NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 10, 2004

11:07 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this morning to give the invocation is Pastor Jeff Carpenter, from Friendship Baptist Church in Rome, New York.

PASTOR CARPENTER: Join your hearts with me, please, as we go to the Lord in prayer.

Our Father, we thank You for the opportunity to be here today. We thank You for the men and the women that You have raised up to help lead our state.

We pray that Thou would bless them today with wisdom and guidance as they meet and discuss various different things. We ask that Your leadership would be upon them.

God, we would pray for many of those that would be in this group of people

today that know Thee not as Savior, that they would come to know Thee, to know Thy son as the redeemer of their sin.

Father, we pray that You would bless them with wisdom, we pray that You would bless them with leadership abilities, leadership skills, we pray that You would bless them with courage to do right, to stand for right.

And, Lord, may You open their eyes and may they see every avenue of the things that they discuss throughout this session, that You would be glorified, Your son would be uplifted, that our nation and that our state would be a better place for the citizens here.

So bless everything that's said and done. May it bring glory to You, and may You be honored through it all. In Christ's name I pray, and with thanksgiving, amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, February 9, the Senate met pursuant to adjournment. The Journal of Sunday, February 8, was read and approved. On motion,

Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Kuhl, from the Committee on Transportation, reports the following bills:

Senate Print 689, by Senator Breslin, an act to amend the Canal Law;

697C, by Senator Seward, an act to amend the Vehicle and Traffic Law;

1390, by Senator Spano, an act to amend the Vehicle and Traffic Law;

3081, by Senator Larkin, an act to amend the Highway Law;

5863, by Senator Larkin, an act to amend the Vehicle and Traffic Law;

5934, by Senator Larkin, an act to amend the Highway Law;

And Senate Print 6021, by Senator

Skelos, an act to amend the Vehicle and Traffic Law.

Senator Rath, from the Committee on Children and Families, reports:

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

1682, by Senator Rath, an act in relation to directing;

4194, by Senator Maltese, an act to amend the Domestic Relations Law;

And Senate Print 5078, by Senator Rath, an act to amend the Social Services Law.

Senator Fuschillo, from the Committee on Consumer Protection, reports:

Senate Print 888A, by Senator Marcellino, an act to amend the General Business Law;

1388A, by Senator Volker, an act to amend the County Law;

4428A, by Senator LaValle, an act to amend the General Business Law;

6041, by Senator Fuschillo, an act to amend the General Business Law;

And Senate Print 6069, by Senator Fuschillo, an act to amend the General

Business Law.

Senator Hannon, from the Committee on Health, reports:

Senate Print 454, by Senator Hannon, an act to amend the Public Health Law;

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

3581, by Senator Flanagan, an act to amend the Public Health Law;

4016A, by Senator Hannon, an act to amend the Public Health Law;

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

5748, by Senator Golden, an act to amend the Public Health Law;

6001, by Senator Velella, an act to amend the Public Health Law;

And Senate Print 6036, by Senator Hannon, an act to amend the Public Health Law.

Senator Velella, from the Committee on Labor, reports:

Senate Print 93, by Senator Maltese, an act to amend the Labor Law;

200, by Senator Spano, an act to amend the Labor Law;

772, by Senator Marcellino, an act to amend the Labor Law;

2730A, by Senator Spano, an act to amend the Labor Law;

3194, by Senator Velella, an act to amend the Labor Law;

And Senate Print 4169, by Senator Velella, an act to amend the Workers' Compensation Law.

All bills ordered direct to third reading.

THE PRESIDENT: All bills ordered direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Please recognize Senator Wright first.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

On behalf of Senator Volker, on page number 18 I offer the following

amendments to Calendar Number 220, Senate Print Number 664, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR WRIGHT: Thank you, Madam President.

On behalf of Senator Skelos, on page number 12 I offer the following amendments to Calendar Number 142, Senate Print Number 1021, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR WRIGHT: On behalf of Senator Skelos, on page number 13 I offer the following amendments to Calendar Number 169, Senate Print Number 5135, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments

are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR WRIGHT: Thank you, Madam President.

THE PRESIDENT: You're welcome.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are substitutions at the desk. If we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 14, Senator Hoffmann moves to discharge, from the Committee on Agriculture, Assembly Bill Number 9437 and substitute it for the identical Senate Bill Number 6014, Third Reading Calendar 176.

