get their GEDs under those circumstances.

This also requires the department to ensure that academic education programs which provide the appropriate curriculum and certified academic staff for general equivalency diplomas are available at all correctional facilities.

So this is the second element. It's not just putting a burden on the

prisoners, it is requiring the department to do something which they are not currently required to provide.

So I view this as a positive step because of that second provision, that this is at least going to help us move in the direction of having better services available in all the correctional facilities of the state.

So I will support this bill, and I urge my colleagues to do likewise.

ACTING PRESIDENT McGEE: Senator Little.

SENATOR LITTLE: Thank you, Madam President. Just on the bill.

I would like to commend the sponsor of this bill. I recently visited Washington Correctional Facility, in my district, where over 50 percent of the inmates are 21. And their GED passage rate is always over 90 percent, which is better than many of our schools.

So I believe that this is a good bill, because not only are we offering the opportunity -- and perhaps the inmate may not

pass the GED, but spending 150 hours in an educational academic atmosphere, through osmosis, they must be able to get some information out of this plan.

And I just support the bill and encourage everyone to do so as well.

Thank you.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect three years after it shall have become law.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Diaz and Duane recorded in negative. Excuse me. Also Senator Dilán. Ayes, 59. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

The Secretary will read Calendar Number 718.

THE SECRETARY: Calendar Number 718, by Senator Nozzolio, Senate Print 963, an

act to amend the Correction Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR NOZZOLIO: Thank you, Madam President.

My colleagues, this measure is necessary to ensure that the employees of the Office of Mental Health who work in the prison mental health units -- now, these are OMH employees but are working inside prison facilities -- receive the same immunities from civil damages for their actions as well as the same type of immunities that all other prison employees, the DOCS employees, Department of Correctional Service employees have as well.

ACTING PRESIDENT McGEE: Senator Schneiderman.

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

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

SENATOR NOZZOLIO: Yes, Madam

President.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR SCHNEIDERMAN: Are there any other OMH employees other than the ones covered by this bill, OMH employees providing these services not in a correctional setting that have a similar ability to avoid a jury trial? Or is this only limited to the OMH employees in the correctional facilities?

SENATOR NOZZOLIO: Madam President, this measure only deals with those OMH employees who are working within correctional facilities.

I'm not sure if OMH employees work in other state facilities and what types of immunities there may be for those OMH employees working in other facilities. I do not know the answer to Senator Schneiderman's question.

However, I would indicate that this type of immunity is identical to the immunity provided to DOCS employees who are working side by side with OMH employees within prison facilities.

SENATOR SCHNEIDERMAN: Thank you.

Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I think that this bill is part of a pattern of legislation -- most of it, I believe fortunately, doesn't become law -- which seeks to create a two-tier system of justice in this state.

There have been proposals to limit a plaintiff's right to a trial by jury. And given the inability to pass generalized reforms of our civil justice system that are sought by opponents of the current system and opponents of jury trials, they're whittling away by exempting various agencies that are subject to our control from trials by jury.

And what we have here, and this has been proposed to be expanded -- the City of New York had a proposal for all actions against the City of New York to be brought to the Court of Claims. What we're creating by this process is really a two-tier system of justice where, if you are injured in the

context of the private sector, you're a well-to-do person, injured, is not receiving services in a prison but somewhere else, you have a right to trial by jury, and, if you have the misfortune to be in prison or be subject to any of the other exemptions that are being proposed, you don't have a right to trial by jury.

Trial by jury is a fundamentally important right to all Americans. And the notion that we should whittle that down and provide increased exemptions really creates a two-tier system of justice. There are not provisions that are being passed or proposed in any of these bills that really affect anyone except the most indigent members of our society.

And I would urge that we shouldn't be seeking to take the ability away from jurors to make judgments and issue verdicts unless it's absolutely essential for the functioning of a government entity. I don't see that it is in this case.

And it seems to me to be clear that the same OMH employee outside of a facility

providing the same service who injures someone through misconduct would face a trial by jury, but as soon as you walk into the correctional facility, you wouldn't.

That doesn't make sense to me, and I am opposed to this whittling away of the right to trial by jury. And I will vote no and urge everyone else to do likewise.

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 718 are Senators Duane, Hassell-Thompson, L. Krueger, Montgomery, Paterson and Schneiderman. Ayes, 56. Nays, 6.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Lachman.

SENATOR LACHMAN: Yes, I request unanimous consent to be listed as voting yes

on Bill 1347.

ACTING PRESIDENT McGEE: In the affirmative, Senator Lachman?

SENATOR LACHMAN: In the affirmative.

ACTING PRESIDENT McGEE: Without objection.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 1434 on the original calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1434, by Senator Skelos, Senate Print 5554, an act to amend the Criminal Procedure Law, in relation to eliminating.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Duane, on the bill.

SENATOR DUANE: Thank you.

I certainly understand the reason

for this piece of legislation. However, I'm going to vote in opposition to it.

