NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 15, 2004

3:12 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

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 afternoon to give the invocation is Reverend Ed Jones, from Faith Assembly of God in Poughkeepsie.

REVEREND JONES: Let's bow our heads in a word of prayer.

Gracious heavenly Father, we thank You for Your public servants. We thank You for the time and the effort that they've put into the community to make it a better place. We ask that You will give them wisdom and guidance in all of their deliberations.

We pray as well, Lord, that at the end of the day we will have done Your will, we will have accomplished Your purposes. For surely, Lord, Your will is good.

Now, be with us, guide us, direct

us, and may Your blessings be upon this meeting. And we pray all of this in the name of Jesus Christ.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 14, the Senate met pursuant to adjournment. The Journal of Sunday, June 13, 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.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I offer the following amendments to the following Third Reading Calendar bills:

Senator Marchi, page 12, Calendar Number 333, Senate Print 3299A;

Senator Bonacic, page 36, Calendar 1014, Senate Print 6231;

Senator Maziarz, page 38, Calendar Number 1059, Senate Print 510B;

Senator Rath, on page 51, Calendar Number 1305, Senate Print 7000;

Senator Skelos, on page 59, Calendar Number 1472, Senate Print 5823A;

Senator Alesi, on page 25, Calendar Number 782, Senate Print 471;

Senator Kuhl, on page 48, Calendar Number 1252, Senate Print 7228;

Also for Senator Kuhl, page 48, Calendar Number 1254, Senate Print 7267;

For Senator Kuhl, on page 53, Calendar 1344, Senate Print 6473;

On behalf of myself, on page 55, Calendar 1371, Senate Print 7127;

Also on behalf of myself, for page 38, Calendar Number 1058, Senate Print 6470.

Madam President, I move that these

bills retain their place on the Third Reading Calendar.

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

Senator McGee.

SENATOR McGEE: Madam President, on behalf of Senator Kuhl, I wish to call up his bill, Print Number 6328, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 651, by Senator Kuhl, Senate Print 6328, an act to authorize the County of Chemung.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

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

THE PRESIDENT: The amendments

are received.

SENATOR McGEE: Mr. President.

ACTING PRESIDENT MORAHAN: Senator McGee.

SENATOR McGEE: On behalf of Senator Spano, I wish to call up his bill, Print Number 5236A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 122, by Senator Spano, Senate Print 5236A, an act to amend the Vehicle and Traffic Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

ACTING PRESIDENT MORAHAN: The amendments are received.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator Hoffmann, I wish to call up her bill, Print Number 173, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 987, by Senator Hoffmann, Senate Print 173, an act to amend the Vehicle and Traffic Law.

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

ACTING PRESIDENT MORAHAN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

ACTING PRESIDENT MORAHAN: The

amendments are received.

SENATOR MEIER: Mr. President, on behalf of Senator Fuschillo, I wish to call up his bill, Senate Print Number 7108, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 1359, by Senator Fuschillo, Senate Print 7108, an act to authorize.

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

ACTING PRESIDENT MORAHAN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

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

ACTING PRESIDENT MORAHAN: The amendments are received.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT MORAHAN: Yes, sir.

The Secretary will read.

THE SECRETARY: On page 6, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 855A and substitute it for the identical Senate Bill Number 432A, Third Reading Calendar 137.

On page 7, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8586A and substitute it for the identical Senate Bill Number 5172A, Third Reading Calendar 173.

On page 16, Senator Wright moves to discharge, from the Committee on Rules, Assembly Bill Number 9495A and substitute it for the identical Senate Bill Number 1528A, Third Reading Calendar 454.

On page 21, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 9415A and substitute it for the identical Senate Bill Number 5929A, Third Reading Calendar 646.

On page 21, Senator Fuschillo moves to discharge, from the Committee on Rules,

Assembly Bill Number 9414A and substitute it for the identical Senate Bill Number 5930A, Third Reading Calendar 647.

On page 30, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 10887 and substitute it for the identical Senate Bill Number 6503A, Third Reading Calendar 912.

On page 31, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10115C and substitute it for the identical Senate Bill Number 6016B, Third Reading Calendar 934.

On page 37, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 7502A and substitute it for the identical Senate Bill Number 4253A, Third Reading Calendar 1035.

On page 40, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9681A and substitute it for the identical Senate Bill Number 6081A, Third Reading Calendar 1082.

On page 43, Senator Bonacic moves to discharge, from the Committee on Rules,

Assembly Bill Number 10165 and substitute it for the identical Senate Bill Number 6343, Third Reading Calendar 1162.

On page 45, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11306A and substitute it for the identical Senate Bill Number 6484A, Third Reading Calendar 1196.

On page 45, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11061 and substitute it for the identical Senate Bill Number 7003, Third Reading Calendar 1200.

On page 49, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 3995A and substitute it for the identical Senate Bill Number 1651A, Third Reading Calendar 1265.

On page 51, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 345A and substitute it for the identical Senate Bill Number 6689A, Third Reading Calendar 1308.

On page 62, Senator Meier moves to discharge, from the Committee on Local

Government, Assembly Bill Number 7250A and substitute it for the identical Senate Bill Number 4086A, Third Reading Calendar 1521.

On page 63, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 9206A and substitute it for the identical Senate Bill Number 7366, Third Reading Calendar 1535.

On page 63, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 11201 and substitute it for the identical Senate Bill Number 7418, Third Reading Calendar 1539.

And on page 64, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 11459 and substitute it for the identical Senate Bill Number 7444, Third Reading Calendar 1541.

ACTING PRESIDENT MORAHAN: Substitutions ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we please adopt the Resolution Calendar, with the exception of Resolution 5490.

ACTING PRESIDENT MORAHAN: All in favor of adopting the Resolution Calendar say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: Motion carried. The Resolution Calendar is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we have please have Senator Breslin's resolution, 5490, read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 5490, honoring Meredith C. Rose upon the occasion of her designation as the 2004 Albany Tulip Queen.