And on page 18, Senator Kuhl moves to discharge, from the Committee on Codes, Assembly Bill Number 5412 and substitute it for the identical Senate Bill Number 4324, Third Reading Calendar 226.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar, with the exception of Resolution 3423.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolution 3423, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is so adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Resolution 3423, by Senator Johnson, have the title read, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Johnson, Legislative Resolution Number 3423, paying tribute to the life of former Suffolk County Legislator Maxine Postal.

THE PRESIDENT: The question is on the resolution. All in favor please

signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos, you wish to be heard?

SENATOR SKELOS: Senator Johnson would like to have that resolution opened up for sponsorship. If somebody wishes not to sponsor it, they could notify the desk.

THE PRESIDENT: Anyone who does not wish to be a sponsor of this resolution please notify the desk.

All in favor of the resolution again please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there are three privileged resolutions at the desk by Senator Saland. Can we have the

titles read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 3480, honoring Dr. Louis Nunez upon the occasion of his designation for special recognition by Our Lady of Lourdes High School on February 11, 2004.

By Senator Saland, Legislative Resolution Number 3481, honoring William J. Lavery, Jr., upon the occasion of his designation for special recognition by Our Lady of Lourdes High School on February 11, 2004.

And by Senator Saland, Legislative Resolution Number 3482, honoring Kathleen Norton McNulty upon the occasion of her designation for special recognition by Our Lady of Lourdes High School on February 11, 2004.

THE PRESIDENT: Senator Skelos, do you wish to be heard on the resolutions?

SENATOR SKELOS: If we can adopt

the resolutions at this time.

THE PRESIDENT: All in favor of adopting the three resolutions please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Veterans, Homeland Security and Military Affairs Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Veterans, Homeland Security and Military Affairs Committee in the Majority Conference Room.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution at the desk by Senator Paterson. Could we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator Paterson, Legislative Resolution Number 3483, honoring United Hospital Fund upon the auspicious occasion of its 125th Anniversary.

THE PRESIDENT: Senator Skelos, do you wish to be heard on the resolution?

SENATOR SKELOS: Please adopt the resolution.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, Resolution 3368, by Senator Libous, was adopted on February 3rd. Could we have it read in its entirety at this time, and then if you would recognize Senator Libous.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Libous, Legislative Resolution Number 3368, congratulating the Chenango Forks High School Football Team and Coach Kelsey Green upon the occasion of capturing the 2003 New York State Class B Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, The Chenango Forks High School Football Team are the 2003 New York State Class B Champions; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Kelsey Green and his team

of outstanding assistant coaches, skilled and inspirational tutors respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends, and the community at large; and

"WHEREAS, The hallmarks of the Chenango Forks High School Football Team, from the beginning of preseason to participation in the New York State Class B Championship game in the Carrier Dome, were a brotherhood of athletic ability, of good sportsmanship, of honor, and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably upon their school; and

"WHEREAS, Coach Kelsey Green and his dedicated staff have done a superb job of guiding, molding and inspiring the team

members toward their goals; and

"WHEREAS, sports competition instills the values of teamwork, pride and accomplishment, and Coach Kelsey Green and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition at Chenango Forks High School; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Chenango Forks High School Football Team, its members -- Tim Batty, Kevin Purce, Tim O'Branski, Ben Farnham, Matt Stephens, Jason Chier, Craig Lucas, Jon Florance, Jon Bomysoad, Tyler Spencer, Ben Collingwood, Joe Babcock, Brandon Nichols, Pat Hamlin, Nick Tarnowski, Joe Barrett, Brian Baxter, Joe Cipollina, Alex Williams, Rick Blaisure, Colin Gaynor, Adam Phoenix, Jon Preston, Chris Pease, Jake Vredenburgh, Luke Parga, Brad Watson, Brian Hall, David Griffith, Matt Faughnan, Steve Samson, Tim Holland, Randy Mills, Zach Vredenburgh, and Nick Swatko -- and Coach Kelsey Green on their outstanding season and overall team record;

and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Chenango Forks High School Football Team and to Coach Kelsey Green."

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President and my colleagues.

I am joined today by the Chenango Forks champions, state champions, and Coach Green. And I am particularly honored to stand before you today, gentlemen, and say congratulations on behalf of all of us in New York State and all my colleagues here in this chamber.

I never participated myself as part of a championship team. I was a wrestler in high school and actually played football, believe it or not, as small as I am, for a couple of years. And unfortunately, our teams barely made it on the field and off. But I do respect the training and the excellence that you've gone through.

Madam President, this team is rather special for a number of reasons. Coach

Green has led them a couple of times to the state championship game, unfortunately falling short two years in a row.