Generally, in cases where DNA can be collected, I think that the statute of limitations should be extended for those that involve sexual assault. And unfortunately, this bill is too overbroad because it includes other violent felonies where I think that there's a strong reason to have a statute of limitations.

Sexual assault is different, and I think that the advent of DNA technology has made it possible for us to extend the statute of limitations in those cases.

So while I'm going to be voting in the negative on this bill, I do also want to raise the issue of those persons who have been the victims of sexual abuse at the hands of clergy members and other persons in positions of authority. And even though I believe that there are records of those who perpetrated these crimes kept by various institutions, the time for the victim to take advantage of that information has expired.

So I do think that that's an area

where we need to expand the statute of limitations. And I think that it's a big error on the part of the Legislature this year to not take up the issue of clergy abuse and abuse at the hands of other persons in authority.

On May 20th, and I invited my colleagues to come to this forum -- and a couple of you thankfully did come -- we heard from numerous persons who were victimized at the hands of authority figures and members of the clergy. And while it was very difficult for them to come forward, as many of them were coming forward for the first time, they did so in the hope that it would advance this legislation and allow them to have a day in court.

But here we are the day before the end of session, and the clergy abuse package of legislation has not been addressed by this body.

I think that we need to expand the window of opportunity to raise civil -- to bring civil cases and for law enforcement people to bring forward criminal cases. And I

also think that we need to force institutions that may have information about suspected and actual cases of child abuse to put that information on the record.

So sadly, without a message of necessity from the Governor, this package of clergy abuse and abuse at the hands of persons in authority bills will not be able to move in this session. But I urge my colleagues not to forget this issue, to keep it as a very important goal for us to pass this legislation and make this a reality so that those who have been victimized can have their day in court and can have redress for what was done to them.

Thank you, Madam President. And again, though I agree with some of the goals of this piece of legislation, I don't agree with all of them, and I'll be voting in the negative.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 11. 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.

Senator Morahan.

SENATOR MORAHAN: On the original calendar, Calendar 59, we want to lay aside for the day Calendar 141, 745, and 746.

ACTING PRESIDENT McGEE: The bills are laid aside for the day. Thank you.

SENATOR MORAHAN: Now we will go to the controversial reading of the Supplemental Calendar 59A.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1442, by Senator Robach, Senate Print 1199, an act to amend the Family Court Act, in relation to the placement of youths.

SENATOR MONTGOMERY: Explanation.

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

SENATOR ROBACH: Yes, Madam

President.

This is a bill that would permit Family Court judges to increase the current period of confinement from the present 18 months to 36 months. It mandates that a minimum of half of that sentence must in fact be served, and mandates restrictive placement where serious physical injury has occurred, really in response to a lot of calls to try and better address the alarming and somewhat sad amount of increased juvenile violence that often is sometimes the most heinous and savage crimes we have in our communities, often committed by young people.

And many Family Court judges have called for allowing them to have longer sentences, to not treat some of the more minor crimes they have to with the same amount of sentencing as those young people in violent crimes.

I think this is a logical incremental step. As you know, there are some other proposals out there that would certainly even treat these youthful offenders with even some increased measures, but I feel this is a

logical intermediate step and, again, one that was proposed by Family Court judges themselves, people working in the system and working with these sentences every day.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like to ask if Senator Robach would yield for a question.

ACTING PRESIDENT McGEE: Senator Robach, will you yield?

SENATOR ROBACH: I gladly would.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR MONTGOMERY: Okay, thank you.

Senator Robach, I don't have any statistics to go on. I was just wondering, this bill, which extends the time, do we have -- is this based on a large number of incidents of young people who are below the age of 14?

SENATOR ROBACH: I think it is -- yeah, clearly I can say -- I cannot give you the statistic specifically, but I think that

one only has to pick up the newspaper and know that while we don't know the reason, there has certainly been an escalating amount of violent crime both in number and, I would also say, in severity of violence committed by young people.

And the judges themselves feel very handcuffed when even the most horrific cases, the maximum time they can give is 18 months currently. So oftentimes up you will have someone who has brutalized, let's say, a senior citizen woman both physically and sexually getting the same sentence as a youth that may have in fact taken a joyride in a car. Neither one is a good thing, but certainly I think all of us would agree that one is more severe and probably, even from a protective standpoint, should have a longer sentence to keep them away from the general public. That's really what this is about.

I don't have the exact number, Senator Montgomery, but there is no question -- I do know from looking at those, if you charted those, that number clearly has gone up in young people both under 14 as well

as between 14 and 16.

SENATOR MONTGOMERY: If Senator Robach would continue to yield.

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

SENATOR ROBACH: Absolutely.

SENATOR MONTGOMERY: Senator Robach, it is my understanding if there is a serious felony committed by a 14 and up, that they -- there is already the option of them being tried in criminal court as opposed to Family Court already, that we already have that option, as I understand.