"WHEREAS, Individuals who give of their time and energies and serve the best interests of their communities are an asset beyond remuneration and cannot be sufficiently

extolled; and

"WHEREAS, Meredith Rose has given not only of her time and energies, but also of her competence, intelligence and leadership, and consequently has been designated for special honor; and

"WHEREAS, Attendant to such concern and in full accord with its long-standing traditions, it is the sense of this Legislative Body to honor Meredith C. Rose upon the occasion of her designation as the 2004 Albany Tulip Queen at the 56th Albany Tulip Festival, on May 7 through May 9, 2004, in Albany, New York; and

"WHEREAS, Chosen from 60 contestants, Meredith Rose was crowned the 2004 Albany Tulip Queen; and

"WHEREAS, One of Albany's oldest and most anticipated events is the annual Tulip Festival, which is set in the city's beautiful, historic Washington Park. Each year, this traditional event greets spring with tulips blooming in a myriad of colors and varieties. Thousands from the Capital District region and beyond come to the Tulip

Festival each year to celebrate Albany's rich Dutch heritage and to watch the festive crowning of the Albany Tulip Queen; and

"WHEREAS, Meredith Rose has been called upon to contribute her time and talents to countless civic and charitable endeavors, and has always given of herself unstintingly; and

"WHEREAS, Throughout the entire period of her community service, a period of constructive involvement, Meredith Rose has stood constant in dignity, good grace and humor; and

"WHEREAS, Meredith Rose graduated from Siena College in 2003 with bachelor of arts degrees in both political science and Spanish. She intends to pursue a master's degree in secondary education; and

"WHEREAS, Meredith Rose is a New York State employee who currently works in Minority Conference Services. Her career plans are to become a social studies teacher at the high school level, and during the summer consult for an organization which meets the needs of disadvantaged women and children;

and

"WHEREAS, Meredith Rose has volunteered for several organizations, including the Sunnyside Center, Equinox, Siena Research Institute, and Senior Services of Albany. For the next year, she will work at increasing the awareness of Albany Mayor Gerald Jennings' Literacy Campaign and coordinating a summer reading program; and.

"WHEREAS, Rare indeed is the impressive dedication shown by an individual for the benefit of others which Meredith Rose has displayed throughout her life; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Meredith C. Rose upon the occasion of her designation as the 2004 Albany Tulip Queen; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Meredith C. Rose."

ACTING PRESIDENT MORAHAN: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr.

President.

The Albany Tulip Festival is the most important social event in the Albany Capital District area each year. And we were thrilled this year to have Meredith Rose named as its Tulip Queen.

Now, the queens are chosen on their involvement in the community and their ability to help others. And Meredith Rose is a graduate of Siena College. More importantly, she's involved in our community, doing work with senior citizens, doing work with Equinox, involving herself with the disadvantaged, the disadvantaged women and children.

And she will spend the next year -- she will spend the next year working on literacy within our community. And she is an outstanding example of what a young person should be and is in this Capital District.

And I'm thrilled -- she's not aware of this, but I'm thrilled to announce to her that she is joined here today by her parents, who came up from Highland Falls -- her father is the comptroller for the athletic department at West Point -- Jill and Ed Rose, and her

godmother, from New Jersey, Ronnie Coffey.

So with that, I congratulate Meredith Rose on this fine honor and welcome her parents and her aunt.

(Applause.)

ACTING PRESIDENT MORAHAN: And now we can vote on the resolution. All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is carried.

Congratulations, Meredith Rose, and good luck to you in the future.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we please have the noncontroversial reading of the calendar.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 97, by Senator LaValle, Senate Print 2611A, an act to authorize payment to the Riverhead

Central School District.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 117, by Senator Kuhl, Senate Print 2974B, an act to amend the Vehicle and Traffic Law, in relation to permits.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 203, by Member of the Assembly Kaufman, Assembly Print Number 9833, an act to amend Chapter 455 of the Laws of 1997.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and Saland recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 306, by Member of the Assembly Paulin, Assembly Print Number 1448, an act to amend

the Arts and Cultural Affairs Law, in relation to the applicability.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 543, by Senator Padavan, Senate Print 5352, an act to amend the Administrative Code of the City of New York, in relation to authorizing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 544, by Senator Padavan, Senate Print 5353, an act to amend the Administrative Code of the City of New York, in relation to penalties.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 620, by Senator Maziarz, Senate Print 502, an act to amend the Penal Law, in relation to increased penalties.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Volker, Senate Print 4851, an act to amend --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 870, by Senator Maziarz, Senate Print 6597, an act to amend the Navigation Law, in relation to the requirement that persons under the age of 12 wear a personal flotation device.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 871, by Senator Maziarz, Senate Print 6598, an act to amend the Navigation Law, in relation to the charging of a fee.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Wright recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 973, by Senator Mendez, Senate Print 7152, an act to amend the Labor Law and the General Business Law, in relation to the standards of conduct.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1082, substituted earlier today by Member of the Assembly Lafayette, Assembly Print Number 9681A, an act to amend the General Business

Law, in relation to collateral loan brokers.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1112, by Senator Volker, Senate Print 1108, an act to --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 1245, by Senator Larkin, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The

bill is laid aside.

THE SECRETARY: Calendar Number 1275, by Senator Robach, Senate Print 3913A, an act to amend the Education Law, in relation to the inclusion of employer contributions.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect June 30.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1292, by Senator Robach, Senate Print 6703, an act to amend the Civil Service Law, in relation to the authority.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1293, by Senator Robach, Senate Print 6778, an act to amend the Retirement and Social Security Law, in relation to providing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1340, by Senator Morahan, Senate Print 6030, an act authorizing the discontinuance of certain parkland.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1367, by Senator Meier, Senate Print 7279A, an act to amend the Social Services Law, in relation to expanding education and training opportunities.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1368, by Member of the Assembly Lafayette, Assembly Print Number 9445, an act to amend Chapter 526 of the Laws of 1998.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1396, by Member of the Assembly Paulin, Assembly Print Number 9518, an act to amend the Public Officers Law, in relation to commencing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1432, by Senator --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1433, by Senator Padavan, Senate Print 531, an act to amend the Vehicle and Traffic Law, in

relation to prohibiting.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Duane and Meier recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Member of the Assembly Abbate, Assembly Print Number 2845, an act to amend the Retirement and Social Security Law, in relation to authorizing deductions.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1440, by Senator Nozzolio, Senate Print 3027, an act to amend the Real Property Tax Law, in relation to veterans' alternative exemption.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President,

can I have unanimous consent to be recorded in the negative on Number 1433.