But this year was a little bit different. They started out their season back in August, they embarked on a quest to become state champs because, having been there twice before, they knew what it was like and they didn't want to give up.

Their quest ended in victory, but that victory was over a very difficult team from Rye, New York, on November 29th, the Blue Devils. They drove to the Syracuse University Dome, they took on this very highly ranked team. They also were undefeated, as the Blue Devils were.

And they met in a very, very difficult game, scoreless for three quarters. It was a grueling defensive battle. But then, as many good teams do, they took advantage of a couple of breaks. The Blue Devils then took advantage of a couple of fourth-quarter turnovers, converting a fumble recovery and an interception into two touchdowns.

We certainly want to give special

recognition to all of the team's members. But Tim Batty particularly, as quarterback and kicker for the team, you do stand out as an individual who has done great in the area of leadership.

Each and every individual on this team, through their coach, knew from preseason that they wanted to go to the championship game and they wanted to be victorious.

Madam President, this is also a very special day because one of our former colleagues is here in the chamber to join us, and that's the former leader of the State Assembly, and that's "Rapp" Rappleyea, who has two grandsons who are on this team, both Zach and Jake.

And, Rapp, I'm sure you're as proud as we are in this chamber, not only of your grandsons but of this entire team.

So on behalf of all the people of the Southern Tier and all the people of New York State, and my colleagues here today, gentlemen, congratulations on your state championship. We're very, very proud of you. And all I can say is from where I stand, we'll

get another one next year.

Thank you.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we ask for an immediate meeting of the Commerce Committee in the Majority Conference Room.

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

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there is a resolution at the desk by Senator Maziarz that was previously adopted. I would ask that it now be read in its entirety.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 3239, honoring Detective Lieutenant Scott Seekins upon the occasion of his designation as recipient of the National Lawman of the Year Award.

"WHEREAS, It is the sense of this Legislative Body to honor and pay tribute to those singular individuals who devote their purposeful lives to serving others, expressing highest regard for their unwavering dedication, courage and personal sacrifice in putting the safety and welfare of others before their personal comfort and needs; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to join with Parade magazine and the International Association of Chiefs of Police in honoring Detective Lieutenant Scott Seekins upon the occasion of his designation as recipient of the National Lawman of the Year Award. He was formally honored at the Association's Annual Convention in Philadelphia; and

"WHEREAS, Detective Lieutenant Scott Seekins, Lockport Police Department, is receiving this auspicious award for his courage and the heroic acts that he performed on February 9, 2003; and

"WHEREAS, During an early morning confrontation at the Village Mobile Home Park, Detective Lieutenant Scott Seekins warded off a gunman who had seriously wounded two of his colleagues; and

"WHEREAS, Detective Lieutenant Scott Seekins protected his colleagues by lying on the ground in front of them, shielding them from further harm. He repeatedly fired his service pistol at the gunman, ending the situation; and

"WHEREAS, It is appropriate to commend and recognize an outstanding law enforcement officer such as Detective Lieutenant Scott Seekins for his courage under fire as well as for his selfless act of protecting his fellow officers; and

"WHEREAS, As a result of his astute and gallant actions, Detective Lieutenant Scott Seekins saved the lives of two

colleagues; and

"WHEREAS, It is the sense of this Legislative Body that when an occasion of such consummate heroism is brought to our attention, the same should be memorialized by us for the edification and emulation of others; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Detective Lieutenant Scott Seekins upon the occasion of his designation as recipient of the National Lawman of the Year Award; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Detective Lieutenant Scott Seekins."

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

It's with a great deal of pride that I rise today. I think it's an honor for New York to have the National Lawman of the Year. And it is a particular honor for me and for the constituency that I represent in Niagara County and the City of Lockport to

have that officer a member of the Lockport Police Department.

Madam President, almost one year ago to the day, Detective Lieutenant Seekins probably saved the lives of two of his fellow police officers and ended up taking an extremely dangerous individual off the streets of Lockport and Niagara County and probably saved the lives of many other individuals through his heroism on that dark night on February the 9th of 2003.

It is a great honor, as I said, for me to introduce to you Detective Lieutenant Scott Seekins, named by the International Association of Chiefs of Police and Parade magazine, one of the widest-read magazines in the country, as the Officer of the Year.

Detective Lieutenant Seekins.

(Applause.)