SENATOR ROBACH: That's probably true on some type of offenses.

I think what this would do, if you look in the middle part of the bill, it's Section 5, what this would really do is for certain violent crimes would give judges, depending on the type of felony and the charge, again, the ability to give, for a Class A felony, up to 36 months, for a Class B felony, up to 30 months, a C felony, 24 months.

It probably would not exclude in

some places where they could be tried as adults. But there's a lot of other violent felonies that wouldn't be tried that way, which would give them a wider range of not only charges, given the circumstances, but also sentencing.

And again, this is allowable up to, not, again, maximized.

SENATOR MONTGOMERY: All right. Through you again, Madam President, I just would like to ask Senator Robach another question.

ACTING PRESIDENT McGEE: Senator Robach, do you continue to yield?

SENATOR ROBACH: Certainly, Madam President.

SENATOR MONTGOMERY: So even in any case, if there is a young person who has been sentenced based on the juvenile -- the law that already exists, is it not the case that in certain instances once that juvenile turns 16 they can automatically be placed in the regular prison, in DOCS?

SENATOR ROBACH: You know, I think each case is different in how it's

interpreted and done.

Again, this is not -- this is another tool for them to use. Sometimes, Senator Montgomery, that might be in lieu of trying to try an individual as an adult. It could be a number of things.

But right now, if they want to stay in Family Court, this is about, again, extending for those violent-type felonies the ability of them to go up to 36 months in Family Court rather than the current 18 months.

And I again would say I think that you'd be hard-pressed to find anybody in the judicial system, from New York City to anywhere in the upstate New York counties, a Family Court judge that wouldn't tell you they could utilize this tool and need it.

And you could look at this from one of two ways. Without this, it may make it more likely that some people try to be tried as an adult. Or you could look at it from the other side, of saying it in fact does increase the penalties in Family Court for the most violent youth.

SENATOR MONTGOMERY: All right. Thank you.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you. I think Senator Robach has answered a couple of the issues that I would be concerned about with this legislation. One is that we are increasing the penalties and in some cases the judge is going to be much more likely to give the maximum as opposed to something less. And we are increasing the penalties and the maximum length of time.

The other issue that I have concerns about with this legislation is that we do not have a system that adequately supports the Family Court in their decision-making, and we do not have a number of options that are available to them except under very, very specific and rare circumstances.

I.e., there is a court in my district that is a community court where young people are sentenced under very different circumstances. There are a number of support

systems, agencies that are in the court building that the judge can call on and have available as alternatives for especially young people.

And I think that a lot of what the criminal justice system does is immediately put people on track moving toward the adult system, as opposed to trying to do early intervention as well as prevention.

So I am going to oppose this bill. I'm voting no because I think that when we're dealing with juveniles, we need to be much more careful and we need to think comprehensively about how do you approach the issue of violence among young people, especially at a very early age. And it's different, because children are different, from the way that we approach adults in terms of violent behavior.

So I understand Senator Robach's interest in making it possible for judges to just give them more time. But I also have to stick with the -- my position as a professional who's dealt with young people. And I've talked to so many people in the

criminal justice system -- police officers, judges, and what have you, and I know that there is a very different outcome if the judge has options and if there are support systems in place that the judge can link that young person with and create an environment where we can change behavior as opposed to just approaching it as a punitive measure.

So I'm voting no, Madam President.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1442 are Senators Duane, Hassell-Thompson, and Montgomery. Ayes, 59. Nays, 3.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I'd like

unanimous consent, please, to be recorded in the negative on Calendar 1483.

ACTING PRESIDENT McGEE: Without objection.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like unanimous consent to be recorded in the negative on Calendar 1403.

ACTING PRESIDENT McGEE: Without objection.

Senator Brown.

SENATOR BROWN: Thank you, Madam President. I request unanimous consent to be recorded in the negative on Calendar 1347.

ACTING PRESIDENT McGEE: Without objection.

The Secretary will read.

THE SECRETARY: Calendar Number 1463, by the Senate Committee on Rules, Senate Print Number 5190, an act to amend the Tax Law and Chapter 535 of the Laws of 1987.

SENATOR SABINI: Explanation.

ACTING PRESIDENT McGEE: Senator Spano.

SENATOR SPANO: This is a

two-year extender of the income tax surcharge for the City of Yonkers.

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Yes, Madam President. If the sponsor would yield for a question.

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

SENATOR SPANO: Yes.

SENATOR SABINI: Senator, in reading the sponsor's memorandum I also noted there's a nonresident earnings tax that is to be extended. What is that all about?

SENATOR SPANO: During the fiscal crisis about a decade ago of the city of Yonkers, the city council chose to impose a series of measures to alleviate their fiscal problems. Income tax surcharge, mortgage recording tax were both two of the measures that were imposed.

Each two years, we extend that. This is the home-rule message from the City of Yonkers asking for the extension.