ACTING PRESIDENT MORAHAN: Senator Libous will be recorded in the negative on 1433.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. I ask for unanimous consent to be recorded in the negative on Calendar Number 1433.

ACTING PRESIDENT MORAHAN: Senator Nozzolio will be recorded as a negative on 1433.

Senator McGee.

SENATOR McGEE: Mr. President, I wish to be recorded in the negative on Calendar Number 1433.

ACTING PRESIDENT MORAHAN: Senator McGee will be recorded in the negative on 1433.

Senator Spano.

SENATOR SPANO: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 203 and 1433.

ACTING PRESIDENT MORAHAN:

Senator Spano will be recorded in the negative on Calendar Number 203 and 1433.

And I think I'm going to read 1433. What is that?

(Laughter.)

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Seward.

SENATOR SEWARD: Yes, I likewise would like to be recorded in the negative on 1433.

ACTING PRESIDENT MORAHAN: Senator Seward will be recorded in the negative on 1433.

Senator Hoffmann.

SENATOR HOFFMANN: Likewise, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Hoffmann will likewise be recorded in the negative on 1433.

Senator Bonacic.

SENATOR BONACIC: Mr. President, I'd like unanimous consent to be recorded in the negative on 1433.

ACTING PRESIDENT MORAHAN:

Senator Bonacic will be recorded in the negative on 1433.

Senator Wright.

SENATOR WRIGHT: I request unanimous consent to be recorded in the negative on 1433.

ACTING PRESIDENT MORAHAN: Senator Wright will be recorded in the negative on 1433.

The Secretary will read.

THE SECRETARY: Calendar Number 1443, by Senator Kuhl, Senate Print 4720A, an act to amend the Private Housing Finance Law, in relation to housing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1446, by Senator Morahan, Senate Print 5827A, an act --

SENATOR SCHNEIDERMAN: Please lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 1452, by Senator Paterson, Senate Print 7040, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing the Heights Heritage Area.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1458, by Senator Volker, Senate Print 7345, an

act to amend the Criminal Procedure Law, in relation to final orders of protection.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1459, by the Assembly Committee on Rules, Assembly Print Number 11198, an act to amend the General Municipal Law, in relation to increasing the benefits.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1461, by Senator Kuhl, Senate Print 745A, an act to amend the Tax Law, in relation to agricultural property tax credit.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1462, by Senator Padavan, Senate Print 1337, an act to amend the General Business Law, in relation to requiring.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1464, by Senator Leibell, Senate Print 3496, an act to amend the Environmental Conservation Law and others, in relation to establishing a linked deposit.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 15. This act shall take effect on the 180th day.

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1465, by Senator Larkin, Senate Print 3784B, an act to amend the Penal Law, in relation to cemetery desecration.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1466, by the Assembly Committee on Rules, Assembly Print Number 9038, an act to amend the County Law, in relation to wireless communications service surcharge.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1467, by Member of the Assembly Calhoun, Assembly Print Number 5089A, an act to amend the County Law, in relation to authorizing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1491, by Senator Hannon, Senate Print 7061, an act to amend the Civil Practice Law and Rules, in relation to stipulation of settlement.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator McGee, Senate Print 7117, an act to amend the Real Property Tax Law, in relation to residential investment exemption.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1494, by the Assembly Committee on Rules, Assembly Print Number 10800, an act to amend the Civil Practice Law and Rules, in relation to the applicable statute.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1511, by Senator Leibell, Senate Print 7112, an act to amend the Executive Law, in relation to the payment of a fee.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1513, by Senator Oppenheimer, Senate Print 7324, an act to amend the Public Authorities Law, in relation to terminating.

ACTING PRESIDENT MORAHAN: There

is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1514, by Senator Padavan, Senate Print 7334, an act to amend the Civil Service Law, in relation to additional member contributions.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1515, by Senator Little, Senate Print 7351, an act to amend the County Law, in relation to authorizing.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1518, by Senator Seward, Senate Print 1897, an act to amend the Tax Law, in relation to exempting.

ACTING PRESIDENT MORAHAN: There is a local fiscal impact note 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 period.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1520, by Senator Flanagan, Senate Print 3580, an act to amend the Real Property Law, in relation to requiring.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1520 are Senators DeFrancisco, Duane, and Meier. Ayes, 56. Nays, 3.

ACTING PRESIDENT MORAHAN:

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'd just like to explain the no vote.

And the reason for the no vote is that there was a time when you did a real estate transaction where there was a purchase offer and ultimately a deed. Maybe it's dating myself, but now, with the amount of disclosures that are required, you need basically to fell a tree in order to put all the disclosures on every possible thing that could happen in a real estate transaction.

The problem with this particular one is that all it does, if I understand it correctly, is to notify people that are buying a house in every real estate transaction that there is such a thing as a sex registry.

Now, that's basically notifying

them of a law. I see no reason to burden every single real estate transaction to notify them of a law which has nothing to do with the real estate transaction.

Secondly, it might be a chilling effect on a transaction. People might believe that the reason for the notification is maybe there's a sex offender in the neighborhood when really there is not.

So I vote no for that reason. I think everyone should know by now and should know in other ways that there is such a registry. And it's important to know about it, but not to be disclosed in every real estate transaction.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

The bill is passed.

THE SECRETARY: Calendar Number 1521, substituted earlier today by Member of the Assembly Scozzafava, Assembly Print Number 7250A, an act to amend the Real Property Tax Law, in relation to providing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1524, by Senator Larkin, Senate Print 5526B, an act to amend the Real Property Tax Law, in relation to providing state assistance.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1525, by Senator Wright, Senate Print 5728A --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

SENATOR WRIGHT: Lay it aside for the day.

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1526, by Senator Kuhl, Senate Print 5889, an act to amend the Education Law, in relation to eligibility.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1527, by Senator Hannon, Senate Print 6511, an act to amend the New York State Medical Care Facilities Finance Agency Act, in relation to the ability to issue certain bonds and notes.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1528, by Senator Kuhl, Senate Print 6735, an act --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The

bill is laid aside.