SENATOR MAZIARZ: I would also, Madam President, like to acknowledge the detective's wife, Anne, and his daughter, Kelly, who are here today, and also the chief of the Lockport City Police Department, Chief Neil Merritt, his wife, Beth, and their

daughter, Ashley, and ask that this resolution be put forth before the entire Senate.

Thank you, Madam President.

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

Senator Bruno.

SENATOR BRUNO: Madam President, thank you, and Senator Maziarz.

Lieutenant Seekins, Anne, Kelly, I really just want to add my congratulations and our gratitude to you and the people that you represent and that you personify in uniform, getting up every day, being out there, never knowing what to expect in your daily lives, and being willing to put your life on the line for fellow officers, fellow citizens, innocent people, victims. So we're indebted to you.

And, Senator Maziarz, thank you for inviting Lieutenant Seekins.

The resolution that we passed here is passed -- while we sometimes get casual with some of these, this is not a casual thing. This resolution is numbered, becomes part of the history of this state. So your

children and your grandchildren, years from now, could look up this resolution, like you look up any law, and everything that you heard described is part of the records and history of New York State.

So I add my congratulations. And we are indebted to you and to all of the people who serve with you throughout New York State and in the United States.

Thank you.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, may we at this time return to messages from the Assembly.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On motion of Senator Bruno, the Rules were suspended and said bill ordered to a third reading:

Calendar Number 246, by the Assembly Committee on Rules, Assembly Print Number 9712A, an act to amend the Tax Law, in relation to providing a method of disposing of net collections.

SENATOR BRUNO: Is there a

message of necessity at the desk?

THE PRESIDENT: Without objection, first, direct to third reading.

Yes, there is, Senator.

SENATOR BRUNO: Thank you. I move to accept the message.

THE PRESIDENT: All in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the

noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 57, by Senator Leibell, Senate Print 4839, an act to amend the Cooperative Corporations Law, in relation to the formation of cooperatives.

SENATOR SAMPSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 93, by Senator Saland, Senate Print 216A, an act to authorize the City School District of the City of Poughkeepsie.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

153, by Senator Trunzo, Senate Print 990, an act to amend the Education Law, in relation to scholarships for academic excellence.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 176, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 9437, an act to amend the Agriculture and Markets Law, in relation to agricultural assessment.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 200, by Senator Balboni, Senate Print 3756, an act to amend the Real Property Law, in relation to requiring sellers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 227, by Senator Golden, Senate Print 5425A, an act to amend the Penal Law, in relation to endangering the welfare of a child.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

THE PRESIDENT: Senator Bruno, to

explain your vote.

SENATOR BRUNO: Madam President and colleagues, this is a bill that relates to the tragic loss of life of a 3-month-old little girl called Laura Mae, lived in Rensselaer County, died in a childcare center that was unlicensed, understaffed, 27 youngsters there.

And Laura Mae's father, Ken, is here; his wife, Wendy, was here; being supportive, recognizing that there isn't anything that's going to bring Laura Mae back, but this law, Laura Mae's, that we hope will become law, they are helping to protect other youngsters from injury or death.

And we just want to thank you, Ken and Wendy, your other two children, for your support to try and improve the quality of life for others.

Thank you, Madam President.

THE PRESIDENT: The Secretary will announce the results.

Senator Hassell-Thompson, to explain your vote first.

SENATOR HASSELL-THOMPSON: Thank

you. I thought I was becoming invisible over here.

Madam President, I too would like to explain my vote. And I would first lining to start by thanking the sponsor for including me on this bill.

As someone who for many years worked as a director of an infant daycare program, and who continues to be a staunch supporter of childcare and daycare programs across this state, I still continue to recognize the importance of having safety for our children.

When parents leave their children in the care of these facilities, they need to know that they are doing so with the understanding that care for their children is going to be the primary objective of these programs.

So as we caution and put laws into place to ensure this surety, we do so with the understanding that our children are truly -- it's more than rhetoric -- that children are truly more than our future, they are our present.

And I thank my colleagues for understanding the importance of this bill and including me as one of its sponsors.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can I ask for an immediate meeting of the Environmental Conservation Committee in the Majority Conference Room.

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

Senator Bruno.

SENATOR BRUNO: Can we continue with the calendar, Madam President.

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: Calendar Number 234, by Senator Kuhl, Senate Print 5742B, an act to amend the Education Law, in relation to

making certain technical corrections.

THE PRESIDENT: There is a local fiscal impact statement at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 243, by Senator Robach, Senate Print 5463C, an act to amend the Correction Law, in relation to closure of correctional facilities.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

244, by Senator Nozzolio, Senate Print 6085 --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 245, by Senator Wright, Senate Print 6086, an act to amend the State Finance Law, in relation to payment of a relocation allowance.