To answer your question

specifically, the income tax surcharge was authorized for the city council to impose up to 19 percent on the state income tax. The nonresident rate I believe was up to 1 percent of the gross earnings.

Yonkers has been phasing out the income tax surcharge. Right now they're down to 5 percent, and the nonresident's portion is one-quarter of 1 percent. It's their intention to phase out these taxes. But in terms of their fiscal plan for this year, they need to have the benefit of the money that's raised from both of these taxes.

ACTING PRESIDENT McGEE: Senator Sabini.

SENATOR SABINI: Madam President, on the bill.

ACTING PRESIDENT McGEE: Senator Sabini, on the bill.

SENATOR SABINI: I just wanted to note with interest and curiosity that a nonresident earnings tax is, I assume, also known as a commuter tax.

And I don't see my colleagues from the counties north of the city of New York

rushing to pass a New York City commuter tax, which we were -- had taken away from us and created a gap in the city's budget. And I just find it interesting that it doesn't seem what's good for the goose here is good for the gander.

I don't want to cause the citizens of the city of Yonkers any fiscal harm, but I wanted to note that this is a commuter tax.

Thank you.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 6. 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 1466, by Senator Rath, Senate Print 5430, an act to amend the General Municipal Law and the State Finance Law.

SENATOR STAVISKY: Explanation.

ACTING PRESIDENT McGEE: Senator Rath, an explanation has been requested by Senator Stavisky.

SENATOR RATH: Madam President, this bill provides that a general salary deduction of municipal and state employees can be taken from their checks if they decide they want to make a contribution to the campus-related foundations of the SUNY schools.

ACTING PRESIDENT McGEE: Senator Stavisky.

SENATOR STAVISKY: Madam President, if the sponsor would yield to just two or three questions.

ACTING PRESIDENT McGEE: Senator Rath, will you yield for some questions?

SENATOR RATH: Surely.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR STAVISKY: Senator Rath, what is the purpose of these campus-related foundations? What functions do they perform? What services do they provide?

ACTING PRESIDENT McGEE: Would

you suffer an interruption at this moment.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

Thank you so much for the interruption.

Senator Stavisky, would you care to repeat the question?

SENATOR STAVISKY: Shall I repeat the question?

SENATOR RATH: Yes, these are not-for-profit foundations, of course. And I think that they do scholarships and good works for the school and the kinds of things that you see foundations -- they invest and they provide substantial contributions to the schools and have many and varied purposes.

SENATOR STAVISKY: I'm asking, Madam President, if the sponsor would continue.

ACTING PRESIDENT McGEE: Senator Rath, would you continue to yield?

SENATOR RATH: Surely.

ACTING PRESIDENT McGEE: The Senator continues to yield.

SENATOR STAVISKY: Using SUNY Buffalo as an example, what are some of the programs that the foundation would be involved with?

I'm just concerned, Madam President, that these are legitimate education-related functions.

SENATOR RATH: The enrichment programs, I think the student scholarship, faculty development, these are the kinds of things that I think traditionally we see the foundations participating in.

SENATOR STAVISKY: And my last question, if the Senator would yield.

ACTING PRESIDENT McGEE: Senator Rath, do you continue to yield?

SENATOR RATH: Surely.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR STAVISKY: To whom are

these foundations accountable?

SENATOR RATH: They're accountable to the college councils.

SENATOR STAVISKY: Thank you, Madam President. I thank the sponsor.

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 1488, by Senator Volker, Senate Print 5562, an act to amend the Criminal Procedure Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR VOLKER: This is a bill sponsored by the Governor, a Governor's program bill. I'm just trying to see, when

did we get this bill? Oh, yes. This is an old bill, it's been sitting around since June 13th.

Anyways, what this bill involves is an issue that's come up recently because of a couple of court cases involving the issue of peremptory and challenges for cause. I'm sure this is the kind of bill that the general public certainly understands very well. They haven't got a clue as to what peremptory and cause is.

What's happened is the federal rule is that if a person is denied cause -- is denied -- a juror is not allowed to be excused for cause and the attorney, whoever, defense attorney has to use one of his peremptory challenges to excuse a juror, there has been -- in the federal rule it is if the new jury, the jury without that person then finds the person guilty, then the fact that the person was dismissed for peremptory purposes rather than cause is irrelevant and the decision is unchallengeable as regards the fact that the person was dismissed for peremptory rather than for cause.

Now, a state case has come up, and the state case has said that you can still challenge a conviction and that it could constitute reversible error if the attorney attempts to dismiss a juror for cause, it's denied and then has to use one of his peremptory challenges, even if the jury finds the person guilty and that person is not part of that, then that -- the -- this unanimous verdict, which of course is what we do with our trials, then he still can challenge the decision or the conviction on the basis of the fact that the juror should not have been allowed to stay on and that the defense attorney was not allowed to dismiss the person for cause even though that person had to use one of the peremptory challenges and he was still dismissed as a juror.