THE SECRETARY: Calendar Number 1529, by Senator Rath, Senate Print 6741B, an act to amend the Social Services Law, in relation to requiring annual training.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Mr. President, can you lay aside for the day Calendar Number 1528.

ACTING PRESIDENT MORAHAN: Calendar 1528, by Senator Kuhl, is laid aside for the day.

The Secretary will read.

THE SECRETARY: Calendar Number 1530, by Senator LaValle, Senate Print 6871, an act to amend the Environmental Conservation Law, in relation to the protection.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1531, by Senator Hannon, Senate Print 6892, an act to amend the Vehicle and Traffic Law, in relation to creating the Navy League of the United States distinctive license plates.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1532, by Senator Wright, Senate Print 7244, an act to amend the Environmental Conservation Law, in relation to the issuance of deer management permits.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 2. Senators L. Krueger and Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1534, by Senator DeFrancisco, Senate Print 7360A, an act to amend the Executive Law, in relation to extending access.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1535, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 9206A, an act to amend the Education Law, in relation to parents.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1536, by Senator Seward, Senate Print 7401, an act to amend the Volunteer Ambulance Workers' Benefit Law and the Volunteer Firefighters' Benefit Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1538, by Senator Little, Senate Print 7412, an act to amend the General Municipal Law, in relation to agreements.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1539, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11201, an act to amend the Town Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1540, by Senator Balboni, Senate Print 7442, an act to amend the Criminal Procedure Law, in relation to federal police officers.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2004.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The

bill is passed.

THE SECRETARY: Calendar Number 1541, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11459 --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, will you recognize Senator Meier, please.

ACTING PRESIDENT MORAHAN: Senator Meier.

SENATOR MEIER: Thank you, Mr. President. And thank you, Senator Fuschillo.

Mr. President, I request unanimous consent to be recorded in the negative on Calendar 1245.

ACTING PRESIDENT MORAHAN: Senator Meier will be recorded in the negative on Calendar 1245.

Senator Little.

SENATOR LITTLE: Thank you, Mr.

President. I would request --

SENATOR FUSCHILLO: Mr. President, point of order. That bill has been laid aside.

ACTING PRESIDENT MORAHAN: Senator Meier, 1245, that bill had been laid aside.

SENATOR MEIER: Oh, I'm sorry.

ACTING PRESIDENT MORAHAN: That's all right. No need to be sorry.

Senator Little.

SENATOR LITTLE: Thank you. I request unanimous consent to be recorded in the negative on Calendar Bill 1462 and 1520.

ACTING PRESIDENT MORAHAN: Senator Little will be recorded in the negative on Calendar Number 1462 and 1520.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I request unanimous consent to be recorded in the negative on Calendar 1433 and Calendar 1520.

ACTING PRESIDENT MORAHAN: Senator Krueger will be recorded in the negative on Calendar Number 1433 and Calendar

Number 1520.

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

SENATOR FUSCHILLO: Thank you. May we now have the reading of the controversial calendar.

ACTING PRESIDENT MORAHAN: The Secretary will read.

SENATOR FUSCHILLO: Mr. President, please recognize Senator Montgomery.

ACTING PRESIDENT MORAHAN: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like to be recorded in the negative on Calendar 1520.

ACTING PRESIDENT BONACIC: Without objection.

The Secretary will read, please.

THE SECRETARY: Calendar Number 661, by Senator Volker, Senate Print 4851, an act to amend the Real Property Law and the Real Property --

SENATOR LIZ KRUEGER: Explanation.

SENATOR SCHNEIDERMAN: Explanation.

SENATOR FUSCHILLO: Lay it aside temporarily.

ACTING PRESIDENT BONACIC: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1112, by Senator Volker, Senate Print 1108, an act to amend --

SENATOR FUSCHILLO: Lay it aside temporarily.

ACTING PRESIDENT BONACIC: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1245, by Senator Larkin, Senate Print 6504A, an act to amend the Vehicle and Traffic Law and the Public Health Law.

ACTING PRESIDENT BONACIC: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I believe I have an amendment at the desk. I'd like to waive reading.

ACTING PRESIDENT BONACIC: The reading is waived, and, Senator Krueger, you can speak on the amendment.

SENATOR LIZ KRUEGER: Thank you very much, Mr. President.

So I read Senator Larkin's bill about assuring increased safety involving the use of skateboards, that I assume is primarily an issue in his district, but perhaps all over the state. And it raised to me the fact that a serious problem, particularly for those of us who live in urban areas, are the dangers of bicycles, particularly on our sidewalks, particularly used for carrying packages. Not unlike Senator Larkin's concerns of carrying bundles on skateboards.

In the case of my district, and I know much of New York City, we have delivery people carrying bundles, violating bicycle rules and the traffic patterns. They ride on the sidewalks, they ride in the opposite direction of traffic. And we have case after case of people, particularly senior citizens, who get hit by bicycles -- usually bicycles being operated by independent vendors working for restaurants.

And so this amendment, which is actually a bill that I have submitted, would

require that commercial bicycle operators and the businesses they are affiliated with must follow certain specific laws in the Administrative Code of the City of New York.

In my bill, which is now an amendment to Senator Larkin's bill, it would require that commercial cyclists who provide a delivery service for businesses, but not limited to those who are actually employed by the establishment, must be subject to the Administrative Code.

Right now, what we find is restaurants don't hire delivery people as employees, they view them almost as a contractor. And they don't have the same laws applied to these bike delivery people even when they violate the law.

So this would require that even those who are simply contract vendors, perhaps just for the day or the week, have to follow the law if they have been employed to make deliveries by bicycle.

It would also require that there be specific identification on the bike and the biker so that if the police stop someone from

violating the law while they're in the process of delivering a product, that there's actual identification that can be used by the police to provide tickets and to follow up on the violations.

It would also shift the ticketing structure from our criminal court system to -- in New York City, we have an Environmental Control Board. Because the truth is you don't want your criminal courts piled up with people having traffic tickets, so to speak, against them for violating the bicycle laws as delivery people. So it would move the law from court cases in criminal court to our Environmental Control Board in New York City.