THE PRESIDENT: Read the last section.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR BRUNO: Thank you, Madam President. Can we at this time take up the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 57, by Senator Leibell, Senate Print 4839, an act to amend the Cooperative Corporations Law,

in relation to formation of cooperatives.

SENATOR SAMPSON: Explanation.

THE PRESIDENT: Senator Leibell, an explanation has been requested.

SENATOR LEIBELL: Yes, Madam President.

This bill would amend the Cooperative Corporations Law to establish a state program promoting the establishment of cooperatives to encourage alternate energy technologies and environmentally sound agricultural waste management programs by agricultural producers, in order to capture methane and other gases for the generation and use or sale of energy from agricultural waste products.

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

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: Senator Leibell does yield. You may proceed with a question, Senator.

SENATOR SAMPSON: Through you,

Madam President, I would like to ask the sponsor, would coal-bed extraction be used by these cooperative corporations?

SENATOR LEIBELL: I can't hear.

THE PRESIDENT: Senator Sampson, could you repeat your question for Senator Leibell? I don't think he heard you.

SENATOR SAMPSON: The question is, would coal-bed extractions be used by these cooperative corporations in extracting this methane gas?

SENATOR LEIBELL: Was the question concerning coal?

SENATOR SAMPSON: Yeah, coal-bed.

SENATOR LEIBELL: No, this is only for agricultural products, not coal.

SENATOR SAMPSON: Okay. No further questions.

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

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Nozzolio, Senate Print 6085, an act to repeal certain provisions of Article 12 of the Correction Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: To explain my vote, Madam President.

THE PRESIDENT: You may proceed.

SENATOR SCHNEIDERMAN: Thank you.

I realize that this legislation to eliminate local conditional-release

commissions comes to us in an expedited process. It is related to the tragedy Senator Bruno spoke about earlier today, and we all are in support of this legislation.

I would note that this is something that relates to a far larger problem in the criminal justice system, and a far larger problem in the context of the problem of the crisis of childcare in the state.

It would be good for us to take a more comprehensive look at a certain point, and I hope that the chair, Senator Nozzolio, and the sponsor, will consider taking a broader look at the issue of local correctional facilities.

We're going to do another bill now relating to employees of our correctional system. We have an overcrowded, poorly managed system in many respects. And I think that some sort of inquiries or inquiries into the issues that were supposedly being addressed, and apparently not being addressed adequately by these local commissions, would be called for.

Thank you, Madam President.

THE PRESIDENT: The bill again is passed.

And, Senator Schneiderman, you will be so recorded as voting in the affirmative on that bill.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 245, by Senator Wright, Senate Print 6086, an act to amend the State Finance Law, in relation to payment of a relocation allowance.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Madam President, briefly on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR SCHNEIDERMAN: This legislation, which provides a relocation allowance for certain reassigned employees of the Department of Correctional Services, I

think is a worthwhile endeavor.

I worked for several years in a correctional facility, between college and law school, and I know the stress that these positions cause. And I also know that there are substantial burdens borne by people who are reassigned within the system, frequently from facilities in one part of the state to facilities hundreds or even thousands of miles away.

However, this legislation, which I'm not sure is really going to become law this year, needs to be addressed in the context of an overall review of the budget. And I would urge my colleagues that if we really are serious about doing something about the crisis in our correctional system, that we take an overview of this, that we address it in the context of the budget.

I do not think any serious student of criminal justice believes that the needs of the system have been adequately addressed in the Governor's proposal. It's time for us to take a broader look at this problem.

I certainly support relocation

allowances for correctional services employees under these conditions, but it's time to take a broader look. And I think this kind of legislation really should be done in the context of the budget that we are proceeding to address over the next few weeks.

Thank you, Madam President. I vote yes.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President. To explain my vote.

THE PRESIDENT: You may proceed.

SENATOR WRIGHT: I appreciate the support of my colleagues on this particular piece of legislation, that it provides for the allocation of a stipend as a result of a transfer and, in this instance, forced transfers.

In my district there are over 1,400 correction officers, as well as professional and support employees of the corrections system, and in excess of 15 percent of those individuals will be required to transfer out of their current assignments without advance notice, disrupting their family, disrupting

the community, and having an adverse economic impact upon the region in excess of $7 million.