That basically is it. This attempts to make the federal rule, the federal court rules, the same as New York. It doesn't happen in a great many cases, but it does happen occasionally. And that's what this provision is all about.

ACTING PRESIDENT McGEE: Read the

last section.

THE SECRETARY: Section 2. 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.

Senator Morahan, that completes the controversial reading of Supplemental Calendar Number 1.

SENATOR MORAHAN: Is there any housekeeping at the desk, Madam President?

ACTING PRESIDENT McGEE: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President.

I'd like unanimous consent to be recorded in the negative on Calendar Number 1452, please.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: If we can stand at ease now, Madam President, pending the return of the Rules Committee.

ACTING PRESIDENT McGEE: The Senate will stand at ease pending the return of the Rules Committee.

(Whereupon, the Senate stood at ease at 7:00 p.m.)

(Whereupon, the Senate reconvened at 7:15 p.m.)

ACTING PRESIDENT McGEE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, I request unanimous consent to be recorded in the negative on Calendar 718, Senate Print 963; Calendar 1347, Senate Print 1108; and Calendar 1434, Senate Print 5554.

ACTING PRESIDENT McGEE: Senator DeFrancisco, would you be kind enough to repeat them for us. It was a little noisy. Thank you.

SENATOR DeFRANCISCO: Okay. Calendar 718, Senate Print 963; Calendar 1347, Senate Print 1108; and Calendar 1443, Senate Print 5554.

ACTING PRESIDENT McGEE: Thank you. Without objection.

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Thank you, kind Madam President. If I may have unanimous consent to be recorded in the negative on Calendar Number 1488.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. Can we return to reports of standing committees.

Could we have the Rules Committee report at the desk read.

ACTING PRESIDENT McGEE: Reports of standing committees.

The Secretary will read the Rules report.

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

Senate Print 115, by Senator

Velella, an act to amend Chapter 576 of the Laws of 1975;

302D, by Senator LaValle, an act to amend the Education Law;

1453, by Senator Meier, an act authorizing;

1977A, by Senator Kuhl, an act to amend the Environmental Conservation Law;

2178, by Senator Robach, an act to amend the Vehicle and Traffic Law;

3384, by the Senate Committee on Rules, an act to amend the County Law;

3926B, by Senator Brown, an act to adjust;

3941, by Senator Balboni, an act to amend the Tax Law;

4014, by Senator Velella, an act to amend the Real Property Actions and Proceedings Law;

4217B, by Senator Flanagan, an act to amend the Environmental Conservation Law;

4329, by Senator Johnson, an act to amend the Environmental Conservation Law;

4703, by Senator DeFrancisco, an act to amend the Tax Law;

4865, by Senator McGee, an act to amend the Mental Hygiene Law;

4993, by Senator Flanagan, an act to amend the Tax Law;

5071A, by Senator Leibell, an act to amend the Real Property Tax Law;

5088, by Senator Fuschillo, an act to amend the General Business Law;

5154, by Senator Little, an act to amend the General Business Law;

5155, by Senator Robach, an act to amend the General Business Law;

5245, by Senator Rath, an act to amend the Family Court Act;

5289, by Senator Johnson, an act to amend the County Law;

5394A, by Senator Paterson, an act to establish;

5516A, by Senator Golden, an act to amend Chapter 154 of the Laws of 1921;

5541, by Senator Morahan, an act to amend the Election Law;

5579, by Senator Wright, an act authorizing;

5586, by Senator Marcellino, an act

to amend the Tax Law;

5589, by Senator Velella, an act to amend the Labor Law;

5591, by Senator Velella, an act to amend the Labor Law;

5592, by Senator Golden, an act to amend the Real Property Tax Law;

5596, by Senator Johnson, an act to amend the Penal Law;

5608, by Senator Maziarz, an act to amend the Parks, Recreation and Historic Preservation Law;

5610, by the Senate Committee on Rules, an act to amend the Tax Law;

5615A, by the Senate Committee on Rules, an act to amend the Education Law;

5617, by Senator Morahan, an act to amend the Election Law;

5620, by Senator LaValle, an act to amend the Vehicle and Traffic Law;

5621, by Senator LaValle, an act to amend the Education Law;

5624, by Senator Velella, an act to amend the Workers' Compensation Law;

5632, by Senator Fuschillo, an act

in relation to legalizing;

5635, by Senator Little, an act to amend the Environmental Conservation Law;

5640, by the Senate Committee on Rules, an act to amend the Civil Practice Law and Rules;

5642, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

5647, by Senator Velella, an act to amend the Labor Law;

5650, by Senator Marchi, an act to amend the Private Housing Finance Law;

5651, by Senator Maltese, an act to amend the Education Law;

And Senate Print 5675, 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: Madam President, I move that we accept the report of the Rules Committee.

ACTING PRESIDENT McGEE: All in

favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The report is accepted.

Senator Morahan.