And it would also hold the business accountable at a higher level, depending on the frequency with which a specific business's bicycle delivery people were fined for violating the law.

So if you have somebody who violates the law once, there's one level of ticket. If they're at their 15th or their 20th or their 30th violation of the law, that business can be held accountable at a higher

level in our court system.

This is fundamentally a public safety issue, particularly in crowded urban areas where we use so many bicycles for delivery.

I think that while it is clearly applicable to New York City, that many of my colleagues from other parts of the state, particularly other urban parts of the state, might agree that holding commercial properties liable when their employees and their hirees are hitting people in the process of doing work by using bikes to deliver things, that this would be a win for our communities.

It would discourage people from violating our laws. It would decrease the number of accidents we have where pedestrians, particularly older pedestrians, are in fact getting hit and harmed by bicycles. In New York City we have approximately two deaths per year from delivery bicycle people hitting and actually ending up killing pedestrians.

So I'm hoping that this makes sense as an amendment to the bill and that I can count on my colleagues' support.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Any other Senator wish to speak on the amendment?

Those Senators in agreement with the amendment, please signify by raising your hand.

THE SECRETARY: Those Senators recorded in agreement are Senators Breslin, Brown, Connor, Diaz, Dilán, Duane, L. Krueger, Montgomery, Onorato, Oppenheimer, Paterson, Sabini, Sampson, Schneiderman, A. Smith, M. Smith, and Stavisky.

ACTING PRESIDENT BONACIC: The amendment is lost.

Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1245 are Senators Farley, Meier, and Wright. Ayes, 56. Nays, 3.

ACTING PRESIDENT BONACIC: The

bill is passed.

THE SECRETARY: Calendar Number 1446, by Senator Morahan, Senate Print 5827A, an act to amend the Executive Law, in relation to requiring.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT BONACIC: Senator Morahan, an explanation has been asked on the bill.

SENATOR MORAHAN: Thank you, Mr. President.

This bill amends the Executive Law which would require the Division of Parole to issue a detailed report upon issuing a parole, granting a parole.

Right now, the law states that they have to issue one if they deny the parole. But there's no requirement to issue one if they grant the parole.

We had a situation in the lower section of the state where within three months a commission turned around its vote, two different commissioners on each panel, and the public was left to wonder why they granted the parole three months after they denied the

parole by two others.

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

ACTING PRESIDENT BONACIC: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I understand the reason that this legislation was introduced, relating to a particularly egregious case.

The problem I have with it is that this imposes a burden on a system that is already overburdened. We have thousands and thousands of people going before the parole boards. Their decisions to deny parole are appealable, which is why they have to do something in writing.

But a decision to -- imposing the additional burden that they're going to have to write an explanation as to why they grant parole for one inmate as opposed to another inmate, when a lot of the analysis is clearly somewhat subjective, is just imposing a burden on a system that's already working very, very poorly.

And, frankly, I have a concern that

it would make it -- by imposing this additional burden, it would make it less likely in some circumstances that the parole board would grant parole in circumstances when, without having to write a written explanation, it otherwise might grant parole.

I think we have a very serious problem with the parole system as it exists now as far as resources, as far as the functioning of the parole board and parole supervision. But adding an additional provision imposing a requirement for a written explanation every time they grant parole I think is unwarranted. I don't think it really addresses a problem.

I'm not sure what the point of it is. To embarrass somebody or to make it clear that there are contradictions in the system? I think those are better remedied by other forms of legislation.

So I will be voting no on this, Mr. President, and encouraging others to do likewise.

ACTING PRESIDENT BONACIC: Thank you, Senator Schneiderman.

Senator Duane.

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

I am going to respectfully disagree with my colleague on this side of the aisle and hope that he will change his vote.

ACTING PRESIDENT BONACIC: I'm shocked, sir.

Please continue.

SENATOR DUANE: Thank you, Mr. President.

And I'm hoping that my other colleagues on this side of the aisle who might be inclined to vote against this will also reconsider their position.

I support this bill, perhaps for different reasons than my esteemed colleague across the aisle who put this bill forward. But let's think this through for a moment.

First of all, I don't think the parole board will have any difficulty at all documenting why a particular incarcerated person deserves to be released. I think that they very readily have that knowledge and it would not be difficult for them to provide

that knowledge to the general public.

Now, as many of you know, and I've talked about this before, I've visited prisons across the state. And I believe that there are countless incarcerated people who deserve parole and have been being denied parole. And so I think that if the parole board is required to give the reasons why they are providing parole -- they have finished a program or several programs, their behavior in prison has been exemplary, et cetera -- if they have to put that information in writing, well, that will set up a scenario whereby many, many, many incarcerated people who have been denied parole will be able to receive parole if they have met the same criteria as those people who are receiving parole.

So if the parole board puts that on the record, then prisoners across the state, and their advocates, will be able to see what the criteria is for receiving parole and have a fair chance to be paroled.

So while I think my reasons for being in favor of this may be different from my colleague across the aisle, I'm hopeful

that we can unanimously pass this bill and give many, many more people who are incarcerated in our state the chance to receive parole.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Duane.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

I resolve just to join -- and this is one of the rare moments in my life when I will stand in front of you all and tell you that I am totally, 150 percent in favor and supporting Tom Duane in his position on this bill.

I congratulate Mr. Duane today for going in this way. And, ladies and gentlemen, I'm proud to support him and join him today.

Thank you very much.

ACTING PRESIDENT BONACIC: Thank you, Senator Diaz.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

As I've said on this floor many times, I have serious questions about how parole in this state operates, how the parole board operates. Not to revisit old scandals, but there were some not so many years ago, and people questioning why did that person get out. It's not obvious. The only thing that was obvious were certain connections. And I think the press and the legal justice system has explored it, to the penal detriment of some people who were at the parole board.

The fact is, though, I harken back to the days some twenty years ago when Senator Ted Kennedy, hardly a conservative ideologue, was advancing the idea in the federal system to end parole, have determinate sentences.

I've said on this floor before I would support a determinate sentence structure and abolish the parole board, provided we of course adjust the sentencing structure so that the penalties truly fit the crime and don't range anywhere between a couple of years to the rest of your life in prison. We need to adjust the sentencing structure, but I would certainly support abolishing parole.