Were this a private-sector company making this kind of decision, everyone would be rushing trying to deal with the hemorrhaging that would occur and the adverse impact on the economy.

So I appreciate not only this bill but the previous bill, sponsored by my colleague Senator Robach, that requires a year's notice to employees and communities. That bill passed this house a year ago. Had it passed the Assembly, we wouldn't be facing these kind of difficulties today.

So I'm very pleased that the Senate has spoken in a loud voice, promptly addressing the issue in a bipartisan fashion.

Thank you, Madam President. I vote aye.

THE PRESIDENT: You will be so recorded, Senator Wright, as voting in the affirmative.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President.

There will be an immediate meeting of the Corporations Committee in the Majority Conference Room, followed by a Higher Education Committee meeting, which we'll call from the floor. We will then be taking the reports of the committees, do some housekeeping, and adjourn.

THE PRESIDENT: There will be an immediate meeting of the Corporations Committee in the Majority Conference Room, followed by a meeting of the Higher Education Committee. In the Majority Conference Room, Senator Skelos, also?

SENATOR SKELOS: Yes, Madam President.

THE PRESIDENT: The Senate will stand at ease.

Senator Skelos.

SENATOR SKELOS: Senator Wright wants to be recognized.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you very much, Madam President.

On behalf of Senator Golden, on page 17 I offer the following amendments to Calendar Number 209, Senate Print Number 6007, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR WRIGHT: Thank you.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:49 a.m.)

(Whereupon, the Senate reconvened at 11:50 a.m.)

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there are two reports at the desk at this time, if we could have them read.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Alesi, from the Committee on Commerce, Economic Development and Small Business, reports:

Senate Print 52, by Senator Padavan, an act to amend the State Administrative Procedure Act;

3820, by Senator Alesi, an act to amend the State Administrative Procedure Act and the Executive Law;

And Senate Print 5857, by Senator Maziarz, an act to amend the Alcoholic Beverage Control Law.

Senator Balboni, from the Committee on Veterans, Homeland Security and Military Affairs, reports:

Senate Print 1711, by Senator Rath, an act to amend the Penal Law;

4417A, by Senator Maziarz, an act

to amend the Military Law;

4744, by Senator Balboni, an act to amend the Executive Law;

4749, by Senator Balboni, an act to amend the Executive Law;

5159, by Senator Balboni, an act to amend the Executive Law;

And Senate Print 5439, by Senator Balboni, an act to amend Chapter 15 of the Laws of 1998.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: All bills direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could stand at ease pending further reports to come in.

ACTING PRESIDENT McGEE: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:52 a.m.)

(Whereupon, the Senate reconvened at 12:00 p.m.)

ACTING PRESIDENT McGEE: Senator

Skelos.

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

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

SENATOR SKELOS: And then if we could return to reports of standing committees.

I believe there's one report right now at the desk, if we could have that read.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Marcellino, from the Committee on Environmental Conservation, reports:

Senate Print 883, by Senator Marcellino, an act to amend the Environmental Conservation Law;

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

1966, by Senator Larkin, an act to

amend the Environmental Conservation Law;

2326B, by Senator Volker, an act to amend the Environmental Conservation Law;

2666, by Senator Padavan, an act to amend the Environmental Conservation Law;

And Senate Print 3430, by Senator Saland, an act to amend the Environmental Conservation Law.

Senator Leibell, from the Committee on Corporations, Authorities and Commissions reports:

Senate Print 3270A, by Senator Hoffmann, an act to amend Chapter 174 of the Laws of 1968;

3418A, by Senator Marchi, an act to amend the Not-for-Profit Corporation Law;

4340, by Senator Leibell, an act to amend the Not-For-Profit Corporation Law;

4715, by Senator Leibell, an act to amend the Business Corporation Law;

4885, by Senator Leibell, an act to amend the Waterfront Commission Act;

4886, by Senator Leibell, an act to amend the Waterfront Commission Act;

5147, by Senator Morahan, an act to

amend the Not-for-Profit Corporation Law;

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

5809, by Senator Balboni, an act to amend Chapter 672 of the Laws of 1993;

5902, by Senator Skelos, an act to amend the Limited Liability Company Law;

5967, by Senator DeFrancisco, an act to amend the Public Authorities Law;

And Senate Print 6023, by Senator Bruno, an act to amend the Public Authorities Law.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: All bills reported direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: There is no housekeeping at the desk.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Monday, February 23rd, at 3:00 p.m., intervening days

being legislative days.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until Monday, February 23rd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:04 p.m., the Senate adjourned.)