SENATOR MORAHAN: I wonder if we could take up Calendar 1543 at this time, Madam President.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1543, by the Senate Committee on Rules, Senate Print Number 5675, 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: I move that we accept the message of necessity.

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.

Read the last section.

SENATOR SCHNEIDERMAN: Explanation.

THE SECRETARY: Section 7. This act shall --

ACTING PRESIDENT McGEE: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

The extender is to extend the rent control bills -- I apologize, Madam President.

The bill before us is an extender for one day, 24 hours, so that we can extend the present rent laws that exist today in the City and the State of New York.

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Madam President, I would just like to make a comment on this bill.

It says that the act shall take effect immediately and shall remain in full force and effect until and including the 19th day of June. And that is officially Juneteenth, a Texas holiday celebrating the freedom of African slaves in the state of Texas. It is the day that is celebrated as Liberty Day.

And I hope that it means that the tenants of our state will be able to celebrate Juneteenth appropriately tomorrow.

Thank you.

ACTING PRESIDENT McGEE: Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I believe there's an amendment at the desk. And I'd like to move to waive its reading and ask to be heard on the amendment.

ACTING PRESIDENT McGEE: Please speak on the amendment.

SENATOR LIZ KRUEGER: Thank you,

Madam President.

Well, surprisingly, it's the same amendments on the same bill three days in a row. I know you're shocked.

But I thought tonight I would talk about some of the real impact that we're having throughout the state and New York City because we continue to fail to do the job we should be doing here in the Legislature.

When New York City and State adopted high rent vacancy decontrols back in 1993 and '94, there was the allegation that this would only affect rich tenants in Manhattan. In fact, now ten years later, we see that throughout the City of New York and throughout Westchester County in areas that are affected and throughout Long Island in areas that are affected, units that were once affordable to the people who lived in those communities have now been decontrolled because they are renting for more than $2,000.

So in areas such as Long Beach and Rego Park and Long Island City, Fort Green, White Plains, to name just a few areas that are already being impacted and have been

impacted, people who lived in those communities have had to leave; apartments that were once affordable are now no longer affordable to anyone in those communities.

Every day that we fail to do what we should do in this house is another day where people are losing individually their apartment units and, in the bigger public policy perspective, those units are being lost to the universe of affordable housing for all New Yorkers.

Again, we should be passing the bill --

ACTING PRESIDENT McGEE: Excuse me, Senator.

SENATOR LIZ KRUEGER: Certainly.

ACTING PRESIDENT McGEE: Can we have some quiet, please, so you can hear your colleague speak.

SENATOR LIZ KRUEGER: Thank you.

We should be passing the bill that the Assembly passed in February, the bill that has been sponsored in this house by Senator Frank Padavan, 2954, a bill that would ensure that we continue to have tenant protections in

New York State, that we repeal vacancy decontrol provisions that have been so harmful throughout our state, that we address ensuring rent stabilization to Mitchell-Lama rental buildings and project-based Section 8 buildings whose landlords are talking them out of the subsidy programs and whose units are going to market rate rather than to a rent stabilized rate, and that we plug loopholes that were built into the '97 law that are one by one doing enormous harm.

And just to mention one such situation in my own district, I have a building with 23 units where the owner is drying to claim the need for personal use of all 23 units and evict the entire group of tenants in that building.

I urge that this house support my amendment and that we move forward with getting rent regulation done the right way tonight.

Thank you, Madam President.

ACTING PRESIDENT McGEE: All those in favor of the amendment please signify by raising their hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Brown, Diaz, Dilán, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Schneiderman, M. Smith, Stachowski, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I believe there's another amendment to this bill at the desk, and I move that we waive its reading and ask to be heard on that amendment.

ACTING PRESIDENT McGEE: You may speak on the amendment.

SENATOR LIZ KRUEGER: Thank you, Madam President.

My second amendment, no surprise to anyone, would be language identical to a bill sponsored by Senator Padavan, S3123, which would in fact repeal the Urstadt Law and allow cities of 1 million or more to establish their

own rent regulation laws and to provide more comprehensive coverage than that provided by state law.

Each day that goes by, it is more and more obvious to most New Yorkers that this house shouldn't be deciding about New York City housing policy and the future of rent regulation.

The emptiness of the chamber, the absence of, frankly, New York City Republican Senators from this room tonight to even discuss this issue or fight for their own communities is more evidence of why we should be repealing the Urstadt Law and that Albany should not be making determinations over issues that are so detrimental and so critical to the people of New York City.

So I hope that my colleagues might join me in supporting this amendment, which would repeal the Urstadt Law and basically give the City of New York and its elected officials the authority to determine its own future in housing policy for the people of New York.

Thank you, Madam President.

ACTING PRESIDENT McGEE: All the Senators in favor of the amendment please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Brown, Diaz, Dilán, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Lachman, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Schneiderman, M. Smith, and Stavisky.

ACTING PRESIDENT McGEE: The amendment is lost.