Now I have a dilemma. I have to respect leadership here, and I have Senator Duane, who's the ranking member on Crime and Correction and on the Codes Committee, I have the utmost respect for him and his expertise. Because while we all have the legal right, every member of this body has a legal right to visit and enter into any prison in this state, I daresay few of us have bothered to do that.

But I know Senator Duane has done it numerous times. He has had, many years before he was in this body, involvement in these issues on the city level. So I have to defer to his expertise and his leadership on this as our conference's leader in this issue.

And therefore my dilemma is resolved; I will support his position and vote in favor of the bill.

ACTING PRESIDENT BONACIC: Thank you, Senator Connor.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, I rise because I must say I believe I have been persuaded by Senator Diaz's urging of support for this.

No, Senator Duane makes a point that I think is a point that I hadn't focused on. My concern is on a very practical level, of the lack of resources, the bad functioning of the parole board. And I think that Senator Morahan has indicated that this may be moved forward in a more limited format before it gets to the other house.

But in general, I must say the point is well taken that if we get things out in the open, we clarify what the standards are, that probably does help everyone.

So that having been said, and as I've had an interesting discussion about this, I am going to change my position on this, and I will also be supporting Senator Morahan's bill.

Thank you.

ACTING PRESIDENT BONACIC: Thank you, Senator Schneiderman.

Anyone else wishing to speak?

Please read the last section.

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

ACTING PRESIDENT BONACIC: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1541, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11459, an act to amend the General City Law, Chapter 772 of the Laws of 1966, relating to enabling.

SENATOR SCHNEIDERMAN: Explanation.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT BONACIC: An explanation has been asked for, Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

The bill before us deals with the Relocation and Employment Assistance Program, commonly referred to as REAP, which since 1996 has been an economic tool utilized by the City of New York to encourage businesses to move into the city, to relocate within the city to

areas where development is more desirable, jobs are more needed.

It provides for certain incentives to encourage that, with a certain formula that is used relative to, number one, how many new employees are created; number two, how much property has been redeveloped, and so on.

One of the changes in the existing law that's contained within this bill relates to Lower Manhattan. In an effort to stimulate development in Lower Manhattan since 9/11, the REAP program has been extended to that specific area.

Now, there's a great deal more in the bill in terms of extending the bill period for certain applications, to provide portability for businesses in the outer boroughs so that they may continue to receive REAP even if they move a second time, and things of that sort.

If you have a specific question, I'll be glad to try and answer it.

SENATOR CONNOR: Thank you, Mr. President.

ACTING PRESIDENT BONACIC:

Senator Connor.

SENATOR CONNOR: Will Senator Padavan yield for a question?

SENATOR PADAVAN: Yes.

SENATOR CONNOR: Thank you, Mr. President.

My question for Senator Padavan is, is it still the case that a business can qualify for REAP benefits by moving from Lower Manhattan to one of the outer boroughs?

SENATOR PADAVAN: The bill provides discretion to the mayor to reduce or even eliminate the REAP credit on the circumstances if, as you suggested, an eligible business decreases the number of jobs it maintains in the Lower Manhattan area by more than a hundred.

And so what we're trying to do is retain businesses in Lower Manhattan rather than losing them.

SENATOR CONNOR: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Connor, on the bill.

SENATOR CONNOR: I had done, last

night, a bit of research, because I considered -- since this is so important and Lower Manhattan is so important to me as the Senator who represents it, I had considered a somewhat lengthy exploration of the history of Lower Manhattan, its economy, its more recent development -- well, its early development, of course, as a residence area, and now its return to increased residential development.

The concern I have -- have had, and this bill addresses it, and so I appreciate my colleague's concern for Lower Manhattan, since there are no votes in it for him -- we are undergoing -- obviously, we've had difficult times since 9/11.

I fault the city, I fault the city for sending mixed messages. Once upon a time -- 1995, I believe it was -- I was the lead sponsor on the Lower Manhattan Redevelopment and Revitalization Act, together with my colleague in the Assembly, Assemblyman Silver. At that time we were facing vacancy rates in Lower Manhattan approaching 40 percent in commercial real estate.

One of the things that bill

permitted was it facilitated conversion of a lot of commercial space to residences. Indeed, when we got -- in the immediate aftermath of 9/11, we found many residents stranded because the federal FEMA officials just assumed it was all offices down there. At the time, there were 26,000 residents in Lower Manhattan -- without electricity, water, in dire straits. It literally took FEMA three or four days to realize that they had other than just a commercial office area disaster on their hands.

The mayor, subsequent to 9/11, announced that the future of Lower Manhattan will increasingly lie in residential development, and Lower Manhattan will grow as a residential neighborhood. It already has significant residential development in Battery Park City, as well as redeveloped office space from Chamber Street down, if you call that Lower Manhattan.

I say that because you have TriBeCa. But that's no longer in question what kind of area that is. Most expensive residential area to live in New York City,

probably in New York State. And it didn't exist as a neighborhood 25 years ago.

The quarrel I have with the city is they're rushing pell-mell into residential redevelopment in Lower Manhattan without providing the infrastructure of residential neighborhoods. Where are the new schools on the books? Where are the new parks in planning? Where are the libraries?

There were battles in TriBeCa a few years ago -- 10, 12 years ago -- to get a library, to get a park, to get an intermediate school, to get a lower school, an elementary school. But now residents have moved further downtown.

And some of the people involved in the residential development will say to me: Well, our target population are, you know, heavily single people, upper-middle class to wealthy people. The rents are pretty stiff. And, you know, we attract a with-it single crowd.

Well, certainly some of those with-it single people, by the laws of nature -- or adoption, where appropriate --

end up a few years later wheeling those little carriages around. And, look, I was once -- it didn't occur to me before I had kids to ask where's the school, what are we doing. That was many years ago. All of a sudden they say: Oh, well, yes, you know, what a cute little baby. How old is he or she? Nine months old. Oh. And they say: By the way, where's the school here? There isn't any.

And, you know, once that child climbs out of the baby carriage, the stroller, which doesn't take too long, and wants to kick a ball and then throw a ball, they find out there's nowhere to do that but in the concrete canyons of Lower Manhattan.

And the answer you get back -- because I've tried to bring about, in a particular case, a place for a high school down there to have -- the high school my son goes to, hundredth anniversary next year of the high school and its football program, the oldest high school football program in America, we believe. Never, ever, ever has it had a field or a place to practice. They have to get on buses and traipse -- spend literally

an hour a day or more on a bus to get to some park where they're not guaranteed practice space.

This is how we in New York City, in Manhattan, treat our children. And that high school is supposed to be the pride of the whole state. It has more Intel winners every year than any other high school in America.

But we can't provide them anywhere to have gym classes outdoors, to have any kind of their -- the girls' and boys' baseball and softball teams have to take subways all the way up to Central Park for a practice. The track team has to go to 165th Street from Chamber Street to practice track.

And all I get back from the City of New York is: Well, land's too valuable down there.

And I raise this because I just testified Monday, I believe -- I submitted testimony to the City Planning Commission on a city-owned piece of land. The city owns it. The public owns it. And it's -- the proposal is for a private developer. It was originally supposed to be for commercial space. Who are

we kidding? There's not the demand for commercial space in Lower Manhattan that there once was. So now residential development.

Why are we taking one of the few pieces of publicly owned land and giving it over to development? The city wants the bucks. What about all those kids? They are now -- by the way, this piece of land is adjacent to an intermediate school that has no field. It's across the street from a lower school, an elementary school that has no field or playground except a little patch of asphalt, and is diagonally across the street from Stuyvesant High School, with 3,200 kids who are supposed to be our best and brightest who have nowhere to play, nowhere to play softball, baseball, soccer, football, whatever their sports program has.

So I fault the city -- and I know the city wants this bill -- I fault the city for a lack of vision. A lack of vision. If you're really planning a Lower Manhattan for increased residential use, you have to meet this demand. Or else you will get an unstable community for wealthy younger or older people.

And those younger people, when they have families, will go where the fields are. They'll go where the schools are. They'll go where the amenities are. They'll go to New Jersey.

And the State of New York and the City of New York can kiss their taxes goodbye, can kiss that whole taxpaying base goodbye -- that we, by subsidies and by giving over to developers public land, have in effect subsidized their living there, and now we lose the benefit of it. The benefit being a stable community with good taxpaying residents who support our city financially and otherwise and who build the spirit of New York.

I'm going to vote for this bill because I've also been annoyed at some examples in the past couple of years where the city in effect seemed to be -- in one case, the state; in one case the state removed state agency employees from Lower Manhattan to put them somewhere else. Even as the state was saying we have all these incentive programs to attract businesses to Lower Manhattan, they pulled out state agency employees, moved them

to midtown Manhattan.

I appreciate that there's some flexibility here, because in attracting businesses back to Lower Manhattan or into Lower Manhattan, they are now all aware of something that a lot of them didn't focus on in the past, and that is the need to disperse their operations.

And believe me, the other half of my district, in Brooklyn, has been benefitting from all sorts of development initiatives that are clearly targeted for meeting this need for dispersal of operations in the event, God forbid, there's ever another incident such as 9/11.

But I do appreciate my colleague's concern for sponsoring a bill that has such an impact on my district. And were I feeling more energetic today, I would just go on and on and on and on, and on and on and on, about the benefits of Lower Manhattan.

But that said, I will vote for the legislation.

ACTING PRESIDENT MORAHAN: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I just want to speak very briefly on this legislation.

It also impacts my district and my borough, my county. And I want to say that we -- while we have been rushing, over the years, or at least moving consistently to create programs that provide incentives for economic development projects, supposedly that create jobs, that bring jobs, new jobs hopefully to areas, we consistently find ourselves being very generous to the community that does the development.

But we're not willing and we don't come up with programs that assist the communities that are being developed to also be able to compete and to create jobs as a community, while we provide subsidies for these large corporations that we say, and they say, they promise, that are going to create jobs.

We know that our experience has been that they don't do that. Developers come in, they bring in corporations, they bring in anchor tenants, in my experience, that in fact

create few if any new employment opportunities and especially employment opportunities for the communities that they relocate to.

So I think that we need to think through this process much more carefully. And we also need more planning. I think the issues raised by Senator Connor are critical, that we have incentives for relocation and development in the outer boroughs without any planning for what that development means to new communities.

So, for instance, we have a proposal to bring 4500 new apartments in a very large complex, with commercial and with a stadium, with a dozen or more tall buildings, up to 60 stories, in a neighborhood that is essentially a brownstone neighborhood all around it.

No planning for additional supportive infrastructure that will be required. No planning for additional schools that will be required or other amenities that we are going to need for families, new families moving in. Or no consideration for the context of the neighborhood that these

buildings are being planned for.

This is the kind of development that we encourage when we have programs like this that provide incentive and support for this kind of development, especially in the outer boroughs. But now Senator Connor is talking even in Lower Manhattan.

These are issues that we need to have addressed. Those of us who represent these areas, who are familiar and understand what the needs are, we want to know what this -- that these issues are going to be part of the support and part of the program as we subsidize this kind of development.

So unlike Senator Connor, I am going to vote no on this legislation because I want to be on record as being in opposition to this process.

We should not continue to support corporations, developers who don't essentially make economic development a reality for the communities that we are supposed to represent. They make money for people who don't live in our districts; they do not support amenities that we need to make the quality of life for

our constituents better.

So we need to rethink this process and not continue to support it. I vote no.

ACTING PRESIDENT MORAHAN: Senator Montgomery will be recorded in the negative.

Senator Padavan.

SENATOR PADAVAN: Without belaboring the discussion of this bill, I would simply rise to attempt to place the concerns expressed by Senator Montgomery in the proper context.

I have no illusions about changing your vote, but at the same time I do want you to understand that what you said, in part, is in error.

In the first place, these aren't just large corporations. It's a small business. It could be anything that relocates from one area to your district, which has high unemployment, which I'm sure you would acknowledge. Not a large corporation, a small business of 10, 15, 20 people, and will have to hire more people in order to justify the benefits they would receive under REAP. That

provides an opportunity for local employment.