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 Morahan.

SENATOR MORAHAN: We're going to stand at ease for a few minutes pending the distribution of the bills that just came out of Rules.

(Whereupon, the Senate stood at ease at 7:35 p.m.)

(Whereupon, the Senate reconvened at 7:37 p.m.)

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Madam President, could we please pull up Calendar 1406, by Senator Stachowski, from the original Calendar 59.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1406, Senator Stachowski moves to discharge, from the Committee on Rules, Assembly Bill Number 8829 and substitute it for the identical Senate Bill Number 5421, Third Reading Calendar 1406.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1406, by the Assembly Committee on Rules, Assembly Print Number 8829, an act to amend Chapter 276 of the Laws of 1993.

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.

SENATOR MORAHAN: We'll stand at ease.

ACTING PRESIDENT McGEE: The Senate will stand at ease for a moment.

(Whereupon, the Senate stood at ease at 7:39 p.m.)

(Whereupon, the Senate reconvened at 7:40 p.m.)

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. Can we have the noncontroversial reading of 59B, Calendar 59B.

ACTING PRESIDENT McGEE: The

Secretary will read.

THE SECRETARY: Calendar Number 1498, by Senator Velella, Senate Print 115, an act to amend Chapter --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number 1500, by Senator Meier, Senate Print 1453, an act to authorize Oneida County.

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 1501, by Senator Kuhl, Senate Print 1977A, an act to amend the Environmental Conservation

Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 3. 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 Hoffmann recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1502, by Senator Robach, Senate Print 2178, an act to amend the Vehicle and Traffic Law, in relation to establishing.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. 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 1503, by the Senate Committee on Rules, Senate Print Number 3384, an act to amend the County 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: In relation to Calendar Number 1504, Senator Brown moves to discharge, from the Committee on Rules, Assembly Print Number 7922B and substitute it for the identical Senate Bill Number 3926B, Third Reading Calendar 1504.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1504, by the Assembly Committee on Rules, Assembly Print Number 7922B, an act to adjust certain state aid payments.

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 1505, by Senator Balboni, Senate Print 3941, an act to amend the Tax Law.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1506, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 7971 and substitute it for the identical Senate Bill Number 4014, Third Reading Calendar 1506.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1506, by the Assembly Committee on Rules, Assembly Print Number 7971, an act to amend the Real Property Actions and Proceedings 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: In relation to Calendar Number 1508, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8210 and substitute it for the identical Senate Bill Number 4329, Third Reading Calendar 1508.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1508, by the Assembly Committee on Rules, Assembly Print Number 8210, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 7. This act shall take effect January 1.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 1510, by Senator DeFrancisco, Senate Print 4703, an act to amend the Tax Law and the Administrative Code of the City of New York.

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 1511, by Senator McGee, Senate Print 4865, an act to amend the Mental Hygiene 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 1512, by Senator Flanagan, Senate Print 4993, an act to amend the Tax Law.

ACTING PRESIDENT McGEE: There is a local fiscal impact study at the desk.

Read the last section.

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

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 1513, by Senator Leibell, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill is laid aside.

THE SECRETARY: Calendar Number

1514, by Senator Fuschillo, Senate Print 5088, an act to amend the General Business Law.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 365th 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 1515, by Senator Little, Senate Print 5154, an act to amend the General Business Law.

ACTING PRESIDENT McGEE: Read the last section.

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

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 1516, by Senator Robach, Senate Print 5155, an act to amend the General Business Law.

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.

THE SECRETARY: Calendar Number 1517, by Senator Rath, Senate Print 5245, an act to amend the Family Court Act.

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 1518, by Senator Johnson, Senate Print 5289, an act to amend the County 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 1519, by Senator Paterson, Senate Print 5394A, an act to establish the date of commencement.

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

Read the last section.

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

ACTING PRESIDENT McGEE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1522, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 8840 and substitute it for the identical Senate Bill Number 5541, Third Reading Calendar 1522.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1522, by the Assembly Committee on Rules, Assembly Print Number 8840, an act to amend the Election Law.

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: In relation to Calendar Number 1527, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 8930A and substitute it for the identical Senate Bill Number 5592, Third Reading Calendar 1527.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1527, by the Assembly Committee on Rules, Assembly Print Number 8930A, an act to amend the Real Property Tax 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.)

ACTING PRESIDENT McGEE: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. I rise to explain my vote.

ACTING PRESIDENT McGEE: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

While I am voting for this bill, I just want to take the opportunity to rise and say what a shame that we are not using the opportunity tonight to be expanding the income levels for senior citizens who are renters and are low-income, rather than just property owners in the city of New York and in other areas of the state that are the options for the SCRIE program, Senior Citizen Rent Increase Exemption program.

While this bill increases to $24,000 the eligibility for exemptions from real estate taxes for owners who are 65 and older and allows them to deduct medical expenses from their income, in the SCRIE program in New York City we've been desperately trying to get an increase beyond $20,000, where there are no exemptions from income for medical expense deductions.

While I will not vote against this

bill, which would appear to not recognize the difficulties of elderly poor homeowners, nonetheless this house continues to fail to recognize the equally critical issues of elderly poor renters.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1528, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8999 and substitute it for the identical Senate Bill Number 5596, Third Reading Calendar 1528.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1528, by the Assembly Committee on Rules --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT McGEE: The bill

is laid aside.

THE SECRETARY: In relation to Calendar Number 1540, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 8261A and substitute it for the identical Senate Bill Number 5647, Third Reading Calendar 1540.

ACTING PRESIDENT McGEE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1540, by the Assembly Committee on Rules, Assembly Print Number 8261A, an act to amend the Labor 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.

Senator Morahan, that completes the

noncontroversial reading of Senate Supplemental Calendar 59B.

SENATOR MORAHAN: We will do the controversial reading of Calendar 59B, and I'd like to start with 1528.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1528, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8999, an act to amend the Penal Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR JOHNSON: Madam President, this bill refers to expanding a list of predicate offenses for criminal contempt in the first degree.

And right now, if you violate an order of protection and the first violation is a misdemeanor, and you commit a second act of contempt within five years, it becomes a felony, a Class E felony.

On the other hand, if your first

violation of an act of criminal contempt is a felony, then the second felony does not rise to the level of an enhanced penalty, such as if the first one were a misdemeanor.

Is that clear? Did you hear that?

ACTING PRESIDENT McGEE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, I was -- the sponsor's memo, Madam President --

ACTING PRESIDENT McGEE: Senator Montgomery, on the bill?

SENATOR MONTGOMERY: On the bill, yes.

ACTING PRESIDENT McGEE: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Thank you.

Madam President, the sponsor's memo says that the justification -- under justification for this bill, it says "Under current law, a person who commits criminal contempt by violating an order of protection may be charged with a Class E felony if the new act of contempt occurs within five years of a previous conviction."

Under this bill, the person -- the

commission of a prior criminal contempt would be counted as a predicate for -- in order to be charged with an enhanced penalty. So that over and above the law that we already have in place, this bill would essentially create a predicate offender for longer -- for a very long, indefinite period of time.

So I wanted to bring that to the attention of my colleagues. And I'm going to vote no on this bill.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 2. 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 Montgomery recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Madam

President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President. I request unanimous consent to be recorded in the negative on Calendar 1501.

ACTING PRESIDENT McGEE: Without objection.

Senator Libous.

SENATOR LIBOUS: Madam President, I request unanimous consent to be recorded in the negative on Calendar 1452.

ACTING PRESIDENT McGEE: Without objection.

Senator Duane.

SENATOR DUANE: I mean hello, Madam President. I'd like unanimous consent to be recorded in the negative on Calendar Number 1514, please.

ACTING PRESIDENT McGEE: Without objection.

Senator Saland.

SENATOR SALAND: Madam President, I request unanimous consent to be recorded in

the negative on Calendar 1501, Senate 1977A.

ACTING PRESIDENT McGEE: Without objection.

Senator Morahan.

SENATOR MORAHAN: Madam President, are there any substitutions at the desk?

ACTING PRESIDENT McGEE: Yes, there are.

The Secretary will read.

THE SECRETARY: On page 29, Senator Balboni moves to discharge, from the Committee on Rules, Assembly Bill Number 8146A and substitute it for the identical Senate Bill Number 4159A, Third Reading Calendar 820.

On page 36, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 4986 and substitute it for the identical Senate Bill Number 2658, Third Reading Calendar 942.

On page 38, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 6357B and substitute it for the identical Senate Bill Number 2661B, Third Reading Calendar 974.

And on page 42, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 7510B and substitute it for the identical Senate Bill Number 4696B, Third Reading Calendar 1211.

ACTING PRESIDENT McGEE: Substitutions ordered.

Senator Leibell.

SENATOR LEIBELL: Madam President, I'd like unanimous consent to be recorded in the negative on Calendar Number 1501.

ACTING PRESIDENT McGEE: Without objection.

SENATOR LEIBELL: Thank you.

ACTING PRESIDENT McGEE: Senator Little.

SENATOR LITTLE: Thank you, Madam President. I would like, by unanimous consent, to vote in the negative on 1501.

ACTING PRESIDENT McGEE: Without objection.

SENATOR LITTLE: Thank you.

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Madam President, we're going to stand at ease.

ACTING PRESIDENT McGEE: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 8:00 p.m.)

(Whereupon, the Senate reconvened at 8:02 p.m.)

ACTING PRESIDENT McGEE: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. There being no further business in front of the Senate at this time, we will adjourn until 10:00 a.m., Thursday, June 19th.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Thursday, June 19th, at 10:00 a.m.

(Whereupon, at 8:03 p.m., the Senate adjourned.)