There's nothing in this bill that in any way, shape or form is adverse to local zoning, local planning, or any other protection that residential communities have and are entitled to in the City of New York, including the building code, the zoning resolution, the city planning map. You could go on and on.

So in encouraging businesses to come into areas where there's underemployment, underdevelopment, by giving them certain incentives is of benefit to everyone and certainly doesn't hurt anyone.

Now, I will not quarrel with Senator Connor's observations about the need for amenities such as schools and parks for areas where there is housing being developed. But this bill has absolutely nothing to do with that.

There's nothing in the REAP legislation one way or the other that deals with the development of housing, whether it's in Battery Park City or any other part of the City of New York. So we are, in that sense,

we're putting apples and oranges.

But again, Senator Montgomery, I would suggest to you that in the parts of the city such as districts that you represent and you've described to us on many, many occasions, this can only be a plus, not a negative.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Hoffmann.

SENATOR HOFFMANN: Yes, Mr. President, I request unanimous consent to be recorded in the negative on Calendar 1245,

passed earlier today.

ACTING PRESIDENT MORAHAN: Senator Hoffmann will be recorded in the negative on 1245.

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT MORAHAN: Senator Little.

SENATOR LITTLE: Thank you, Mr. President. I would request unanimous consent to be recorded in the negative on Calendar Number 1245.

ACTING PRESIDENT MORAHAN: Without objection, Senator Little will be recorded in the negative on Calendar Number 1245.

Senator Connor.

SENATOR CONNOR: Yes, Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1292.

ACTING PRESIDENT MORAHAN: Senator Connor will be recorded in the negative on Calendar 1292.

Senator Marcellino.

SENATOR MARCELLINO: Thank you,

Mr. President. Can we lay aside for the day Calendar Number 661 and Calendar Number 1112.

ACTING PRESIDENT MORAHAN: Those bills are laid aside for the day.

SENATOR MARCELLINO: And can we also call an immediate meeting of the Rules Committee in the Majority Conference Room.

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

SENATOR MARCELLINO: The Senate will stand at ease, please, pending the report of the Rules Committee.

ACTING PRESIDENT MORAHAN: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 4:41 p.m.)

(Whereupon, the Senate reconvened at 4:56 p.m.)

ACTING PRESIDENT MORAHAN: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is.

SENATOR MARCELLINO: Please clean the house.

ACTING PRESIDENT MORAHAN: Senator Seward.

SENATOR SEWARD: Mr. President, on page number 54 I offer the following amendments to Calendar Number 1370, Senate Print Number 6868A, and ask that the bill retain its place on the Third Reading Calendar.

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

SENATOR SEWARD: And, Mr. President, on behalf of Senator LaValle, I wish to call up Calendar Number 922, Assembly Print Number 7143.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 922, by Member of the Assembly Canestrari, Assembly Print Number 7143, an act to amend

the Education Law.

SENATOR SEWARD: I now move to reconsider the vote by which this Assembly bill was substituted for Senator LaValle's bill, Print Number 289, on May 3rd.

ACTING PRESIDENT MORAHAN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR SEWARD: Mr. President, I now move that Assembly Bill Number 7143 be committed to the Committee on Rules and Senator LaValle's Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT MORAHAN: So ordered.

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

ACTING PRESIDENT MORAHAN: The amendments are received.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT MORAHAN: You're welcome.

SENATOR MARCELLINO: Mr. President, will you recognize Senator LaValle,

please.

ACTING PRESIDENT MORAHAN: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President. May I have unanimous consent to be recorded in the negative on Calendar Number 1491.

ACTING PRESIDENT MORAHAN: Senator LaValle will be recorded in the negative on 1491.

Senator Parker.

SENATOR PARKER: Mr. President, I'd like to request unanimous consent to be recorded in the negative on Calendar Number 1433.

ACTING PRESIDENT MORAHAN: Without objection, Senator Parker will be recorded in the negative on Calendar 1433.

Senator Marcellino.

SENATOR MARCELLINO: Can we return to the reports of standing committees.

I believe you have a report of the Rules Committee at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

Senate Print 1266, by Senator Meier, an act to amend the Family Court Act;

3106, by Senator Meier, an act to amend the General Municipal Law;

3885, by Senator Robach, an act to amend the Civil Service Law;

5549, by Senator Oppenheimer, an act authorizing;

5953, by Senator Bonacic, an act to amend the Education Law;

6297A, by Senator Golden, an act in relation;

6319A, by Senator Fuschillo, an act to authorize;

6531, by Senator Hoffmann, an act to amend the Tax Law;

6618, by Senator Robach, an act to amend the Tax Law;

6963, by Senator Meier, an act to amend the Real Property Tax Law;

6964B, by Senator Meier, an act to amend the Real Property Tax Law;

6966, by Senator Meier, an act in relation;

6999, by Senator Padavan, an act to amend;

7208A, by Senator Volker, an act to amend the Criminal Procedure Law;

7321A, by Senator Wright, an act to amend the Penal Law;

7417, by Senator Nozzolio, an act to amend the Criminal Procedure Law;

7421, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

7426, by Senator McGee, an act to authorize;

7438, by Senator Bonacic, an act to amend the Private Housing Finance Law;

7450, by Senator Flanagan, an act to amend Chapter 193 of the Laws of 2001;

7456, by Senator Nozzolio, an act to amend the Penal Law;

7460, by Senator Bruno, an act to amend the Judiciary Law;

7464, by Senator Mendez, an act to amend the Administrative Code of the City of New York;

7466, by the Senate Committee on Rules, an act to amend the Administrative Code of the City of New York;

7467, by the Senate Committee on Rules, an act to amend the Administrative Code of the City of New York;

And Senate Print 7471, by Senator Bruno, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move to accept the report of the Rules Committee.

ACTING PRESIDENT MORAHAN: All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The Rules report is accepted.

SENATOR MARCELLINO: Mr. President, there being no further business

before the house, I move we adjourn until tomorrow, June 16th, at 11:00 a.m.

And there will be an immediate meeting of the Majority conference in the Majority Conference Room.

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

On motion, the Senate stands adjourned until Wednesday, June 16th, at 11:00 a.m.

(Whereupon, at 5:02 p.m., the Senate adjourned.)